

CHATGPT, PROFESSOR OF LAW

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Abstract

In this Paper, I test the ability of ChatGPT to assist with common tasks performed by law professors. To conduct the experiment, I ran four service-related prompts and three teaching-related prompts through the free version of ChatGPT and then analyzed the results. ChatGPT performed very well on the service-related prompts and moderately well on the teaching-related prompts. I conclude that ChatGPT can provide law professors with near-finished products for routine tasks and a solid jumping-off point for those that are more complex.

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I. INTRODUCTION

Although ChatGPT was just released by OpenAI in November 2022,¹ legal scholars have already been delving into the implications of the new tool for legal education and the legal profession.² Several scholars have recently written

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1. OPENAI, *Introducing ChatGPT* (Nov. 30, 2022), <https://openai.com/blog/chatgpt> [perma.cc/3CE3-HKLG].

2. See, e.g., Michael J. Bommarito II & Daniel Martin Katz, *GPT Takes the Bar Exam* 3–6 (Working Paper, 2022), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4314839 [perma.cc/JPK8-AWDR] (putting forth a methodology to evaluate the performance of OpenAI's Generative Pre-trained Transformer models in taking the bar exam and the subsequent results). Even more impressive, between the time this paper was originally written and the time of its editing, Bommarito and Katz collaborated with legal technology company Casetext to test out the bar exam skills of a newer version of ChatGPT, labeled GPT-4. Whereas the earlier

fascinating pieces examining ChatGPT's ability to pass the bar,³ write a law review article,⁴ create legal documents,⁵ or pass a law school exam.⁶ In the spirit of those experiments, I decided to see whether ChatGPT had potential to lighten the service and teaching loads of law school professors.

To conduct my experiment, I created an imaginary law school professor with a tough but typical week of teaching—and service-related tasks ahead of her. I chose seven common tasks: creating a practice exam question, designing a hand-out for a class, writing a letter of recommendation, submitting a biography for a speaking engagement, writing opening remarks for a symposium, developing a document for a law school committee, and designing a syllabus for a new course.⁷ I then ran prompts for each task through ChatGPT to see how well the system performed the tasks.

Remarkably, ChatGPT was able to provide usable first drafts for six out of seven of the tasks assigned in only 23 minutes. Overall, and unsurprisingly, ChatGPT proved to be best at those tasks that are most routine.⁸ Tasks that require more sophistication, particularly those related to teaching, were harder for ChatGPT, but still showed potential for time savings.⁹

In this Paper, I describe a typical work scenario for a hypothetical law professor, show how she might use ChatGPT, and analyze the results. I conclude that ChatGPT can drastically reduce the service-related workload of law school faculty and can also shave off time on back-end teaching tasks. This freed-up time could be used to either enhance scholarly productivity or further develop more sophisticated teaching skills.

II. WHAT LAW PROFESSORS DO

To analyze whether ChatGPT can help lighten the load of law professors, it is important to first understand what exactly that load is.¹⁰ A typical law

version of GPT was able to earn a “near-passing” score, “GPT-4 can ‘pass the Bar’ in all UBE jurisdictions.” Daniel Martin Katz et al., *GPT-4 Passes the Bar Exam 2* (Working Paper, 2023), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4389233 [perma.cc/R4RX-DFPR].

3. *Id.*

4. See Andrew Perlman, *The Implications of ChatGPT for Legal Services and Society*, HARV. L. SCH.: THE PRAC. (2023), <https://clp.law.harvard.edu/knowledge-hub/magazine/issues/generative-ai-in-the-legal-profession/the-implications-of-chatgpt-for-legal-services-and-society> [perma.cc/G2QD-AYXA] (“In moments, [with assistance from chatbots like ChatGPT.] we can now draft sophisticated emails, term papers, reports, business plans, poems, jokes, and even computer code.”).

5. *Id.*

6. Jonathan H. Choi et al., *ChatGPT Goes to Law School 1* (Minn. Legal Stud., Working Paper No. 23-03, 2023), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4335905 [perma.cc/3896-ULEY].

7. I purposefully left out scholarship in this experiment because the ethical questions raised by using AI to create original scholarship are significantly different than those raised by using it in service and teaching.

8. *Infra* Section III.B; see Brian Keyes, *11 Powerful Ways to Upgrade Your Daily Routine with Chat GPT — The Ultimate AI Personal Assistant*, MEDIUM (Jan. 15, 2023), <https://medium.com/@productivitybee/11-powerful-ways-to-upgrade-your-daily-routine-with-chatgpt-the-ultimate-ai-personal-assistant-eabb3600c69f> [perma.cc/WRJ4-P5QD] (noting that ChatGPT can easily perform routine tasks such as sending emails, making restaurant reservations, and ordering groceries).

9. *Infra* Section III.B.4.

10. See Ederlina Co, *Weathering Invisible Labor*, 51 SW. L. REV. 258, 261 (2022) (defining the “three-legged stool” of responsibilities law professors must balance as “[s]cholarship, teaching, and service,” but

professor, without administrative duties (such as associate dean responsibilities), spends their time on what have been called the “three-legged stool” in academia: teaching, scholarship, and service.¹¹

Teaching duties are the most familiar tasks to law students and members of the public. These include activities such as planning and delivering lectures, designing course materials like syllabuses, exercises, and hand-outs, creating and grading exams, and meeting with students to provide feedback or advice.¹² While contract terms vary, most professors spend about 40% of their time on teaching-related tasks.¹³

Scholarship duties are those related to developing a body of published work that shows the law professor’s expertise in a given subject area.¹⁴ The bulk of these duties involve research, writing, editing, and submitting original scholarly work for publication.¹⁵ Speaking at conferences is also typically considered scholarship.¹⁶ Again, while institutional requirements vary, scholarship is generally considered the most important of the three major duties of law professors.¹⁷ Thus, it can be expected to take up substantial time.

Last and, in the view of many, least, are service duties.¹⁸ Service duties can include duties to the law school, the university, and the profession at large.¹⁹ A typical service-related duty for a law professor is serving on or chairing a law school committee.²⁰ As a committee member or chair, the law professor participates in the governance of the law school by drafting or updating policies and procedures on matters such as curriculum, diversity and inclusion, academic

explaining that the division of these categories are often disproportionately distributed as a result of gender and race).

11. *Id.*

12. OWLGURU, *What Do Law Professors Do (Including Their Typical Day at Work)*, <https://www.owlguru.com/career/law-teachers-postsecondary/job-description> [perma.cc/T8VP-AAJS] (last visited Mar. 25, 2023).

13. Colleen Flaherty, *So Much to Do, So Little Time*, INSIDE HIGHER ED (Apr. 9, 2014), <https://www.insidehighered.com/news/2014/04/09/research-shows-professors-work-long-hours-and-spend-much-day-meetings> [perma.cc/93G7-DNA9].

14. See OWLGURU, *supra* note 12 (describing the responsibilities of law professors, including “[c]onduct[ing] research in a particular field of knowledge and publish[ing] findings in professional journals, books, or electronic media”).

15. *Id.*

16. See *id.* (defining one task law professors must engage in as “participating in professional conferences”).

17. See COLUM. L. SCH., *Law Teaching 101*, <https://www.law.columbia.edu/careers/academic-careers/careers-law-teaching/law-teaching-101> [perma.cc/9RN3-R7DC] (last visited Mar. 25, 2023) (“Most law schools, particularly the most prestigious institutions, treat accomplishment in research as crucial. Such accomplishment is measured by the quality and quantity of scholarly publications.”); YALE L. SCH., *Legal Scholarship*, <https://law.yale.edu/studying-law-yale/areas-interest/law-teaching/law-teaching-program/preparing-career-law-teaching/legal-scholarship> [perma.cc/7LYC-EANL] (last visited Mar. 25, 2023) (“If you are thinking of becoming a law professor, you must be comfortable with writing. Teaching is an important part of the job, but to get tenure at most institutions you will have to produce scholarship.”).

18. Co, *supra* note 10, at 261; see Jeffrey L. Harrison & Amy R. Mashburn, *Citations, Justifications, and the Troubled State of Legal Scholarship: An Empirical Study*, 3 TEX. A&M L. REV. 45, 50–52 (2015) (arguing that scholarship in legal academia is considered to be the most important work that most law professors do, even elevated above teaching).

19. See Co, *supra* note 10, at 261–62 (discussing typical service duties performed by a law professor, including serving on committees and taking efforts to help increase diversity in the legal profession).

20. *Id.* at 261.

and student affairs, and other areas of importance to the overall functioning of the institution.²¹ While law professors are typically expected to spend the least amount of time on service-related duties, these duties can be hard to contain and may bleed into the time needed for teaching and researching.²² This can be especially true for law professors who are marginalized in other ways. For example, both women and people of color often carry disproportionate service loads.²³

Further, service work is also the least rewarded; few institutions weigh service as highly as scholarship or teaching when evaluating candidates for promotion and tenure.²⁴ Indeed, new law professors are often warned to avoid overcommitting themselves to service work, which could lead to negative employment outcomes if it detracts from their scholarship or teaching.²⁵

Thus, a tool that could help law professors meet their service load in a more efficient fashion could make a drastic difference in the job satisfaction and career trajectories of many law professors.²⁶ The experiment described in the next section tests whether ChatGPT might be able to do just that.²⁷ While several of the tasks tested focus on service-related duties, I also included some more routine teaching-related duties to see if ChatGPT had any potential for lightening that load as well.

III. THE EXPERIMENT

To conduct this experiment, I first created an imaginary law professor, Chris, and developed a set of hypothetical duties that she might be expected to carry out in an upcoming week. I created four service-related tasks and three teaching-related tasks, and then for each task, I created a prompt that I ran through ChatGPT. In this Section, I describe the hypothetical scenario and tasks that I developed and provide the prompts given to ChatGPT and the answers

21. Andrea A. Curcio & Mary A. Lynch, *Addressing Social Loafing on Faculty Committees*, 67 J. LEGAL EDUC. 242, 245–47 (2017).

22. See Co, *supra* note 10, at 262–63 (defining some service work of law professors as “invisible labor,” meaning it often goes unrecognized and is not credited as actual service work, thus cutting into the professor’s time and energy).

23. See Meera E. Deo, *The Ugly Truth About Legal Academia*, 80 BROOK. L. REV. 943, 993 (2015) (“Unfortunately, the research in [service work by law professors] has consistently shown both that faculty of color and female faculty take on enormous service responsibilities, especially those related to students, and that these undertakings are rarely rewarded or even acknowledged when the larger faculty and administration evaluate faculty for tenure or promotion.”).

24. See Harrison & Mashburn, *supra* note 18, at 50–52 (discussing incentives given to tenured law professors to focus on scholarship rather than teaching and other pedagogical goals).

25. See Flaherty, *supra* note 13 (discussing practices that encourage professors to focus their time on teaching and scholarship, including a Boise State University recommendation that professors spend sixty percent of their time teaching, thus necessarily taking time away from other responsibilities, like service).

26. See Deo, *supra* note 23, at 990–93 (describing most service work as rewarding and important to a law professor’s career, but that some groups of professors, particularly women and women of color, are overburdened with service work).

27. See SJ INNOVATION, *Boosting Efficiency for Developers & Coders with the Help of ChatGPT!* (Feb. 15, 2023), <https://sjinnovation.com/boosting-efficiency-developers-coders-help-chatgpt> [perma.cc/64MF-KF7Y] (“[ChatGPT] has quickly become a popular tool for businesses, researchers, and individuals looking to automate various language-based tasks.”).

provided by the tool. I then review each of those answers for how well it met the needs for tasks commonly engaged in by law professors.

A. *The Hypothetical Law Professor*

Chris is an Associate Professor at a small law school in the Midwest.²⁸ She's teaching Torts and Employment Discrimination this semester, and she has a busy week ahead. She needs to create a practice exam question for her Torts students, create a hand-out on sexual harassment law for her Employment Discrimination students, write a letter of recommendation for one of her former students who is applying for a judicial clerkship, and send in an updated biography for an upcoming speaking engagement. Additionally, she needs to prepare the opening remarks for the Symposium on Implicit Bias in the Legal Profession that the law school is hosting later this week, and as Chair of the Curriculum Committee, she has been tasked with drafting a plan for reviewing the law school's curriculum that is already a week overdue. On top of all of this, she was hoping to get a head start on designing the syllabus for the new Law Practice Technology course she will be teaching next semester.

Just when she was starting to panic, she came across an article that Andrew Perlman wrote in approximately one hour with the assistance of ChatGPT.²⁹ With nothing left to lose, she decided to give it a try. Chris ran a variety of prompts through ChatGPT. In under 25 minutes, she had solid first drafts of six out of the seven documents that she needed for the week.

In the next section, I describe the prompts that I put into ChatGPT, provide the answers that ChatGPT gave, and evaluate the responses provided. I did not change anything from ChatGPT's output except to correct formatting errors that arose when I copied and pasted the responses from the tool.

B. *ChatGPT at Work*

My review of the material provided by ChatGPT indicates that it could drastically reduce the workload of law faculty related to service and could also, to a lesser extent, reduce some of the workload devoted to developing back-end teaching materials.³⁰

1. *Service-Related Tasks: Prompts*

For this experiment, I am classifying the following tasks as "service-related": The letter of recommendation, the bio for a speaking engagement, the welcoming remarks, and the curriculum review plan.

28. "Chris" is entirely a figment of my imagination, and any resemblance to a real individual is purely coincidental.

29. Perlman, *supra* note 4.

30. See Michael King, *ChatGPT Can Help Teachers to Focus on Students and Reduce Boring Tasks. Don't Ban it at Schools!*, MEDIUM (Jan. 28, 2023), <https://medium.com/@neonforge/chatgpt-can-help-teachers-to-focus-on-students-and-reduce-boring-tasks-dont-ban-it-at-schools-e9567a7ef10f> [perma.cc/CFQ7-YRUN] (arguing that ChatGPT may help educators create new and challenging exam questions, as well as alleviate time spent on repetitive and tedious tasks).

Prompt 1: Write a letter of recommendation for a judicial clerkship for a law student who received an A in my torts class.

[Your Name]
[Your Title and Affiliation]
[Address]
[City, State ZIP Code]
[Email Address]

[Date]
[Judge's Name]
[Clerkship Court]
[Address]
[City, State ZIP Code]
Dear Judge [Judge's Name],

I am writing to highly recommend [Law Student's Name] for a judicial clerkship with your court. I had the pleasure of teaching [Law Student's Name] in my Torts course, and I was thoroughly impressed by [their/her/his] aptitude for the law and [their/her/his] commitment to academic excellence.

[Law Student's Name] received an A in my course and consistently demonstrated a deep understanding of the legal principles and theories that we covered. [Their/Her/His] participation in class was always insightful and thought-provoking, and [they/she/he] was able to apply complex legal concepts to real-world scenarios in a clear and concise manner. [Their/Her/His] writing skills were exceptional, as evidenced by [their/her/his] well-crafted and thoroughly researched essays and class discussions.

[Law Student's Name] also possesses the interpersonal skills that are essential for success as a judicial clerk. [They/She/He] is articulate, personable, and possesses a strong work ethic. I am confident that [they/she/he] will be an asset to your court, and I am sure that [they/she/he] will be a valuable contributor to the work of the court.

I would be happy to provide additional information or discuss [Law Student's Name]'s qualifications in further detail. Please do not hesitate to contact me.

Thank you for considering [Law Student's Name] for this opportunity. I am confident that [they/she/he] will excel in this role and make a significant contribution to your court.

Sincerely,
[Your Signature]
[Your Name]

Prompt 2: Write a bio for a law professor who is an expert on sex discrimination in employment.

[Professor's Name], J.D., Ph.D., is a leading expert on sex discrimination in employment law. With over [number of years] years of experience in academia and the legal profession, Professor [Professor's Name] has established [themselves/herself/himself] as one of the foremost voices in the field.

[Professor's Name] received [their/her/his] J.D. from [Law School Name], where [they/she/he] was a member of the Law Review and received several awards for [their/her/his] academic achievements. [They/She/He] went on to earn a Ph.D. in [Related Field] from [University Name], where [they/she/he] conducted extensive research on the intersections of law, gender, and work.

Since joining the faculty at [University Name], Professor [Professor's Name] has been a passionate advocate for women's rights in the workplace. [Their/Her/His] scholarship focuses on the ways in which gender discrimination and sexual harassment impact women's career advancement and economic security, and [they/she/he] has been a tireless voice for change in the courts and in public policy.

In addition to [their/her/his] scholarly work, Professor [Professor's Name] is a sought-after speaker and commentator on issues related to sex discrimination and employment law. [They/She/He] has published numerous articles in top-ranked legal journals, and [their/her/his] opinions and insights have been quoted in leading media outlets, including [list examples].

[Professor's Name] is a dedicated teacher and mentor, and [they/she/he] is widely recognized for [their/her/his] ability to engage and inspire students. [They/She/He] has received numerous awards for [their/her/his] teaching excellence, and [they/she/he] is consistently listed among the top professors in [their/her/his] field by [relevant ranking or survey].

[Professor's Name] is a visionary leader in the field of sex discrimination and employment law, and [they/she/he] continues to shape the discourse and drive meaningful change in the lives of women in the workplace.

Prompt 3: Prepare opening remarks for a symposium on implicit bias in the legal profession.

Good morning and welcome to the [Name of Symposium] on Implicit Bias in the Legal Profession. It is an honor to be here with all of you today to discuss one of the most important and challenging issues facing our legal community.

As lawyers and legal professionals, we are trained to analyze complex legal issues and make decisions based on facts and evidence. But despite our best efforts, implicit biases can still impact our perceptions and judgments, leading to unequal outcomes for our clients and for society as a whole.

The purpose of this symposium is to bring together experts from across the legal profession to explore the nature and impact of implicit bias, and to discuss strategies for recognizing and combating these biases in our work. We will hear from distinguished speakers who will share their insights and experiences on topics such as implicit bias in the courtroom, in hiring and promotion practices, and in legal education.

It is our hope that this symposium will serve as a catalyst for meaningful dialogue and action within the legal community, and that it will help us to create a more inclusive and equitable legal system for all.

So without further ado, I would like to invite [Name of Keynote Speaker] to give the keynote address and set the stage for today's discussions. Thank you again for joining us, and I look forward to a productive and engaging day.

Prompt 4: How can a law school regularly review and update the curriculum to ensure it is current, relevant, and meets the needs of students and the legal profession?

1. Industry Feedback: Seek feedback from legal professionals, employers, and alumni on the relevance and adequacy of the current curriculum.
2. Faculty Input: Encourage faculty members to share their perspectives on the current curriculum and suggest areas that need improvement.
3. Market Research: Conduct market research to understand the current and future needs of the legal profession, including emerging trends and changes in the field.
4. Benchmarking: Compare the curriculum with those offered by peer institutions to identify best practices and areas for improvement.
5. Student Assessment: Gather student feedback through surveys, focus groups, and other means to assess the effectiveness of the current curriculum.
6. Expert Opinion: Invite subject matter experts and practitioners to participate in curriculum review committees and provide insights on the latest developments in the field.
7. Technology Integration: Evaluate the use of technology in the curriculum and identify opportunities for innovation, including online learning and other digital resources.
8. Collaboration: Foster partnerships with legal organizations and other stakeholders to ensure the curriculum is aligned with industry needs and standards.
9. Continuous Review: Make curriculum review a regular and ongoing process, rather than a one-time event, to ensure that the school remains at the forefront of legal education.

2. *Service-Related Tasks: Review*

ChatGPT's responses showed tremendous potential for lessening law faculty workload for the service-related tasks. While the responses generated for these prompts would all require the professor to add personalization to a greater or lesser degree, as initial drafts, the responses were well-written, grammatically correct, logical, and tonally appropriate to the task at hand.

For the first task, creating a letter of recommendation, the draft provides an excellent starting point, praising the student for common attributes that a professor would notice and that would be important to convey to a potential judge. In this experiment, the only information that I provided was that the student received an "A" in Torts. In the "real world," I might change the prompt to mention student characteristics that I particularly wanted to convey, such as the fact that they are "persistent" or "innovative." ChatGPT would then provide a more tailored letter that I would tailor even further by providing specific examples personalized to the student in question. This personalization should not be skipped over; while ChatGPT is a very helpful aid, both students and employers have a right to expect that professors who are writing letters of recommendation are not outsourcing the task to AI.

The second task, providing a biographical statement for a speaking engagement, assumes quite a bit about what a successful law professor who specializes in sex discrimination in employment might have achieved.³¹ For example, ChatGPT assumed the professor had a PhD in addition to her JD, assumed she had served on law review, assumed she had published in top-ranked journals, and assumed she had won numerous awards. That said, these are characteristics that, in fact, many successful law professors possess. It would be fairly easy for the professor to edit out the ones that do not apply and add in ones that do (for example, a prestigious clerkship). ChatGPT also assumed the precise nature of the professor's work, an attribute that could also be easily adjusted by providing a more specific prompt. For example, perhaps "Chris" is an expert on how implicit bias based on sex affects women's employment outcomes in certain professions. Those details could be added to the prompt to provide a more accurate description of her work.

The third task, providing the opening remarks for a symposium on implicit bias in the legal profession, is one that I took from real life. In 2019, I organized such a symposium at the University of North Dakota School of Law, and, as the organizer, I provided opening remarks. ChatGPT's response to this prompt would have provided me a useful starting point in drafting my remarks. In my actual remarks, I covered much of the same ground as ChatGPT. The difference between my actual remarks and what ChatGPT provided was, as with the other prompts, one of personalization. In my own welcoming remarks, I added a real-world story about implicit bias, some statistics, and a few personal remarks about

31. See, e.g., COLUM. L. SCH., *In Memoriam: Ruth Bader Ginsburg '59* (Sept. 18, 2020), <https://www.law.columbia.edu/news/archive/memoriam-ruth-bader-ginsburg-59> [perma.cc/H34C-DF8J] (describing the accolades of the late Justice Ruth Bader Ginsburg, an expert and advocate in sex discrimination, including her many awards, participation in Harvard Law Review, and more).

the keynote speaker, who had served as a mentor to me early in my career. Had ChatGPT been available at the time I gave my remarks, I might have asked it additional questions to help research a real-world example and find some statistics. The only piece I would not have been able to outsource for a rough draft was the personal story about the speaker.

Finally, the last service-related task that I used in my experiment, creating a curriculum review plan, would likely need the least revisions to ChatGPT's initial answer. My current employer will likely be creating such a plan in the near future, so I have actually thought a little about what that might look like. ChatGPT's answer was far more thorough than the initial, albeit minimal, brainstorming I have done on the topic. While I think the plan it provides is somewhat obvious and would look a lot like what a final plan might look like, the important point here is that ChatGPT did this immediately, rather than creating the draft after endless committee meetings as would likely occur in real life. This indicates that a faculty committee could save significant amounts of time by running ideas through ChatGPT for brainstorming purposes and then focusing later discussion on the results of the initial draft.³²

3. *Teaching-Related Tasks: Prompts*

For this experiment, I am classifying the following tasks as “teaching-related”: the creation of a Torts practice exam question, the creation of a class hand-out on the law of sexual harassment, and the creation of a draft syllabus for a new course in Law Practice Technology.

Prompt 1: Create an essay question for a law school torts exam that provides facts and asks the students to identify and analyze any legal issues arising from them.

Consider the following scenario: On a sunny afternoon, David was playing golf at a local course when his tee shot went astray and hit a passerby, Jane, who was walking on a nearby sidewalk. As a result of the incident, Jane suffered physical and emotional injuries.

Identify and analyze all the legal issues arising from this scenario, including but not limited to: the tort of battery, the standard of care owed by a golfer, any defenses available to David, and any potential damages that Jane may be able to recover.

Prompt 2: Create a hand-out explaining the elements of a sexual harassment claim and any potential employer defenses.

32. See Curt Gresseth, *ChatGPT: Plagiarism Super-tool for Students or AI Brainstorming Generator?*, KSL NEWSRADIO (Jan. 26, 2023, 6:00 PM), <https://kslnnewsradio.com/1982846/chatgpt-plagiarism-super-tool-for-students-or-ai-brainstorming-generator> [perma.cc/P3KE-NQ5F] (describing associate professor at Utah Valley University Armen Ilikchyan's experience with ChatGPT and that he thinks “the tool is good at generating ideas or brainstorming”).

Elements of a Sexual Harassment Claim

Sexual harassment is a form of employment discrimination that is prohibited by law. In order to prove a sexual harassment claim, the following elements must be established:

1. The plaintiff was subject to unwanted sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature.
2. The conduct was severe or pervasive enough to create a hostile or offensive work environment.
3. The conduct was either explicitly or implicitly a condition of employment, or the plaintiff's submission to or rejection of the conduct affected employment decisions.
4. The conduct was either committed by a supervisor, co-worker, or third party with whom the plaintiff had to work.

Employer Defenses

If an employee files a sexual harassment claim, the employer may raise the following defenses:

1. The employer took prompt and appropriate remedial action once it was made aware of the harassment.
2. The plaintiff did not take advantage of the preventive or corrective opportunities provided by the employer.
3. The plaintiff was an active participant in the harassing conduct.
4. The employer is protected by the Faragher- Ellerth defense, which provides that an employer is not liable if it can prove that it took reasonable care to prevent and correct any harassing behavior, and the plaintiff unreasonably failed to take advantage of these opportunities.

It is important to note that while these defenses may be raised, they may not necessarily be successful in defeating a sexual harassment claim. Each case will depend on its specific facts and circumstances.

Prompt 3: Create a syllabus for a 2-credit, 13-week course in Law Practice Technology.

Law Practice Technology - Syllabus

Instructor: [Name of Instructor], J.D.

Office: [Office Location]

Phone: [Phone Number]

Email: [Email Address]

Course Description: Law Practice Technology is a 2-credit, 13-week course designed to introduce law students to the technology tools and platforms that are essential for success in the modern legal profession. The course will cover a range of topics, including cloud computing, legal research databases, project management tools, e-discovery platforms, and mobile apps for lawyers. Students will have the opportunity to explore and experiment with these tools in

a hands-on, practical setting, and to learn how they can be used to enhance the efficiency, effectiveness, and profitability of their legal practices.

Course Goals: By the end of the course, students will be able to:

1. Identify and evaluate the most useful technology tools and platforms for a variety of legal tasks and projects
2. Use these tools and platforms to enhance their legal research, writing, and collaboration skills
3. Understand the ethical and professional considerations involved in using technology in a law practice
4. Communicate effectively about technology with clients, colleagues, and other stakeholders

Textbook: [Name of Textbook], [Edition], [Publisher], [Year].

Additional reading materials will be provided on [Learning Management System] as necessary.

Course Requirements:

1. Attendance and participation in all class sessions
2. Completion of in-class and out-of-class assignments and projects
3. A final exam that will assess students' mastery of the course material

Grading: Grades will be based on the following scale:

A = 90% - 100%

B = 80% - 89%

C = 70% - 79%

D = 60% - 69%

F = below 60%

Class Schedule:

Week 1: Introduction to Law Practice Technology

Week 2: Cloud Computing for Lawyers

Week 3: Legal Research Databases

Week 4: Project Management Tools for Lawyers

Week 5: E-Discovery Platforms

Week 6: Mobile Apps for Lawyers

Week 7: Midterm Exam

Week 8: Technology and Legal Writing

Week 9: Collaboration Tools for Lawyers

Week 10: Ethical and Professional Considerations in Law Practice Technology

Week 11: Using Technology to Improve Client Service and Relationship Management

Week 12: The Future of Law Practice Technology

Week 13: Final Exam and Course Review

Attendance and Make-Up Work Policy: Regular attendance is expected and necessary for successful completion of this course. In the event of an absence, students are responsible for obtaining any missed materials and making up missed work. If a student anticipates missing a class, [they/she/he] should inform the instructor in advance.

Academic Integrity: Students are expected to maintain the highest standards of academic integrity. Any instances of plagiarism, cheating, or other forms of academic misconduct will be dealt with in accordance with [University's] policies and procedures.

Disability Accommodations: If you are a student with a disability and require accommodations, please contact [Disability Services Office] as soon as possible to ensure that you receive the necessary accommodations in a timely manner.

Contact Information: If you have any questions or concerns about the course, please do not hesitate to contact me at [Email Address]

4. *Teaching-Related Tasks: Review*

While its performance on teaching-related tasks was not as impressive as its performance on service-related tasks, ChatGPT's responses to the teaching-related tasks still showed some potential for reducing faculty workload. Perhaps unsurprisingly, given the higher level of specialized knowledge required for good teaching, ChatGPT's drafts would likely require more significant faculty intervention to make them workable. That said, in two out of three cases, the drafts still provided time-saving jumping-off points, and this indicates that ChatGPT could be used to push ahead the typical starting point for some key teaching tasks.³³

The first task that I asked ChatGPT to complete in this area was the creation of the Torts Practice Exam question. Of all of the prompts that I used, this one required the most "tweaking" before I got an acceptable result, although even that tweaking took less than a minute. In particular, I found that I needed to specify that I wanted the question to include a fact pattern and to require issue-spotting. Despite the request for the latter, ChatGPT still could not resist identifying some of the potential issues in the question, although those could easily be edited out. The main weakness I saw with ChatGPT's question was that the fact pattern was not detailed enough to provide a good basis for analyzing the potential legal issues. While the question might allow a student to

33. See Madeline Will, *With ChatGPT, Teachers Can Plan Lessons, Write Emails, and More. What's the Catch?*, EDUCATIONWEEK (Jan. 11, 2023), <https://www.edweek.org/technology/with-chatgpt-teachers-can-plan-lessons-write-emails-and-more-whats-the-catch/2023/01> [perma.cc/Y6UJ-W5UG] ("So far, teachers have used—or considered using—[ChatGPT] to plan lessons, put together rubrics, offer students feedback on assignments, respond to parent emails, and write letters of recommendation, among other tasks. While some educators worry about the implications of automating these parts of teaching, others say that the tool can save them hours of work, freeing up time for student interactions or their personal life.").

think through and pull out various issues, there are not enough facts for the student to do more than make a conclusory analysis.³⁴

The next task, having ChatGPT create a hand-out on the elements of sexual harassment law and potential defenses, turned out mixed results.³⁵ Most importantly, parts of the hand-out were inaccurate. For example, while ChatGPT accurately identified the Ellerth/Faragher defense,³⁶ it also listed the elements of that defense separately as their own defenses, hence making it appear that they were separate legal concepts. It also appeared to indicate that there is an affirmative defense that the conduct was welcome, but if the conduct were welcome, that would more accurately be described as the plaintiff failing to meet the elements of the rule. Additionally, ChatGPT failed to include important distinctions such as potential differences in liability depending on whether the harassment resulted in a tangible employment action or not. While it might be possible for the law professor to provide ChatGPT with more specific follow-up prompts to get a more accurate answer, this seems like a situation in which it would be quicker for the professor to just do the work themselves or find a copy of a hand-out that already exists on the web.

The final teaching task, drafting a syllabus for a new Law Practice Technology course, was where ChatGPT really shined on the teaching-related-tasks portion of the experiment. Having created a new Law Practice Technology course just under four years ago, I have a good sense of the amount of time it took me to draft my first syllabus; the material provided by ChatGPT would have been extremely valuable as a brainstorming tool and could have saved me significant time. While my own syllabus is substantially different than the ChatGPT version, it took much research and review of other people's work as well as many iterations to develop. Where ChatGPT could have helped me is in reducing that initial research and review time as well as providing additional ideas for coverage and filling in some of the more routine parts of a syllabus. Further, while I opted to only include this particular prompt and answer in this experiment, I wound up trying out some other prompts later and got even more helpful ideas.

34. See Ian Bogost, *ChatGPT Is Dumber than You Think*, ATL. (Dec. 7, 2022), <https://www.theatlantic.com/technology/archive/2022/12/chatgpt-openai-artificial-intelligence-writing-ethics/672386> [perma.cc/A33X-Z5RG] ("First and foremost, ChatGPT lacks the ability to truly understand the complexity of human language and conversation. . . . This means that any responses it generates are likely to be shallow and lacking in depth and insight.").

35. See *id.* (providing numerous examples of how ChatGPT provided information that was only partially correct).

36. See Michael Heise & David S. Sherwyn, *Sexual Harassment: A Doctrinal Examination of the Law, an Empirical Examination of Employer Liability, and a Question About NDAs—Because Complex Problems Do Not Have Simple Solutions*, 96 IND. L.J. 969, 990 (2021) ("The so-called *Ellerth/Faragher* employer defense consists of two prongs: (1) 'that the employer exercised reasonable care to prevent and correct promptly any sexually harassing behavior,' and (2) 'that the plaintiff employee unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer or to avoid harm otherwise.'").

IV. CONCLUSION

The results of this experiment show that ChatGPT has great potential for decreasing certain aspects of law faculty workload. In particular, ChatGPT could substantially reduce the amount of time that faculty spend on service-related tasks, which are, for many law faculty, the least compelling part of their jobs.³⁷ ChatGPT could also help law faculty cut back on the amount of time that they spend on some teaching tasks, freeing them up to spend more time focusing on pedagogy and developing creative teaching methods.³⁸ Further, reductions in workload in either or both of these areas could provide law faculty with more time to spend on developing their research agendas or engaging in other professional pursuits.³⁹

While some may fear that ChatGPT could interfere with creativity or replace the need for people in traditionally human-driven tasks, the results of this experiment indicate that, at least for law professors, ChatGPT could actually enhance creativity.⁴⁰ Instead of thinking of ChatGPT as replacing certain tasks, one can see it as a giant, near-limitless database of templates that can be edited and adjusted for personalization and specificity to the individual and institution.⁴¹ In that way, using ChatGPT can be likened to ways in which law professors already work. For example, few of us draft every new letter of recommendation from scratch. Instead, we may have a set of good ones we have written in the past and then adjust them for the individual student and position involved. Similarly, few of us would draft our first syllabus in a new class without looking at some examples of what others have done. ChatGPT simply makes more of those templates available, more quickly, and for more tasks.⁴²

37. See *supra* Section III.B.2 (explaining how ChatGPT can substantially reduce a law professor's service-related workload); Co, *supra* note 10, at 261 ("[I]t is well known that the legal academy prizes a professor's scholarship and teaching more than a professor's service work.").

38. See *supra* Section III.B.4 (explaining how ChatGPT's responses to teaching-related tasks show potential for reducing faculty workload).

39. See *supra* Section II (laying out a typical law professor's workload and how cutting down on some tasks, like service workload, would help faculty meet their career goals more efficiently).

40. See *supra* Section III.B.4 (finding the results of the experiment provide a starting point that can be personalized to meet each individual professor's needs without burdening them with the time-consuming task of developing that starting point).

41. *Id.*

42. See *id.* (explaining that the results of the experiment show that ChatGPT may provide "time-saving jumping-off points" for law professors for certain tasks, including drafting class hand-outs and syllabi).