

Ethica Ex Machina Or: How I Learned To Stop Worrying And Love ChatGPT | Ethical Considerations For Trusts And Estates Attorneys Using Generative AI

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I. SYNOPSIS

ChatGPT and other generative artificial intelligence (“AI”) applications are not merely coming for our jobs; they are also among the most powerful, if not dangerous, tools available to lawyers today. With such immense power must also come rigorous commitment to using these tools responsibly. This article surveys common ethical issues facing lawyers using generative AI and it offers best practices for those hoping to do so successfully and responsibly.

II. INTRODUCTION

AI is often portrayed in science fiction as an existential threat to humanity. A prevalent theme is that humans will be replaced, subjugated, or even annihilated by our very own robot offspring. Samuel Butler’s *Erewhon* (1872), inspired by Darwin’s *Origin of the Species* (1859), and even Mary Shelley’s *Frankenstein* (1818) and Fritz Lang’s *Metropolis* (1927) are some of the earliest science-fictional warnings about the perils of AI. In the popular *Terminator* franchise, an AI defense system (SkyNet) becomes sentient, triggering a nuclear holocaust and wiping out most life on Earth. Similar events force the vestiges of humankind underground in a last-ditch resistance against hegemonic machines in *The Matrix* trilogy, as relayed in the *Animatrix*, a series of short prequels and other stories considered sacred in that cinematic universe. Similar is the 2023 blockbuster, *Mission Impossible: Dead Reckoning Part One*, with *Part Two* expected in 2025.

These and other foreboding, fictional representations of AI have contributed to the public sense of anxiety, if not outright fear, about the future of man vs. machine. In the last couple of years, something beyond fiction has caused widespread consternation, along with a certain amount of enthusiasm in some corners: the advent of ChatGPT. The legal community has not been immune from that sometimes schizophrenic reaction. While ChatGPT and similar technological developments offer intriguing opportunities, there are reasons to worry beyond having to explain to a court, “I am not a cat.”

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