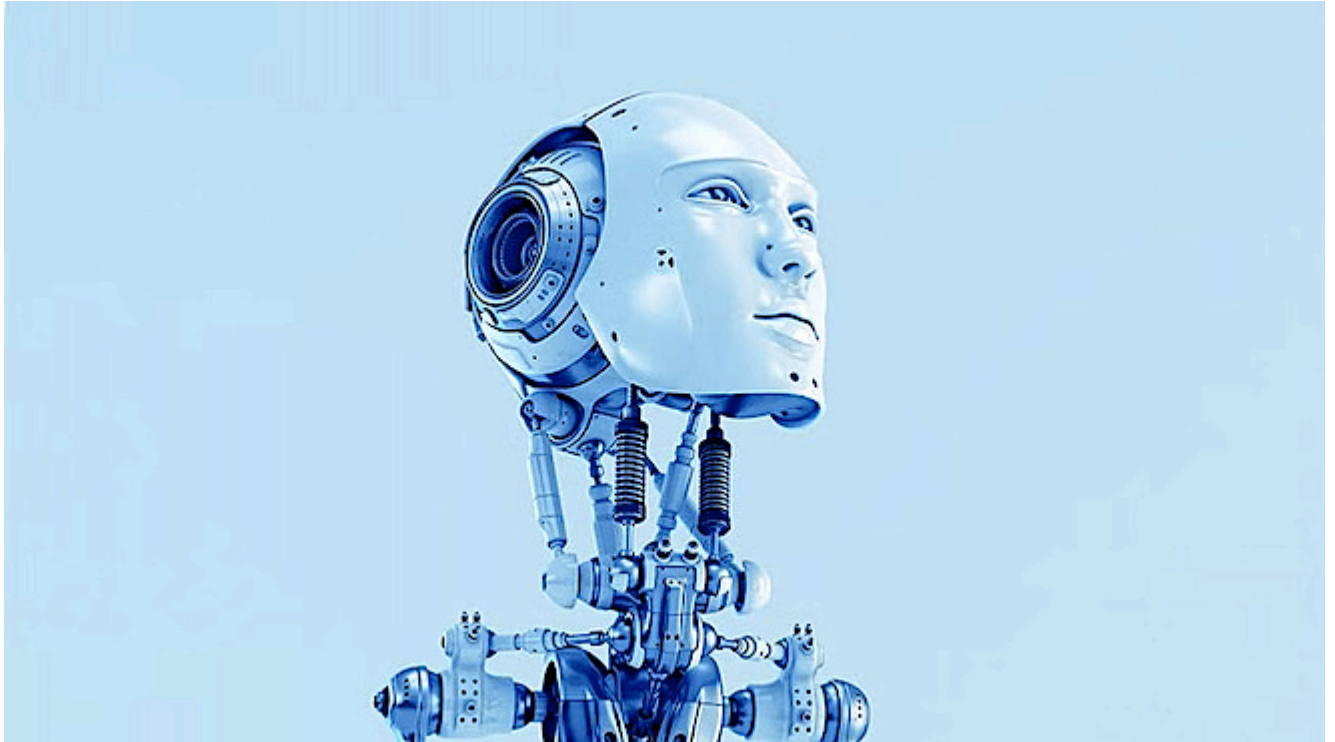# AI and its hallucinations

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Veronica Lenard reports

The ELIZA effect: projecting human responses onto computerised systems

This year has been marked by an unavoidable topic: generative AI.

The release of ChatGPT accelerated conversations around generative AI with a plethora of tools appearing across different fields, including law.

It is claimed to improve workflow and productivity, while saving money and transforming the way we work.

These are big promises, but they skip a preliminary question: should we even want to use generative AI, especially in the legal profession?

With user interfaces often similar to that of a chatbot, generative AI tools are often promoted as competitors, or even new additions, to search engines.

The results take the form of a "conversation", with the user submitting prompts and the tool providing the requested content as a response. Yet, it is not really a conversation at all.

Generative AI tends to rely on large language models that are essentially completing a pattern recognition task to create a response based on what its data set suggests for the prompt.

Whilst the content that generative AI produces can be seemingly believable, it doesn't take much to realise that the quality of the content is considerably lower.

Instead of producing unique content, it is essentially the common voice of the internet. Would you trust the common voice of the internet to be your lawyer?

Overseas jurisdictions have already proposed restrictions on the use of AI in legal procedures, including recently the [US Court of Appeals for the Fifth Circuit](#).

This is quite understandable when you consider how the use of AI in the legal system risks further consequences from embedded bias, privacy risks, confidentiality issues, and concerns about intellectual property.

The legal system relies on public trust. People must trust the system enough to use it.

[A study from the University of Queensland and KPMG](#) found that there were low levels of trust in AI systems. When AI is used in legal practice, there is a risk that this low level of trust may flow through to reducing trust in the legal system.

Already there have been regular issues with accuracy. These inaccurate results are often described as "hallucinations", despite more accurately simply being incorrect outcomes.

This has significant consequences for use in legal work. Imagine your research being [interspersed with fabricated cases and quotes, and not realising before bringing those documents to court](#).

The solution often recommended is to have a human examine any content produced by generative AI, before it is used. While ensuring that automated content and decisions are checked is very important, it questions the promise that AI will increase productivity.

The success of human checks on generated content is questionable with confirmation bias weighing against the likelihood that mistakes will be picked up.

When we describe these incorrect results using anthropomorphised metaphors, we project a sense of humanity onto computer systems.

This phenomenon, known as [the ELIZA effect](#), obscures the technical nature of the system as human traits are projected onto it, which can hide the risks and harms involved.

The proliferation of generative AI has filled the internet with even more content. This rapid creation of more content, often with questionable accuracy at best, has increased the potential for scams, disinformation, misinformation, and other kinds of misuse - making the discovery of correct information even harder.

The law relies on precision. It relies on every word having a specific and understood meaning. Every word matters and this allows for consistency.

This isn't true for generative AI. You can adjust your prompt, ask for a change in the response or even ask the same question multiple times and receive different responses.

Generative AI doesn't know what its response means or whether it matters. It doesn't know what the case might mean for your client.

The ability to create new and unique arguments is fundamental to the practice of law. Generative AI by its very nature cannot do this. It is bound to repeat the past again and again. Unlike the nature of precedent and the law, this repetition generative AI is inconsistent.

The technologies we use matter. When we support technologies, we provide social licence - in addition to financial support for paid programs - for their use and growth.

In contemplating the use of AI tools, lawyers might stop to consider whether a legal system filled with errors and bias is something we want.