



WSSFC 2024

Technology Track – Session 5

What to Know About CoPilot

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About the Presenters...

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What to Know about Microsoft Copilot



2024 Wisconsin Solo & Small Firm Conference
October 17 – 19, 2024
Kalahari Resort,
Wisconsin Dells, WI

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Artificial Intelligence Disclosure

These continuing legal education materials were proudly brought to you with a little help from artificial intelligence (AI). Yes, the same technology that can predict the weather, recommend your next binge-watch, and maybe someday argue in court (we are not there yet!). While AI helped with drafting, modifying, and offering its two cents, rest assured that the final document was carefully reviewed, redrafted, approved, and lawyered-up by an actual human with a law degree. So, if you find any brilliance, we will take credit; if you find any glitches, well... let's just say the robots are still learning!

I. Introduction to Microsoft Copilot**

Microsoft Copilot (“MS Copilot”) is an Artificial Intelligence (“AI”) powered tool integrated into the Microsoft 365 suite of products such as MS Word, MS Outlook, MS PowerPoint, MS Teams, and other parts of the suite. MS Copilot is designed to enhance productivity across various professional sectors, including the legal field. For lawyers, the introduction of MS Copilot marks a significant shift in how routine tasks are handled, offering a range of functionalities that can streamline document drafting, legal research, and client communication. This paper aims to provide an overview of how you can use MS Copilot effectively in your legal practice, covering its key features, ethical implications, and potential challenges. As AI becomes increasingly embedded in the tools we use daily, understanding its capabilities and limitations is essential for lawyers and their staff.

II. The Importance of AI and Automation in the Legal Industry

So, what is AI? For our purposes, we mean what is called Generative AI. And like it sounds, it is AI that is used to generate new content including text, images, audio and more. We could tell you that AI are algorithms that rely on Large Language Models (“LLMs”) and other buzzwords, but that is beyond the scope of these materials. If you want to learn more, check out resources such as [What is generative AI? Everything you need to know](https://bit.ly/4cTufCq) from TechTarget at <https://bit.ly/4cTufCq> or [Explained: Generative AI, How do powerful generative AI systems like ChatGPT work, and what makes them different from other types of artificial intelligence?](https://bit.ly/3XBk13O) From MIT at <https://bit.ly/3XBk13O>. Your handy Internet search engine can provide you with numerous resources both print and video on this and other general AI topics.

If you are not aware that AI is a huge topic of discussion not only in the general population but the legal world, you should be. AI has gone from being discussed in general terms and being on the horizon just a few years ago, to seem to be ready to take over the world much like Skynet in the Terminator movies. AI (especially Generative AI) as discussed in these materials holds much promise for allowing lawyers to become more efficient and do more with the technology available, better serving their clients and hopefully reducing internal costs and the cost to clients. While still in its infancy, AI has already landed lawyers in trouble for using it to draft pleadings and briefs, without the lawyers using it understanding its limitations and ending up with written documents containing fictitious case citations. Adding more definitive updates to the Rules of Professional Conduct, governmental guidance in the form of statutes and administrative rules as well as guidance from the courts, lawyers need to rely on the Rules in their current form to provide a route to ethical use of this new technology.

Conducting an Internet search on the term “use of AI by lawyers” returns many useful articles and information. Here are just a few examples of resources to help you begin navigating the landmine that is the current state of AI and choose by the legal profession:

- What is AI and How Can Law Firms Use it? Clio <https://bit.ly/3JiA66Q>
- Law Firms Wrestle with How Much to Tell Clients About AI Use, Isabel Gottlieb, Bloomberg, (Nov. 29, 2023) <https://bit.ly/3Q3SSCx>
- Generative AI Use Poses Threats to Attorney-Client Privilege, Isabel Gottlieb, Bloomberg (Jan. 23, 2024) <https://bit.ly/3vSqtbO>
- Applying today’s legal ethics to today’s AI (part 1), Casetext (Nov. 9, 2023) <https://bit.ly/4aTUab8>
- Applying today’s legal ethics to today’s AI (part 2), Casetext (Nov. 17, 2023, <https://bit.ly/4atolkm>

Generative AI, like MS Copilot, uses prompts to work its magic. You use a prompt to interact with the AI by providing detailed instructions or asking questions. For example, if we use the following prompt in MS Copilot: *Explain to a group of lawyers the importance of AI and Automation in the legal industry using a conversational tone at a college level. Include some humor.* It answers with:

Hey there, esteemed colleagues! Let's talk about something that's shaking up the legal world: AI and Automation. Imagine having a super-smart assistant who can handle all the tedious tasks while you focus on the exciting, high-stakes work. Sounds like a dream, right? Well, that's exactly what AI and Automation can do for us lawyers!

What is AI and Automation?

AI, or Artificial Intelligence, is like having a super-smart robot that can think, learn, and even make decisions. Automation, on the other hand, is when machines or software perform tasks automatically without human intervention. Together, they form a dynamic duo that can revolutionize the legal industry. Why is it Important?

Saving Time: Lawyers deal with a lot of paperwork. Imagine if you had to write your name 1,000 times! AI can help by doing repetitive tasks quickly, so lawyers can focus on more important stuff like strategizing and winning cases ^{1,2}.

Accuracy: Even the best lawyers can make mistakes. AI can help catch errors and make sure everything is perfect. It's like having a super-smart spell checker.

Cost-Effective: Hiring people to do all the work can be expensive. AI and Automation can do the same work faster and cheaper. It's like getting a lot of work done without spending all your allowance .

Better Research: AI can read and understand tons of legal documents in seconds. It's like having a library in your pocket that can find the right book instantly.

How Does It Work?

Document Review: AI can read through contracts and find important information. It's like having a robot that can read your bedtime stories and tell you the best parts.

Legal Research: AI can search through laws and cases to find what lawyers need. It's like having a super-smart friend who knows everything about everything.

Client Communication: Automation can help lawyers keep in touch with their clients. It's like having a robot assistant that reminds you to call your friends.

A Little Humor

Imagine if a robot lawyer went to court. The judge says, "Do you swear to tell the truth, the whole truth, and nothing but the truth?" The robot replies, "I am programmed to do so!"

Conclusion

AI and Automation are like having superpowers for lawyers. They make work faster, more accurate, and less expensive. So, next time you see a lawyer, you can tell them, "Hey, you should get a robot helper!" They'll probably laugh, but they'll know you're onto something smart.

That is a bit of a lighthearted example, and you can change the tone and the reading level in your prompt. Of the references it added, all were from prior drafts of these materials I had created with one exception: MS Copilot looked for resources online and provided information from an online article titled [AI and Its Impact on the Legal Industry](https://bit.ly/4e6dDr6) from a legal software provider called MatterSuite at <https://bit.ly/4e6dDr6> for Reference 4. As we discuss latter in these materials, you cannot simply accept any references or links as being valid – **you need to review and verify their accuracy just as you would do in any legal pleading or document!**

III. Ethical and Security Considerations

No discussion regarding the use of AI by lawyers would be complete if we did discuss the ethical and security considerations of using it in your practice. The integration of AI tools like Microsoft Copilot in legal practices raises several ethical concerns, especially around data protection, confidentiality, and the lawyer's duty of competence. Your obligations and responsibilities under the Rules of Professional Conduct are not suspended because you are using AI.

One cannot talk about legal technology without also understanding the way that the rules of professional conduct in our profession's ethical obligations impact the use of that technology not only by lawyers but by their staff as well.

For far too long, our profession overlooked the impact and necessity of legal technology in the practice of law and how it could benefit law firms and their clients, while also presenting challenges from the misuse of that technology. Whether that misuse is through deliberate action or simple lack of knowledge is irrelevant: all lawyers and their staff need to have a basic understanding of the technology they rely upon on a day-to-day basis and serving their clients the courts. This does not change with using AI.

While Wisconsin lawyers will primarily look to the Wisconsin Rules of Professional Conduct as found in Supreme Court Rules (“SCR”) Chapters 20A and 20B (<https://bit.ly/3XfmFuV>), where those rules may be silent, or for guidance as to changes that may be made, we also need to look at the ABA’s Model Rules of Professional Conduct. In many instances, the rules are the same or extremely similar; however, there may be instances where there is divergence between the two sets of rules, and we look to the ABA Rules for guidance.

This is especially true with the rapid introduction of AI which presents opportunities and significant risks if misused or not properly monitored. For the purposes of this session we are going to look at the following

SCR 20:1.0 Terminology.

Rule 1.0 contains definitions that come into play throughout the Wisconsin Rules, including Rule 1.0 (k) regarding the definition of what is “Reasonable,” and Rule 1.0 (q) that defines what is considered a “Writing” and when a writing is considered to be “signed”.

SCR 20:1.1 Competence.

Rule 1.1 was amended after the American Bar Association adopted its comment eight on maintaining competence. For our purposes, the relevant portion of this comment provides:

[8] To maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, ***including the benefits and risks associated with relevant technology***, engage in continuing study and education and comply with all continuing legal education requirements to which the lawyer is subject. (Emphasis added).

This change came about as part of the ABA’s Commission on Ethics 20/20 recommendation for changes to the Model Rules of Professional Conduct review of the rules. As Wisconsin lawyers continue to rely on technology in all aspects of their practice, staying abreast of the changes with technology relevant law firms is critical. This does not mean you have to be an expert in technology, but you at least must have a basic understanding of the tools you are using, the potential issues that can occur and how to safeguard this electronic information.

WISCONSIN RULE 1.6: CONFIDENTIALITY OF INFORMATION:

Now more than ever, maintaining confidentiality of information is a huge challenge in our connected world. In the 1980’s and into the 1990’s, a firm only had to worry about securing its

paper files and the electronic data that was stored only in its offices. That is no longer the case: with the advent of remote access, cloud computing, online file storage, and email, protecting the confidentiality of your firm's information becomes a paramount concern and cannot be ignored.

SCR 20:1.6 Confidentiality

(a) A lawyer shall not reveal information relating to the representation of a client unless the client gives informed consent, except for disclosures that are impliedly authorized in order to carry out the representation, and except as stated in pars. (b) and (c).

(b) A lawyer shall reveal information relating to the representation of a client to the extent the lawyer reasonably believes necessary to prevent the client from committing a criminal or fraudulent act that the lawyer reasonably believes is likely to result in death or substantial bodily harm or in substantial injury to the financial interest or property of another.

(c) OMITTED BY AUTHOR

(d) A lawyer shall make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client.

Unfortunately, too often lawyers and law firms have failed to learn even the basics of safeguarding this critical information in the modern age or rely on others in their firms to do that for them without supervising and checking that information. The result of this is that, over the last 15 years, the legal world has seen several instances of inadvertent disclosures including:

- Documents sent to the wrong recipient due to the use of email address autocomplete and the sender not catching that the email address inserted was to the wrong recipient.
- Failure to properly remove metadata in documents that was readily discoverable by the other party; and
- Improperly redacting information in documents so that a disclosure of confidential or privileged information was made.

While the Wisconsin Rules do not provide any comment regarding Rule 1.6(d), comment 18 of the ABA Model Rules of Professional Conduct to Rule 1.6 makes it very clear that "The unauthorized access to, or the inadvertent or unauthorized disclosure of, information relating to the representation of a client does not constitute a violation of paragraph (c) if the lawyer has made reasonable efforts to prevent the access or disclosure." The reference to (c) is section (d) in the Wisconsin Rule. This comment details further factors that can be used in determining the reasonableness of the lawyer's work. Comment 19 to ABA Rule 1.6 further requires that "... The lawyer must take reasonable precautions to prevent the information from coming into the hands of unintended recipients." This comment also provides that lawyers and law firms do not have to take special security measures if their way of making the communications has a reasonable

expectation of privacy. The clients also get a say in this, and they may require lawyers and law firms to take special precautions to safeguard or transmit information.

When it comes to security lawyers, like the rest of the world, must get things right 100% of the time, while the bad guy only needs to get it right once. You must get it right 100% of the time, the bad guy only once. However, the ethics opinions and Rules recognize we are not perfect so there is a standard of care for us.

Finally, we close this section by looking at Rules 5.1 and rule 5.3.

SCR 20:5.1 Responsibilities of partners, managers, and supervisory lawyers

Rule 5.1 is a restatement of Pres. Harry Truman's adage of "The Buck Stops Here." This is the concept that ultimate responsibility resides at the highest level in an organization or firm. For lawyers this would be the managing partner, managing board, or any lawyer with supervisory authority over other lawyers in that firm or office.

SCR 20:5.1 Responsibilities of partners, managers, and supervisory lawyers

(a) A partner in a law firm, and a lawyer who individually or together with other lawyers possesses comparable managerial authority in a law firm, shall make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that all lawyers in the firm conform to the Rules of Professional Conduct.

(b) A lawyer having direct supervisory authority over another lawyer shall make reasonable efforts to ensure that the other lawyer conforms to the Rules of Professional Conduct.

(c) A lawyer shall be responsible for another lawyer's violation of the Rules of Professional Conduct if:

(1) the lawyer orders or, with knowledge of the specific conduct, ratifies the conduct involved;
or

(2) the lawyer is a partner or has comparable managerial authority in the law firm in which the other lawyer practices, or has direct supervisory authority over the other lawyer, and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.

SCR 20:5.3 Responsibilities regarding nonlawyer assistance.

Prior versions of Rule 5.3 used the word "assistant" rather than "assistance" This change recognize that assistance in today's world does not merely mean a person inside your office, but outside, third party assistants as well as using technology and tools such as AI in performing the work of the firm. Once again, as with the previous introduction of new technology and its

adoption by the business world in general, the legal world needs to accelerate its understanding and adoption of this technology. However, definitive policies and guidelines regarding the use of AI and the legal practice are minimal and therefore requires interpreting the existing Rules of Professional Conduct to serve as a guideline until more definitive guidance is provided. If you think about it, this makes sense as the AI creating content is doing what an associate, paralegal or secretary may have done in the past.

SCR 20:5.3 Responsibilities regarding nonlawyer assistance.

With respect to a nonlawyer employed or retained by or associated with a lawyer:

(a) a partner, and a lawyer who individually or together with other lawyers possesses comparable managerial authority in a law firm shall make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that the person's conduct is compatible with the professional obligations of the lawyer;

(b) a lawyer having direct supervisory authority over the nonlawyer shall make reasonable efforts to ensure that the person's conduct is compatible with the professional obligations of the lawyer; and

(c) a lawyer shall be responsible for conduct of such a person that would be a violation of the Rules of Professional Conduct if engaged in by a lawyer if:

(1) the lawyer orders or, with the knowledge of the specific conduct, ratifies the conduct involved; or

(2) the lawyer is a partner or has comparable managerial authority in the law firm in which the person is employed, or has direct supervisory authority over the person, and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.

The ABA Comment three to Rule 5.3 makes clear that the standard of care that is applicable to lawyers: "When using such services outside the firm, a lawyer must make reasonable efforts to ensure that the services are provided in a manner that is compatible with the lawyer's professional obligations." It further provides how rule 5.1 interacts with the other Rules.

The bottom line is that all lawyers need to be intimately familiar with the Wisconsin Rules outlined above to ensure they meet their ethical obligations to the profession as well as to their clients.

Many law firms are adding provisions in their fee agreements that authorize the use of AI tools in legal representation, ensuring transparency with clients. This helps mitigate concerns about potential over-reliance on AI, as clients are informed and consent to the technology being used. Sample fee agreement provisions, including the use of AI, other technology as well as other general recommendations to consider are found in Addendum A.

IV. Understanding MS Copilot

What is Microsoft Copilot?

If we ask MS Copilot this question, it tells us:

Microsoft Copilot is an AI-powered assistant designed to help you with various tasks in Microsoft 365 applications. It can assist you in summarizing important documents, catching up on communications, generating drafts of emails and documents, searching for answers to key questions, and more. Additionally, it can create or write different types of content, such as poems, stories, code, essays, songs, and more. Copilot can also help you with rewriting, improving, or optimizing your content.

A human might say that MS Copilot is an integration with Microsoft 365 applications, designed to make users more productive and to streamline the work they do tasks. MS Copilot is Generative AI based on a LLM as described in Section II above. At its most basic, MS Copilot and other Generative AI tools are just that – tools for you to use. Their stated goal is to help you do more with less time. For lawyers and their staff, this means automating repetitive tasks including drafting documents, analyzing data, and improving client communications. Allowing the lawyers to focus on higher-level decision-making.

Key Features of Microsoft Copilot

MS Copilot offers powerful features that integrate seamlessly with Microsoft 365 and its ecosystem, including Word, Excel, Outlook, and Teams. One standout feature is document drafting and summarization. You can instruct MS Copilot to draft legal memos, contracts, or pleadings by providing a set of prompts, and Copilot will generate an initial draft. This not only accelerates the drafting process but also reduces the risk of human error by utilizing templates and predefined legal language. Additionally, data analysis capabilities in Excel allow legal teams to quickly process complex case data or financial records, generating insights through charts, graphs, and summaries, which can be crucial for litigation or compliance work.

In Outlook, Copilot helps to manage email workflows by automating tasks such as drafting emails, organizing meetings, and summarizing lengthy email threads. These features are invaluable for legal professionals who need to manage multiple client correspondences and ensure no critical information is overlooked. Finally, in Teams, Copilot enhances collaboration by summarizing meetings, creating action item lists, and suggesting next steps based on conversation threads, thus ensuring that projects and cases move forward efficiently. This level of AI-driven assistance helps to reduce administrative load and allows legal teams to focus on substantive legal work.

Integration with Microsoft 365

Microsoft Copilot is integrated within the Microsoft 365 environment, meaning it works fluidly across the suite of tools that law firms rely on daily. In Word, Copilot assists with document creation, from drafting to formatting, offering lawyers the ability to generate and revise contracts, legal briefs, or court filings with greater speed and consistency. Copilot's Excel integration enables lawyers to analyze vast datasets, such as financial statements or discovery material, which can help in case evaluations, forecasting, or risk assessments. Through Outlook, Copilot helps manage client communications, drafting professional responses and automatically summarizing email exchanges, which is particularly useful in multi-party litigation or when managing high volumes of correspondence. In Teams, the AI assistant aids in collaborative efforts by keeping everyone aligned, summarizing conversations, and providing meeting recap reports, all of which contribute to a more organized and streamlined workflow.

Benefits for Lawyers Using Microsoft Copilot

Time-Saving Features

One of the most significant advantages of incorporating MS Copilot into your workflow is its ability to save you and your staff time by automating routine and repetitive tasks. Preparing practice documents can be time consuming, and drafting initial versions of contracts, briefs, client letters and emails, or reviewing spreadsheets, can take hours. Copilot's automation capabilities allow lawyers to generate first drafts in minutes, which they can then review and complete. But wait, do not get too excited, in Section III we discussed your obligations under the Rules of Professional Conduct in using AI. Think of AI like a new paralegal or associate that needs a lot of supervision, detailed guidance, and review, and you will have an idea of your obligations using AI. The technology is not at a point where you can have the AI draft, and you send just send it off – you still need to apply your knowledge, supervision, and input. However, using MS Copilot and other AI tools accelerates your workflow while freeing up more time for strategic planning, client interaction, and case preparation. By automating common tasks and reducing manual effort involved in things like summarizing case files or generating reports, you and your staff can spend more time on the core aspects of your practice.

Enhanced Accuracy and Productivity

The use of AI in legal practice can improve both accuracy and productivity. MS Copilot leverages predefined legal templates and data-driven insights to ensure that the documents it generates are consistent with legal standards (YMMMMV – Remember you are responsible to ensure that the document comports to your jurisdiction's requirements.) This can help with reducing the all too real risk of errors that often arise in repetitive tasks, such as citation formatting or document review. MS Copilot can identify patterns and inconsistencies in legal documents, helping to catch potential errors before they become problematic. The ability to quickly analyze

complex data and provide actionable insights also enhances productivity, allowing you and your team to operate with greater precision and effectiveness.

Improved Client Service and Satisfaction

The goal of using MS Copilot is to reduce the burden of managing documents, analyzing data, dealing with email, and communicating with your clients and others, so you and your team can provide better service to your clients. MS Copilot promises faster response times, as you can quickly draft emails, summarize case progress, or generate reports for your clients. Doing things faster with better efficiency should translate into improved client satisfaction as they experience faster turnaround times and clearer communication.

V. Practical Uses of Microsoft Copilot in Legal Practice.

Using MS Copilot with MS Word

MS Copilot's integration into Word offers several features that can significantly help you and your staff draft legal documents. Here are several ways in which MS Copilot can be beneficial in Word:

Drafting Legal Documents

One of the big advantages of using MS Copilot in Word is its ability to assist you and your staff in drafting documents. Providing specific prompts (think “instructions”) to MS Copilot, you and your staff can create drafts of memos, contracts, or pleadings. MS Copilot will use those prompts to generate an initial draft. This can not only speed up the drafting process but can aid you and your staff in ensuring consistency and accuracy by using templates and predefined legal language.

Document Summarization

Use MS Copilot to summarize lengthy documents such as a brief from an opposing party or a settlement agreement. By providing a detailed prompt, lawyers can receive a concise summary of a document, highlighting the key points and vital information. This feature is particularly useful when you are dealing with large numbers of documents, allowing you to quickly understand the essential details before you must spend a lot of time wading through the document. Now you can read the documents to verify the summarized points and identify documents to set aside until later, based on a lack of key points you are looking for in your review.

Formatting and Editing

In addition to drafting and summarizing, MS Copilot can assist with formatting and editing documents. You and your staff can instruct MS Copilot to format your documents to specific guidelines, ensuring that the final document is polished and professional. MS Copilot can also

help in identifying and correcting errors such tone, i.e., Professional, Formal or Casual depending on what tone you are striving to project, making your editing process more efficient.

Legal Research and Citations

MS Copilot can help you with your legal research by quickly searching through legal databases and inserting relevant citations into your documents. This feature can save you considerable time and effort, allowing you to focus on more substantive work.

Collaboration and Review

MS Copilot's integration into Word can enhance collaboration and review processes. You can use MS Copilot to track changes, add comments, and suggest revisions, making it easier for multiple team members to work on a document simultaneously. This feature ensures that all changes are documented and that the final document reflects the collective input of you and your team.

Managing Client Communications in MS Outlook

Microsoft Copilot is integrated into Outlook. For lawyers and their staff, Copilot can significantly enhance productivity and streamline various tasks.

In Microsoft Outlook, Copilot can assist with managing client communications efficiently. It can help draft and respond to emails, ensuring that the language is professional and accurate. MS Copilot in Outlook can suggest language and content based on what it determines to be the context and purpose of your email. It can also help ensure that the tone of the email is appropriate, whether it is intended to be in a more formal format or in a more conversational format.

Let us look at an example: you need to send a follow-up email to a client. You can use MS Copilot to review the previous emails in the thread and then suggest a draft. This not only can save you time but makes sure that the email is clear and on point to convey your reply. You can also use MS Copilot in Outlook to review your grammar and to spell check the email before you send it. *However, just a reminder that you still need to review the email and verify its accuracy.*

By automating these aspects of drafting emails, MS Copilot allows lawyers and their staff to focus on more critical tasks, such as legal research, drafting documents and analyzing other data while keeping your client communications moving.

You can use MS Copilot to:

- Prioritize emails, marking them as important and then organizing them for easy review, allowing you to focus on your critical communications without getting bogged down by emails that have less urgency.

- Schedule meetings, set reminders, and track deadlines. Automating these routine tasks can help you and your staff free up valuable time so you can concentrate on the actual practice of law and representing your clients.
- Set reminders for important tasks and deadlines by analyzing your email and calendar and remind you that you have an important or critical date approaching, e.g., a court appearance or due diligence deadline.

To learn more, here are a few resources:

How to Use Microsoft Copilot in Outlook: Tips and Best Practices <https://bit.ly/3XBxlpd>

How to Use Microsoft Copilot in Outlook: Tips and Best Practices <https://bit.ly/4cZd1SQ>

Summarize an email thread with Copilot in Outlook <https://bit.ly/4ej90tP>

How to Use Microsoft Copilot with Email <https://bit.ly/4dOTZjo>

Using MS Copilot in Excel

Most lawyers and their staff only scratch the surface of what Excel can do in their practice. Here are some ways that MS Copilot in Excel can help you in your practice:

- Have MS Copilot help you through complex formulas and calculations. Let it guide you through creating charts, graphs, and pivot tables.
- Have MS Copilot calculate the overall compensation amount in a PI case after considering medical costs, lost wages and pain and suffering.
- Have MS Copilot compare two tables in a spreadsheet.
- Fetch information from an MS Word file and bring it into Excel.

The MS Copilot in Excel features are still a work in progress and should only improve as the product gains traction and becomes more mature.

VI. Point to Consider before using AI in your Practice.

- Implementing AI in your practice may be attractive but you need to stop, think, and learn before deploying it or using it in a “live” environment.
- Consider if the AI model is generic or intended for use by lawyers?
- Remember that you need to be cognizant of the Rules.
- Understand the limitations of AI (strengths and weaknesses).
- Do not input confidential information unless you have thoroughly reviewed the Terms of Service and Privacy Policies and are confident that the AI service does not collect, save, or use

confidential information. If you are not confident that is the case, then do not input confidential information.

- Remember, with AI you need to trust but verify.

Addendum 1 Sample Fee Agreement Provisions

DISCLAIMER

NERINO PETRO, NERINOPETRO, LLC AND CENCOM TECHNOLOGIES MAKE NO REPRESENTATIONS OR WARRANTIES OF ANY KIND, EXPRESS OR IMPLIED, CONCERNING THE LEGAL ADEQUACY OR ENFORCEABILITY OF ANY OF THE ACCOMPANYING FORMS, PROVISIONS OR ANY PART OF THEM. THIS INFORMATION IS INTENDED FOR USE ONLY BY LAWYERS ADMITTED TO PRACTICE IN ILLINOIS AND WISCONSIN, WHO ARE EXPECTED TO UTILIZE THEIR OWN INDEPENDENT LEGAL AND BUSINESS JUDGMENT WHEN EVALUATING THE FORMS FOR THEIR USE. BE ADVISED THAT FORMS FROM OTHER JURISDICTIONS MAY NOT COMPLY WITH ILLINOIS OR WISCONSIN SUPREME COURT RULES.

THIS INFORMATION SHOULD BE USED AS A GUIDE ONLY. YOU ALONE ARE RESPONSIBLE FOR YOUR CONTRACTS.

Client Responsibilities

Client agrees to tell Lawyer the truth, to cooperate with Lawyer, to keep Lawyer informed of any developments that are relevant to the case, to faithfully comply with this Agreement, to pay Lawyer's fees on time, and to keep Lawyer timely advised of Client's address and telephone numbers and any changes of address or telephone number. In order for Lawyer to properly represent Client, Client agrees to keep Lawyer informed at all times of Client's location if leaving town or will be unavailable and a method to contact Client, as well as providing Attorney information regarding all deadlines or other dates of which Client is aware. Failure to do so will result in Attorney not having the necessary information or knowledge to take appropriate action by these deadlines.

Using Email, Mobile Phones, Video Conferencing and Electronic Fax Services

We have found that the use of e-mail, mobile phones, video conferencing and electronic fax services provides for an efficient manner of communicating with our clients. While e-mail, like other forms of electronic communication such as cell phones, cordless phones, and fax transmission, can be intercepted, they are generally considered to be confidential without the use of encryption to communicate with Clients unless unusual circumstances require enhanced security measures.

Please provide us with your communications preferences if you do not want us to use any of the above.

We strongly recommend against using a work e-mail account as it may be subject to monitoring by an employer and therefore would not be considered to be confidential. We also strongly recommend that you not forward the e-mails we send to you as this may also remove the confidentiality or other protections that exist for attorney-client communications.

Internet/Cloud Services

We use Internet and cloud-based services for storing information and files, sharing information with clients and experts and for ease of access. These internet-based services may include, among others, tracking appointments and other calendar events, storing contact information, tracking time, storing files and documents, sharing files with you and other authorized persons or entities and file synchronization services to keep this information up to date.

Use of Artificial Intelligence

You expressly authorize us to employ current and future iterations of artificial intelligence, including generative artificial intelligence technologies (“AI”), as a tool in providing legal representation under this Agreement. You understand and agree that we may utilize AI for various purposes, including but not limited to legal research, drafting legal documents, analyzing legal issues, and any other uses that we deem appropriate in our professional judgment to represent you efficiently and effectively. You acknowledge that we will exercise due diligence in the selection and use of AI technologies and will supervise their use to ensure that all legal services provided to you meet our high standards of quality and ethical practice. All outputs from AI will be reviewed and, if necessary, modified by one of our attorneys before being relied upon or transmitted to you or third parties.

We commit to maintaining the confidentiality and security of your information in accordance with applicable laws and professional ethical standards in our use of AI. Your authorization under this provision will remain effective for the duration of our representation of you as outlined in this Agreement unless you otherwise revoke this authorization in writing.

We understand though if you are not comfortable with our use of AI in representing you. If you prefer that we do not use these services in your representation, please cross out this provision and initial in the margin.

Protecting your confidential information using internet services and other technology.

Whether we store information related to your representation by us in our physical offices or with an internet/cloud based service or other technology, we have an obligation to protect confidential information. Specifically, Rule 1.6 of the Rules of Professional Conduct require that we not reveal information relating to our representation of you without your informed consent and we are therefore advising you of our intent to use these services in your representation. In addition to this Rule, if legal ethics opinions have been issued regarding the use of such service or technology by lawyers in representing their clients, we will incorporate their requirements into our representation of you. For example, there are a number of opinions that state that using internet/cloud services by lawyers is acceptable so long as the firm takes reasonable steps to prevent the disclosure of confidential information. These steps include reviewing the various policies, procedures, and security safeguards that an internet/cloud provider has in place. We follow the recommendations that have been made in one or more of these ethics' opinions. If no ethics opinions have been issued on a service or technology, we will review available ethics rules, recommended best practices and available guidance we believe are applicable in our representation of you while using these services or technologies. Whenever possible, we will use US based services and technologies when possible that allow the firm to encrypt the data so only the firm has access with those encryption keys; or that has a privacy policy consistent with the Rules of Professional Conduct.

We would be remiss in not advising you that no firm can provide an absolute guarantee that a disclosure will not happen, whether information is stored in our office or on the internet. What we can guarantee is that we will take all reasonable steps to ensure that such a disclosure does not occur. We do this by conducting a thorough review of each, and every service and technology provider that we use. Only after this review and the determination that a disclosure of confidential information is very unlikely are we satisfied that the service or technology complies with our obligations to represent you.

Records Retention and Destruction

We store your files in electronic format for ease of access. We will provide you with all original incoming documents after we have scanned them as well as copies of all documents we prepared on your behalf during our representation of you. We will not provide documents we are allowed to exclude under the Rules of Professional Conduct. You should retain the documents we provide to you and maintain them as they will include the original documents that we receive from outside of our office. After we complete our representation and issue you a file closing letter, we will keep your file in electronic format for ten (10) years after that date of that file closing letter. You specifically agree to our secure destruction of these electronic files after ten (10) years has passed unless you inform us in writing prior to the tenth (10th) year anniversary date to keep your file longer.

Alternative separate Records Retention and Destruction agreement

Client File Retention and Destruction Policy

We believe that it is important you understand how we will treat documents that we receive or create while representing you. During the time that we represent you, we will create a file containing the documents that we draft for you, or that we receive from opposing parties, the court and others that may be involved in your matter. You may also bring us documents, such as tax records, checking or bank account information, deeds, or other documents, and we may also obtain documents from other sources, such as medical records or employment, for use in your matter. With the exception of documents that are exempt under the Wisconsin Rules of Professional Conduct, this file is your property.

It is our policy to convert documents that we receive into electronic files and to provide you with the original documents that we receive from you or others. We will provide you with all original incoming documents after we have scanned them. For files that we create or that we receive in electronic format from others, we will provide you with a printed copy of these documents. You should retain the documents we provide to you and maintain them as they will include the original documents that we receive from outside of our office. You should keep your file for a reasonable period of time after your matter is over in case you should need any of the information it contains. For safekeeping, you should store your file with your other important papers.

We will hold your electronic file, and any additional objects that come into our possession in connection with your matter, during the time that your matter is ongoing. When our representation of you is complete, we will send you a letter notifying you that the matter is closed. If we have not already provided you with the original documents or items we received or copies of documents we created, we will also inform you that it is time for you to pick up the contents of your file which we strongly encourage you to do.

We will maintain the paper file for a period of ninety (90) days after that date we send you the letter that your matter is closed. If you fail to pick up your file during this ninety (90) day period or fail to provide us with instructions for delivery of the file, we will assume that you do not want the paper file and will securely destroy it. If you direct us to deliver the file or items by a different method than by picking it up in person from our office by you or your designated representative, there may be additional costs to deliver these files. In this event, we will notify you of what these costs will be and will require you to pay them in advance. If we have maintained any paper copies for our own use, they will be securely destroyed.

We will retain the electronic version of your file in our offices for ten (10) years (this is the retention period) from the date of the letter notifying you that your matter is closed. At the end of the retention period, your electronic file will be securely destroyed. You will not receive any notice that the retention period has run or that the file has been destroyed.

By signing this document, you acknowledge that you have 1) received a copy of this policy; 2) that you have read it and had an opportunity to ask any questions that you may have regarding it and your questions have been full answered; 3) that you understand the terms of this policy and how it affects your file; and 4) that you agree to its terms to be bound by it.

Client Name

Date: _____

Communications Response

We will make every attempt to return all phone calls within 24 hours. We encourage email communication as well. Non-lawyer staff may be directed to communicate with you, if appropriate. We will not communicate confidential information about the representation to third persons, including your family members, unless you specifically direct us to do so. We will send you copies of all relevant documents and correspondence that we receive in the case so that you can maintain a complete file of the legal matter. All communication with you will be billed in accordance with the terms of the fee agreement.

Although we recognize the convenience of email, fax and other forms of electronic communications, the fact that these forms of communication are sent and received almost instantaneously does not mean we will be able to respond immediately. We respond to all forms of communications from our clients and treat electronic communications the same as traditional paper and telephone communications to ensure that all our clients receive the same high level of service. However, we do work to prioritize all our communications and will respond to your electronic communications during our normal business operations, usually within 24-48 hours after receipt. **If you are contacting us due to an emergency or because of a critical and time sensitive issue, please call our office to ensure we prioritize our response.**

[NOTE TO LAWYER: You should update this clause with the specifics of your firm's communications policy.]

Addendum 2: AI and MS Copilot resources

A few of the AI tools available now:

ChatGPT by Open AI <https://openai.com/chatgpt/>

GPT-4 by OpenAI (info link) <https://openai.com/index/gpt-4/>

Microsoft CoPilot <https://copilot.microsoft.com/>

Scribe <https://scribehov.com/>

Legal Specific:

SpellBook (document creation and review) <https://www.spellbook.legal/>

Lawgeex (Contract review) <https://www.lawgeex.com/>

Ghostwriter Legal (content creation) <https://bit.ly/4cco5MY>

Lawdroid Copilot <https://lawdroid.com/copilot/>

More AI Resources:

AI for Legal Professionals Bloomberg Law <https://bit.ly/3VNYnbU>

25 Best AI Tools for Lawyers in 2024: Transform Your Practice <https://bit.ly/3z918f9>



AI Tools for Lawyers: Improving Efficiency and Productivity in Law Firms <https://bit.ly/3XBgV0f>

LawDroid Copilot Review: Artificial Intelligence for Lawyers <https://bit.ly/3xtOIdn>

3 Things Lawyers Should Be Doing Now with Generative AI <https://bit.ly/3KT1QQ1>

MS Copilot Resources

- Microsoft Copilot for Windows website <https://www.microsoft.com/en-us/microsoft-365/copilot>
- Microsoft 365 Copilot for Small and Medium Business <https://adoption.microsoft.com/en-us/copilot/smb/>
- [Microsoft Copilot for Microsoft 365 documentation | Microsoft Learn](https://learn.microsoft.com/en-us/copilot/microsoft-365/?culture=en-us&country=us)
<https://learn.microsoft.com/en-us/copilot/microsoft-365/?culture=en-us&country=us>
- [Microsoft Copilot for Microsoft 365 overview | Microsoft Learn](https://learn.microsoft.com/en-us/copilot/microsoft-365/microsoft-365-copilot-overview)
<https://learn.microsoft.com/en-us/copilot/microsoft-365/microsoft-365-copilot-overview>

- [Microsoft Copilot help & learning](https://copilot.cloud.microsoft/en-US/prompts?ocid=copilot_akams_copilotlab)
https://copilot.cloud.microsoft/en-US/prompts?ocid=copilot_akams_copilotlab
- [Welcome to Copilot in Windows - Microsoft Support](https://bit.ly/3Xzb2jE)
<https://bit.ly/3Xzb2jE>
- [Copilot in Word help & learning \(microsoft.com\)](https://copilot.cloud.microsoft/en-US/copilot-word)
<https://copilot.cloud.microsoft/en-US/copilot-word>
- [Copilot in Outlook help & learning \(microsoft.com\)](https://copilot.cloud.microsoft/en-US/copilot-outlook)
<https://copilot.cloud.microsoft/en-US/copilot-outlook>
- [Copilot in PowerPoint help & learning \(microsoft.com\)](https://copilot.cloud.microsoft/en-US/copilot-powerpoint)
<https://copilot.cloud.microsoft/en-US/copilot-powerpoint>
- [Copilot in Excel help & learning \(microsoft.com\)](https://copilot.cloud.microsoft/en-US/copilot-excel)
<https://copilot.cloud.microsoft/en-US/copilot-excel>
- [Copilot in OneNote help & learning \(microsoft.com\)](https://copilot.cloud.microsoft/en-US/copilot-onenote)
<https://copilot.cloud.microsoft/en-US/copilot-onenote>
- [Copilot in Microsoft Teams help & learning](https://copilot.cloud.microsoft/en-US/copilot-teams)
<https://copilot.cloud.microsoft/en-US/copilot-teams>
- [Copilot in Microsoft Loop help & learning](https://copilot.cloud.microsoft/en-US/copilot-loop)
<https://copilot.cloud.microsoft/en-US/copilot-loop>
- [Copilot in Whiteboard help & learning \(microsoft.com\)](https://copilot.cloud.microsoft/en-US/copilot-whiteboard)
<https://copilot.cloud.microsoft/en-US/copilot-whiteboard>
- [Microsoft Copilot grounded in your work data](https://copilot.cloud.microsoft/en-US/copilot-microsoft365-chat)
<https://copilot.cloud.microsoft/en-US/copilot-microsoft365-chat>
- Automating Workplace Tasks with Microsoft Copilot (LinkedIn). Cheat Sheet.
<https://bit.ly/3Zg0jfi>
- Top  list for new Copilot users (LinkedIn) Dennis Garcia Assistant General Counsel at Microsoft – recommend following him. Cheat Sheet
<https://bit.ly/3B4ZOdT>
- Introduction to Copilot for Microsoft 365
<https://bit.ly/3XzwnJL>
- Create The Ultimate Workspace  Microsoft 365 Copilot Guide (YouTube)
<https://bit.ly/4gf0XzP>