

# MIAMI-DADE PUBLIC DEFENDER IS USING ARTIFICIAL INTELLIGENCE FOR RESEARCH AND CASE PREPARATION

📅 Dec 26, 2023   👤 By Jim Ash   ▶ Senior Editor   📁 Top Stories

**'We're already seeing that it's meeting our expectations, just by usage and talking to lawyers that are using it. We haven't run into any complaints or any serious concerns'**



Miami-Dade Public Defender Carlos Martinez is a remote technology early adopter turned AI trailblazer.

Six months ago, his front-line defenders, most of them in the felony division, began using the Casetext legal assistant "CoCounsel." The advanced large-language model, CoCounsel is based on ChatGPT4.

"We've been told by Casetext that we are the first public defender's office in the country to be using artificial intelligence for research and for case preparation," said Cindy Guerra, chief deputy public defender of operations.

Last year, the Los Angeles public defender began using AI technology to speed the processing of criminal court records, sparing some clients' arrests for missing bench warrants.

Guerra describes a more advanced AI deployment in Miami-Dade, which also uses machine learning to process documents.

"Our lawyers are using it primarily for research, deposition preparation, first drafts. They're using it to write memos," she said.

In a typical example, an assistant public defender will upload the facts of a client's case and ask CoCounsel to prepare a deposition of the lead detective, Guerra said.

CoCounsel responds almost instantly with a comprehensive list of questions.

"If you want to dig deeper into one of the subjects, it will give you more questions to ask," she says. "Another way they use it is just good old-fashioned research. It's just more comprehensive than the other research tools that are out there."

As an attorney with considerable AI experience, Guerra should know.

Martinez recruited her two-and-half years ago from the Palm Beach County Court Clerk & Comptroller's Office, where she served as chief operating officer for courts and official records.

In 2018, Guerra led the Palm Beach clerk's award-winning project to implement the nation's first machine learning-based court docketing system. Audits determined the system was 98% to 99% accurate, far better than humans.

"We were doing about 35% to 40% of all filings hands free, with no clerks touching it, just artificial intelligence," she said.

Guerra credits Martinez with recognizing AI's potential for his office.

"He really is at the vanguard. We were one of the first to use remote depositions before the pandemic, and we were one of the first to do jail interviews remotely," Guerra says. "He is always the first to say there has to be a way to use technology."

The CoCounsel project was considered a "beta test," because no other public defender had tried it, Guerra said. That allowed Martinez to negotiate a substantial discount for about 100 individual licenses.

Martinez's office oversees 230 lawyers who handled 70,000 cases in FY 2022-23, Guerra said.

Each CoCounsel user is monitored closely. That gives Martinez the ability to ask those who deploy it less frequently if they would be willing to surrender their license to another attorney.

"We couldn't afford to give it to every attorney — the point is not to waste money," Guerra said.

CoCounsel users receive comprehensive training and understand its limitations, she said.

"Everybody knows the story about the New York attorney, and the AI that made up cites," she said. "The attorneys know these are just first drafts that you still have to go through and make sure everything is right."

CoCounsel is popular with most attorneys who use it, she said.

"We're already seeing that it's meeting our expectations, just by usage and talking to lawyers that are using it. We haven't run into any complaints or any serious concerns," she said.

In the private sector, CoCounsel is getting rave reviews from Fisher Phillips, the first major law firm to deploy it, according to a recent *ABA Bar Journal* article.

"Evan Shankman, chief knowledge and innovation officer at Fisher Phillips, calls CoCounsel 'earth-shattering' in its ability to accomplish numerous legal tasks based on up-to-date caselaw, statutes, and regulations," the article notes.

Shankman asked CoCounsel to draft a research memo detailing the required language for an employment application under Massachusetts law.

“The result was a 20-page document that began with three chief bullet-point requirements followed by a detailed analysis and a list of citations to 28 cases containing background information on the state’s anti-discrimination statutes, a ban on requiring lie detector tests and a description of the state’s pay equity law,” according to the article.

Shankman told the *ABA Journal* that he received the results in about five minutes.

Guerra acknowledges that the transition to AI hasn’t been perfectly smooth for every assistant public defender.

“I wouldn’t say all of the lawyers are happy, some have reported that they are still getting used to it. It’s a new tool, so they are still working on perfecting their prompts so they can use it in the most efficient way.”

CoCounsel can steer attorneys off course if they aren’t careful, she said. It’s happened to her.

“Sometimes, you go down a rabbit hole that is not relevant to exactly what you were asking,” she said. “That just means you have to refine your prompts.”

In recent appearances before legislative budget committees, Martinez has warned that he and other public defenders are facing a “crisis” in turnover and an inability to recruit beginning lawyers.

AI technology can be part of the solution by improving efficiency, Guerra says, but it will never replace a human with legal training.

“Lawyers still have to lawyer, lawyers still have to strategize, lawyers still have to do the hard work,” she said. “This is just facilitating that.”