



Alison Monahan: Welcome back to the Law School Toolbox podcast. Today we're excited to have tech innovator and entrepreneur Kevin Surace here with us to talk about AI. Your Law School Toolbox hosts are Alison Monahan, that's me, and Lee Burgess. We're here to demystify the law school and early legal career experience, so that you'll be the best law student and lawyer you can be. Together, we're the co-creators of the [Law School Toolbox](#), the [Bar Exam Toolbox](#), and the career-related website [CareerDicta](#). I also run [The Girl's Guide to Law School](#). If you enjoy the show, please leave a review or rating on your favorite listening app. And if you have any questions, don't hesitate to reach out to us. You can always reach us via the [contact form](#) on LawSchoolToolBox.com, and we would love to hear from you. With that, let's get started.

Welcome back to the Law School Toolbox podcast. Today, we're excited to have tech innovator and entrepreneur Kevin Surace here with us to talk about AI. Welcome, Kevin.

Kevin Surace: Hey, glad to be here, Alison.

Alison Monahan: Oh, I'm super excited. Well, to start us off, can you just give our listeners a little bit of information about your background, so they've got some context?

Kevin Surace: Sure. I've been in the tech space for about 40 years, even though I'm only 28.

Alison Monahan: Amazing!

Kevin Surace: Let's just start with that. No, not 28 anymore. I've been involved in the AI space for about 25 years, starting with inventing the very first virtual assistants and voice user interfaces. So I'm kind of known as the father of the virtual assistant, which became Siri and Alexa and Google Assistant, all the things we know today. And now we're becoming really agents backed by large language models. So it's a fascinating time in AI for sure. It's a fascinating time for every field that we're in. I have just shy of 100 worldwide patents.

Alison Monahan: Nice. Very impressive. And if people want to learn more about you or reach out, how can they do that?

Kevin Surace: KevinSurace.com

Alison Monahan: Well, there you go.

Kevin Surace: I try to make it easy.



Alison Monahan: Yeah, exactly. So, you've obviously been working with AI and sort of related things for a while. A lot of our audience, people who've gone to law school, what do you see as some of the most interesting legal questions or problems that some of these technologies present? And obviously none of this is legal advice, no one should take it that way, but just a general sort of view on this, because I think there are some really interesting questions here.

Kevin Surace: There really are. I mean, just start with the fact our laws, including copyright, trademark, etcetera, were never designed for an AI; they were designed for humans. So while we openly want you to read books and learn from, say, novels, and then go write your own novel, no one's ever really thought of a computer learning the novels, but really learning them better than we can. They can remember all of it, and then writing its own novel based on what it learned. Now, our copyright law suggests that – again, not legal advice – suggests that if that AI were human, we can all go to the library and as long as we don't write a derivative work, we're fine. Truly a derivative work, right? Can't read a novel, just change the names and call it my novel. But I can learn from Ernest Hemingway and write in a similar fashion to Ernest Hemingway, and that probably wouldn't be a derivative work. So, AI is doing the same. And I can make AI today, any GenAI model, write in the style of Ernest Hemingway. It is not supposed to rewrite exactly the lines of Ernest Hemingway, but it will write a new story based on my prompts, etcetera. So look, there's some big legal questions with that, for sure. Is that going to stand? Is the Supreme Court ultimately going to allow that? Is the USPTO going to rethink those rules when it comes to AI? So there's that section. And then there's the section of, should AI be allowed to learn from my work, whether I'm an illustrator, a photographer? I didn't license my work to be used in that way; I licensed it for people to enjoy. But if it's out there, I'm going to softly say in the public domain, but you get the point – if it's out there and visible and it's on the web, whatever, humans could learn from it. I could learn from every picture that some photographer made, and then I could learn to take my own photographs that way. And so, AI is doing that. And again, there're guardrails on it. It's not going to reproduce exactly what you did, but it will learn from your pictures of Yosemite and produce a photographic representation of Yosemite, somewhat based on learning from your work and millions of other works. And some photographers would say that's not fair. Sarah Silverman has famously said, "It's not fair that you learn from my book, and I'm suing."

Alison Monahan: Right. I'm on a list with a bunch of people who are authors, and there was a spreadsheet that came out that someone had said, "These are the books that we trained it on." And a lot of the people were on there and lot of them were not very happy about that. But on the other hand, you're like, "Well, I mean, if they bought a copy of the book, I don't know." That's interesting question.



- Kevin Surace: That's right. If they rented it from the library, or the equivalent of the digital library – again, our laws say that humans get to learn from these works, from copyrighted works, so that they can build their own work, something that's different. And that's what AI is doing. So, to the extent we treat AI as if it's another intelligent thing – not biological, but intelligent – well, then we would say it's fair for AI to learn from any source that is available to it. Now, is it fair to learn from the New York Times by paying only for one subscription, and then going through and learning from all of the New York Times? The New York times has said, "No, that's unfair. We want a..."
- Alison Monahan: Not happy about it.
- Kevin Surace: "...different level of payment." And OpenAI and Google and Microsoft and others are saying, "I paid my \$9 for the subscription this week. I read all of the New York Times and I'm done."
- Alison Monahan: Right. "I'm good. I know all of it now." I probably read like 30% of the New York Times in an average day and I only pay once. But I'm not memorizing it and using it forever.
- Kevin Surace: AI can go and search all the way back to 1854 and remember all of it. So I think these things are going to have to be tested, because our laws were designed at a time when these weren't the case. On the other hand, these are the most amazing tools we have ever had, including for lawyers, put in our hands, period, full stop, period, full stop. And if you think of all this learning that goes on – yes, look at how many years attorneys have paid for LexisNexis and similar kinds of things. But AI can go and pull every possible case record from every possible case from every situation that even has nothing to do with what I'm working on. Is that fair? Is it right? Should they do it? Who should they pay? I don't have an answer for that, but it's a pretty darn great output.
- Alison Monahan: Yeah, we're going to talk about that in a minute. Yeah, it is interesting some of the stuff you can do like a year ago. So when all the image-based stuff was really quite new, I, for my nephew's birthday, had the AI generate Spider-Man coming down with a bunch of balloons and hand them to a little boy. And then at that point I actually had to Photoshop his head onto it; it wasn't quite there yet. Definitely some copyright issues around that, but his mind was blown. He was looking, he was like, "Is that me? That wasn't a picture. Have I seen Spider-Man bringing me balloons? How did you get a picture of this?" This a four-year-old mind, which is absolutely blown wide open by this one.
- Kevin Surace: It is amazing what you can do. And they put a lot more guardrails on to try to not produce anything that would be copyrighted, right?



Alison Monahan: Yeah, this was pretty good at the time.

Kevin Surace: Yeah, that was pretty good. I can put me in a space suit on Mars right now. I mean, very, very easy to do. Of course, I could have done that in Photoshop for the last 30 years, but it just would have taken me hours instead of 30 seconds.

Alison Monahan: Yeah, exactly. That's the thing.

Kevin Surace: It's absolutely fascinating. And it turns out this is valuable because we all produce PowerPoints, we all produce content for a variety of purposes in this field for court, but for other purposes. And now I've got a machine that will produce content for me, including visual content, that I couldn't have easily produced before without hiring an illustrator. And it's not about the money to hire the illustrator; it's like, I want the illustrations in five minutes, not in five weeks. And so, how can I do that faster? And now we've got GenAI that will generate these things for us.

Alison Monahan: Alright, well, let's talk about that because I think a lot of lawyers, probably a lot of illustrators, are concerned that these GenAI tools are coming for their jobs – particularly lawyers, given how much research and writing they're doing. What are your thoughts around this?

Kevin Surace: It is coming for some jobs, not lawyers – I'll explain why in a moment. But look, if you're in tier one customer support, probably overseas, in a room with 500 other people answering the phone – that job is short for this world, because frankly, GenAI virtual assistants will do as good or a better job than you can. It will produce very accurate sentences and language and very accurate responses to your problems. More accurate than humans would, because you can train it on essentially the FAQs. That's troublesome if that's your job. But if you're a lawyer, let me hearken it back to 1985 to 1990. You're in finance and Excel shows up. Many people said, "Excel is coming for my job", because they thought their job was they have a pencil, a calculator, and a ledger book; and to write in and add up the things in the ledger book. That's what hundreds of people in an accounting team would do, in a ledger book. I don't even know how we built billion dollar companies that way, but we did, with a ledger book. And then Excel comes around and because they thought that was their job, they said, "Well, that's it. My job is over. It's coming for my job." Well, we employ more people in finance today than we did then, except none of them are with pencils and ledger books, and nobody's doing long division in their head. We don't need to do that; we have a machine that does that. But now we're all much more strategic about the numbers, and we can look at the numbers and work on all kinds of models on how to look at the demographics or how to look at the



company or how to drive costs down or whatever it is. There's more data now. So in fact, Excel brought around a great, I would say resurgence in what you could actually accomplish in finance. I actually think that AI is doing that to law. And I think that because if you think about all the research that a lawyer may have to do for a particular case, with research assistance and all that – that is actually pretty mundane, and actually humans aren't good at it. Now I know someone's going to listen to that and say, "No, no, you don't understand, I've worked... No, no, no." A human is not good at research, and that's because we can only take information in primarily with our eyes, and we can only find so much, and we can only read so much at a certain speed. But AI can take it in more than a million times faster, remember all of it, and then present you the best options. Now, here's the interesting thing. You are the robot overlord. So you get to seed it, you get to say, "Here's what I'm looking for." You get to say, "Here's the kind of judge I've got in this case. So I want to see things that he or she has ruled on, but also similar judges, maybe from around the country, let's just say. And I want to go back to 1850, and I need the 10 best answers to this question I'm posing, in the next minute." Boom, done! And this is much more than a search engine, because it's able to really analyze and diagnose what you're looking for in cases that are totally unrelated. What do you mean this is a case about a banana, but there's this one ruling here that... You know what I'm saying. So, that's fascinating. We would have never found it, our legal research assistants would not have found it, but it will find it for you. Now, you've got these five or 10 outcomes; now you get to strategize on which ones of these you use, at what time, how do you bring it to court, how does it relate to what you're doing? So, this is what's fascinating. You will spend much more time really strategizing about the case than, "Oh, I have to do research." You don't have to do research anymore; it's done for you. So it's like Excel showed up and you're free from the mundane, and now you get to strategize and really use your brain. Research is not using your brain; it is really just monotony at some level. So I think attorneys have to get to the point where they realize that was monotonous and it's okay to let it go. It's great to let it go. Let me add to that. There'll be a time shortly, possibly even this fall, when attorneys coming into firms, if they say, "Yeah, I've heard about this generative AI, and I don't use that" – they're not going to get a job. It's the ones that come in and say, "I've used it throughout getting my JD and throughout my college career, and this is how I've used it, this is what I've learned. I'm an expert in property, I'm an expert in editing, I'm an expert in the outcome, I'm an expert in validating the outcomes to make sure that they're accurate and it's not junk" – you're hired.

Alison Monahan: I think that's right, and we're going to talk about that in a little bit. I do want to pick up on one thing you said, because I read an interesting New Yorker article last night where they were talking about how the current sort of LLM models, ChatGPT, whatever, are not good at planning. And that was kind of fascinating.



Even very simple things of planning, they're not particularly good at. But what that was talking about was that you could theoretically have your ChatGPT-ish type of thing, do the intake so people could interact naturally, but then you pass it to something else that does the actual planning. They were using the example of tools for games and that kind of thing. They're very good at actually strategizing and simulations, and they can do a million simulations. So I think that's kind of an interesting idea to think about – how much of that strategy can we actually outsource to the machine as well? But there are these two separate pieces and the current systems are not really great at both.

Kevin Surace: Yeah, that's right. So first of all, when I talk about GenAI and I'm saying for legal, what I'm really talking about is not going to ChatGPT. I'm talking about a large language model like GPT-4 that has what we call an "embed", where I have embedded all of the legal cases that may be throughout history. So, I'm going to limit its output to only those things which it finds in this data.

Alison Monahan: Your RAG, basically.

Kevin Surace: Yeah. So, you are still using all the language capabilities that it has, but you're saying, "You will not give me anything from out here; you will limit your outputs to these."

Alison Monahan: "And you will not make it up."

Kevin Surace: "You will not make it up." Well, you can't make it up if you're limiting the output to the things found in this data.

Alison Monahan: Right, exactly. Yeah.

Kevin Surace: Right. So that's the trick, and that's called an "embed" and that's done now often. And there're companies that are offering that in the legal world already, who've done that embedding, who've done that to the database. So, then when you get to planning, it is true. One of the things you can certainly do is then get these 10 outcomes or these 10 cases that match, then you can turn around and say, "Which of the 10 should I focus on the most, given this is the case.?" And it will opine on that. It may not be right or wrong because remember, these models, the LLMs, are meant to create amazing sentences, perfect sentences. Not necessarily accurate sentences, but perfect sentences. It's just trying to recreate phrases. But since it learned so much, the phrases, 80 or 90 or 95% of the time tend to be relatively accurate, because it learned from all of human knowledge. So, you want to use this throughout your work. You can certainly use it to help you plan your day. It's not perfect at planning, but it'll give you some new ideas.



Alison Monahan: Yeah. We've tried to use it to plan schedules and things. Not quite there yet, but this article was interesting. I was like, "Oh, maybe there are other options I could be looking at that would do the planning piece. Okay, now I get that." Well, most people listening to this are probably law students, and they might be saying, "Okay, this makes sense, I hear you on this." But do you have any advice if they are interested in really exploring these emerging technologies? What can people do?

Kevin Surace: The easiest thing to do without spending any money is use ChatGPT. You probably can't use DALL-E 3 for free, but you need to use Midjourney, Stable Diffusion, or get a \$20 a month subscription to GPT-4. Certainly use the Microsoft tools, which are based on GPT-4 and 4.5, which is Copilot and it's in everything. Now the reason I say to use them is because, again, when it comes time to get a job, people are going to be asking this question: "Have you generated graphics this way? Have you generated illustrations? Have you generated some casework? Have you researched cases?" And you just want to say, "I know these models really well. Obviously I didn't have access to the big legal one that's locked down and tied to legal databases, but I had really a great experience using it." And I think that schools, universities that say to the students, "You are not to use ChatGPT for anything" are doing a disservice to their students. What they should be saying is, "Please try and use ChatGPT for everything, but you better become a really good editor and a really good fact checker. Those are different skills, and I want you to have those skills because you're going to need those skills in the job come fall."

Alison Monahan: Yeah, I agree with that. I think any professor at this point who gives a take-home law school exam and thinks that people aren't going to use certain tools on it, even if they're not supposed to, it's like, "Really? Maybe you should rethink your pedagogy here."

Kevin Surace: You're exactly right. I see this all the time. I'm on the board of a university, and you have lots of professors there going, "Go use it", and you've got others going, "You will not use this anytime this semester." Okay, they're using it all through the semester; just get over it. It's the same as, "Don't use the calculator at home to solve this math problem." Well, that's a view. I'll use Excel.

Alison Monahan: Yeah. At this point I use my phone to do math all the time. It's like, once I learned calculus, I felt like I forgot arithmetic, and that's fine. I can still do math in my head if I have to; it's just faster if I just add it up.

Kevin Surace: And you'll never be asked to do long division in your head again in your life, and I can tell you...



Alison Monahan: You know where I have been asked to do this, which is interesting. So, I have a side job as a ski instructor and I was teaching kids, and kids around the lake – six, seven-year-old – love to do math. So, we're standing in the ski school line or the line to get on the lift, and I'm trying to desperately think of some way to keep them entertained. And we started doing math problems, and these kids are good at it. It was actually hard.

Kevin Surace: Yeah, well, because that's what they're learning right now, and then they forget it afterward.

Alison Monahan: It was just funny. I'm like, "What is three plus four?" and they're like, "That's too easy. What is 79 divided by...?" I'm like, "Whoa, alright." So you just never know when you're going to need these skills.

Kevin Surace: That's right, that's right. But there're a lot of skills that we no longer need in the job world. Math is generally one of them, because we have Excel, we have calculators, etcetera. But I think we're going to find that this kind of traditional legal research is also a skill that we prided ourselves on, that will be no longer required going forward. There's a machine that does it better.

Alison Monahan: Right, and frankly, a lot of that was a huge hassle anyway. I talked with the founders of [Paxton AI](#), which is a legal tool, and they were saying one of their most popular features is that they convert natural language into Boolean, and the Booleans are different for Lexis and Westlaw, all that kind of stuff. You'd have to call up the person and be like, "Hi, I'm trying to get this case in this jurisdiction, and I'm not really sure how to phrase it", and they're like, "Oh, you need to do this, this, this, this, this, and this." But you just spent 20 minutes, and they have a person that was paid to do that. It's crazy.

Kevin Surace: Yes. And you need parentheses around this, and then you need the Boolean add, and then it's the ampersand for this, not the add. You go, "Just stop."

Alison Monahan: Exactly. You're just like, "Oh my God, I need a case in New York that says this."

Kevin Surace: And the thing with those search engines were basically search engines. They're not using any AI; they were literally searching for key phrases and things. Not particularly sophisticated, but these AI tools now that are using those databases are sophisticated.

Alison Monahan: Right, well, this wasn't that long ago, but they had people that were doing the case notes. A person had to sit there and summarize the case, and then you're like, "Well, do I agree with that summary? I don't know, should I keep reading



the case? I don't know how good this person was." All that seems like it's just sort of out the window at this point.

Kevin Surace: I can feed a case in and get a summary from an LLM in 30 seconds.

Alison Monahan: Yeah, exactly. Well, overall, what do you see as the biggest pros and cons of these technologies moving forward, broadly speaking?

Kevin Surace: All of the technologies we've developed since the wheel have all been about productivity. And people have used them properly, and other people have misused them. The car is a productivity tool; it's also a bomb, right? So, you can use it badly. And that's true with generative AI and AI in general, it is being used badly by cyber criminals and others. But this is a productivity tool and it's going to make most fields – certainly most white collar fields – much more productive. Now, I'll give you an example in the legal field, because it's one that we use based on this analysis out of Stanford that quickly analyze an NDA, human lawyer reviewing an NDA versus generative AI reviewing it. GenAI was done in 30 seconds and actually was more accurate than most humans. And the reason for that is, there is no human after the first, I don't know, three months that ever wants to review another NDA. You just don't want to do it. This is the worst use of the human brain. You get your JD and you get your first job and they say, "You're going to be on the NDA desk. You'll be reviewing NDAs for the next three years" – you want to shoot yourself, right? You go, "That's not what I went to school for." So now there's a machine that will review NDAs and do a far better job. And so, I think we're going to have the lawyers really manage that, because in the end, they're going to be responsible and they're going to look for any abnormalities. But you're going to use the machine for a lot of the mundane tasks and it will really free you up to be super strategic about cases. I just think that is a huge bonus, and it's going to make firms that embrace GenAI in a variety of ways way far ahead and way more productive than firms that don't.

Alison Monahan: Yeah. I can imagine a tool in the NDA context, you spit all your stuff out and you basically ask it, "What about this looks weird? Is there anything in here that I should be looking at?" Whether it's a mistake, somebody's name is incorrect, you've got the wrong person, anything about this just looks weird. That's basically what a very junior associate is doing anyway, but they don't have the knowledge base to say, "Oh, that is a non-standard clause that we need to take a look at." Whereas I'm sure that the AI does know, because it's read billions of these things.

Kevin Surace: It does. And of course the non-standard clause that everybody looks for is the residuals clause, which is basically, "If I can remember it, I can keep it and I can use it", which is famously in the Microsoft NDAs and the IBM NDAs. You can flag



that, but they're not going to change it. The residual clause is, "If we remember it after you told us, we can use it." And it just is, or don't do business there.

Alison Monahan: Right. Well, I'm even thinking friends of mine who've, say, for example, some very practical thing – they've had a trust and estates lawyer do their estate plan. And I'm a lawyer, a lot of my friends are lawyers, we read everything. And so you find these things where you're like, "That's not the right address." When I was doing a real estate refinancing, halfway through the contract, they'd switched out my address, and I'm like, "Whoa, whoa, whoa, this has to be corrected." People have had incorrect names or stuff that's been left out in one place. And if you have a trust, one place is the trust and one place it's you. It's like, that's not the same thing. Stuff like that, just seems like things that easily could be corrected.

Kevin Surace: I do love when you go to the title company and they give you this huge document, right?

Alison Monahan: Like this thick.

Kevin Surace: Yeah, it's this thick. And so, I go to page like 63 and I say, "I'd like to change these three words." And they just look at me and go, "Nobody ever changes anything. It's not allowed."

Alison Monahan: Yeah. They're like, "That's not how this works."

Kevin Surace: Not how this works. You just sign it. Check that your name and address is correct, and then you sign. There's no changing any of this documentation.

Alison Monahan: When I asked them to correct the address, they're like, "Oh yeah, well, just sign it now and we'll correct you." I'm like, "No, this has to be done right. These are legally binding documents we're going to file with the title people."

Kevin Surace: They didn't realize it was legally binding.

Alison Monahan: I don't know, I guess that's why we have title insurance. But all that type of stuff, I feel like easily automatable.

Kevin Surace: Yeah.

Alison Monahan: Alright, Kevin. Well, any final thoughts you'd like to share here?

Kevin Surace: Look, I think there're going to be always two sets of people in any field, and we're seeing this across the landscape today. I'll give you an old adage because I



brought up the wheel. The old adage is this: There're two guys in town, whatever, a thousand years ago. And they both carry food up the hill to the town up at the top of the hill. They carry it from the bottom, they carry it to the top. Everybody eats, it's good. They both have their tasks. They get rice when they bring food up, whatever the case is. All of a sudden the wheel shows up and one guy goes, "That's it. My job is over, I quit." And he dies a pauper. They're probably 23 years old in those days. The other guy says, "Let me get a second wheel, let me build a cart. And now I can carry everybody's food and I don't need the other guy." He dies a rich man. I could give you this adage across every technology that came about, all the way to the Internet and smartphones. And those who embrace technology end up being the overlord and the master of the technology, and end up being more productive and end up winning. They are the winners. The losers don't embrace technology because they think, "Oh, it's going to take my job. It's going to hurt me." Now, over the last long, long, long period of time, it's typically sort of the older generation that says, "I don't want to learn anything new. Not for me. I'm going to retire in a few years, so I'm not touching that stuff." But certainly for many of your listeners in the younger generation, embrace everything you can. Be the overlord of it. Be the owner of it and walk into those job interviews and walk into your firms or companies or wherever you're going to be if you're corporate, and say, "I know how to use these tools. I know how to be more productive. I know how to have better outcomes. I know how to win cases better, even though I'm only 24 years old."

Alison Monahan: Yeah, absolutely.

Kevin Surace: I think that's the win, and I highly recommend embracing these new technologies and not worrying. It'll take someone's job, but it's not taking your job, because you own the technology. It'll take someone's job who doesn't want anything to do with the technology.

Alison Monahan: Yeah. I think it's an opportunity, honestly, for people who are younger really to come in and be that expert and be the person who's like, "I can make us 50% more efficient on this task." I mean, time is money. Who wouldn't say "yes" to that?

Kevin Surace: That's exactly right. That's exactly right.

Alison Monahan: Alright, Kevin, thank you so much for joining us, and remind us again how people can find out about you if they want to know more.

Kevin Surace: Yeah. My website, my keynote, my speaking website – all of that is KevinSurace.com. That's pretty easy. I'm sure you'll put it in the notes or whatever.



Alison Monahan: We will put it in the show notes, definitely.

Kevin Surace: Easy peasy, yes. It's such a pleasure to be here and such a pleasure to talk to you and your wonderful listeners.

Alison Monahan: Oh, well, thank you for joining us. If you enjoyed this episode of the Law School Toolbox podcast, please take a second to leave a review and rating on your favorite listening app. We would really appreciate it. And be sure to subscribe so you don't miss anything. If you have any questions or comments, please don't hesitate to reach out to Lee or Alison at lee@lawschooltoolbox.com or alison@lawschooltoolbox.com. Or you can always contact us via our website [contact form](https://www.lawschooltoolbox.com/contact-form) at LawSchoolToolBox.com. Thanks for listening, and we'll talk soon!

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