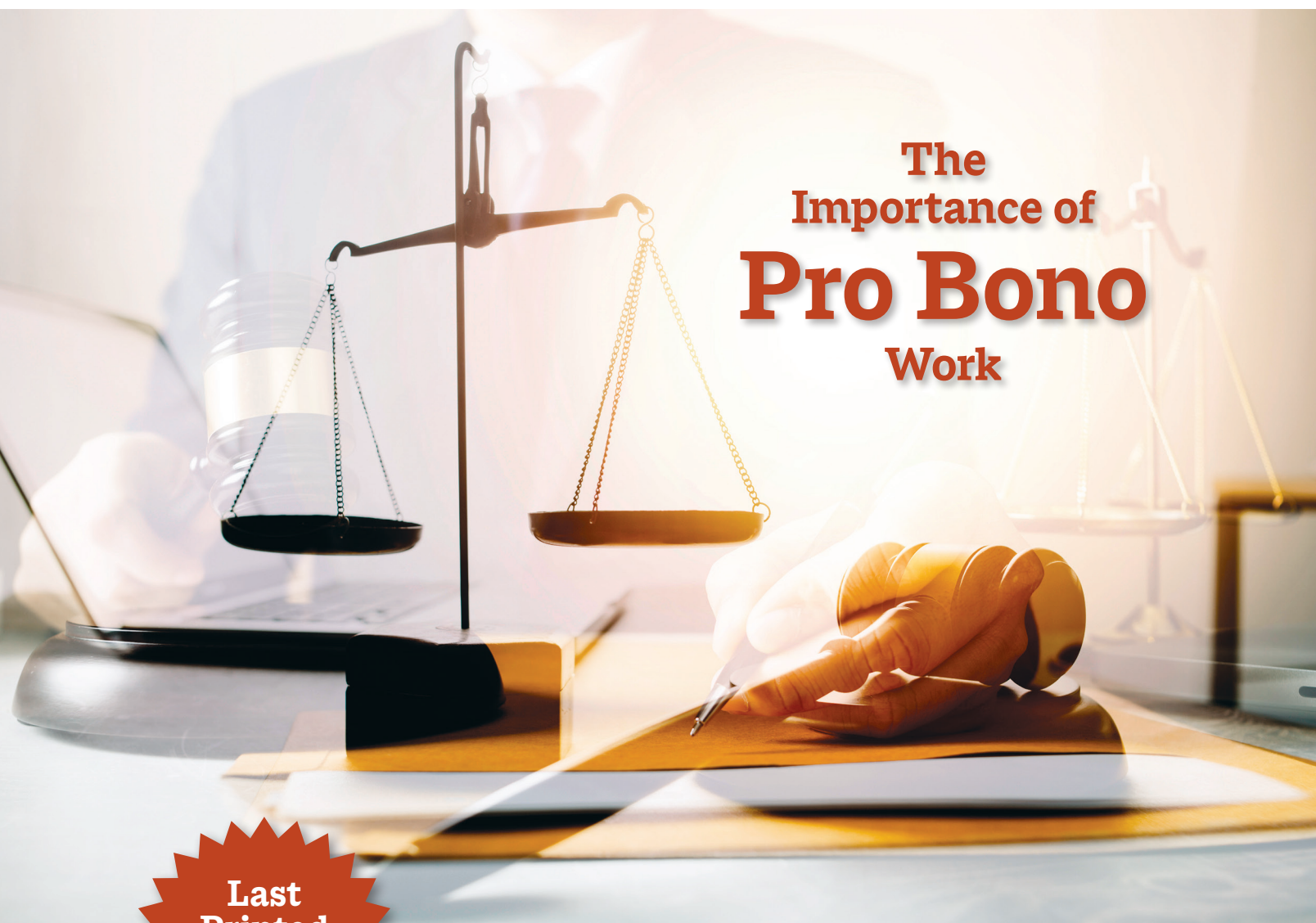


May/June 2025

The Bench^{er}

THE MAGAZINE OF THE AMERICAN INNS OF COURT[®]



The Importance of Pro Bono Work

Last
Printed
Issue

See page 3.

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FROM THE PRESIDENT

The Honorable Consuelo M. Callahan

In the first year of my presidency, I have had the opportunity to visit several of our Inns throughout the country. While I would love to visit each and every one of our Inns, accomplishing such a goal would be impossible. Though I am the 14th president of the American Inns of Court, I am the first president to hail from California, allowing me to focus my visits on the western part of the United States. I thought I understood the mechanics of starting and maintaining successful Inns, but I have learned much during my visits and gained greater insight into some of the common traits of successful Inns.

My personal Inn journey began with the Anthony M. Kennedy American Inn of Court—over 25 years ago. The Kennedy Inn spawned the Wray Ladine Inn and the Judge Consuelo M. Callahan Inn. I have had the opportunity to see firsthand how Inns are like children and they all have a unique DNA.

Our charter outlines general requirements of compliance, but Inns have great latitude in creating their own unique personality, and the individual Inns have developed distinctive cultures.

It has been exhilarating to witness the creativity and individuality of the Inn movement. Some are specialized or general. Some focus on instructional programming. Others create elaborate skits with song-and-dance routines that would put Broadway to shame or regularly collaborate with neighboring Inns to hold trivia competitions, speaker and panel presentations, and mentor/mentee events.

Inns meet at myriad locations, such as law schools and restaurants and, on occasion, in judges' chambers. Inns deal with membership attendance and recruitment in different ways. For instance, the Kennedy Inn has a mandatory attendance policy that includes a "three strikes and you're out" rule. Inns have different levels of involvement by the judiciary and the local bar.

There are so many ways to make the Inn experience rewarding for your members. What I have learned, however, is that maintaining a healthy and vibrant Inn is very similar to maintaining strong relationships in life. We all know that good relationships require an investment of time and attention. Inns are no different. The COVID-19 pandemic has been hard for many Inns, and many are still struggling to return to in-person meetings. If your Inn is struggling for any

reason, please make sure to take advantage of your director of chapter relations. They have resources and suggestions to put that spark back into your Inn.

What do thriving Inns have in common? Robust judicial involvement tops the list. It is crucial to have a very deep bench of judges. Inn members and students rate judicial interaction at the top of their list when assessing Inn value. Establishing a relationship with appointment secretaries and judicial nomination committees has proven to be a successful tool for the recruitment of judges. One Inn calls to recruit new judges immediately after appointment.

Robust mentorship programs are also very important to Inn members, particularly those who are first-generation lawyers. I recently held a three-Inn mentor/mentee program in my chambers. We had 40 attendees, and the interaction was wonderful. Consider holding some Inn events in judicial chambers—many people have never been to a judge's chambers.

A well-organized executive committee that meets monthly is also crucial to Inn success and member engagement. The monthly meetings present an opportunity to discuss Inn programming, assess what works, and assign executive committee members to assist pupillage teams. The committee can coordinate and facilitate recruitment, attendance, and training. Indeed, some Inns begin each Inn year with a new members luncheon, a team leaders luncheon, and a "post-mortem" luncheon to discuss what worked (or didn't) the previous year.

Joint Inn events work well for maintaining enthusiasm and encouraging healthy competition between Inns. Year-end parties can be a great unifier. Consider financially sponsoring young Inn members or students so they may attend our national events at the Supreme Court—the Celebration of Excellence or the Inns of Distinction. And, for those who are able, consider joining an Amity Visit to London to visit our English counterparts; it will be an experience of a lifetime.

Please take a moment to commit to making your Inn even more vibrant. Contemplate what is your "je ne sais quoi." Determine what makes your Inn distinct and invest in this unique quality by continuing to strive to be your best and helping others to achieve similar excellence. As always, thank you for your hard work and commitment to the Inns! ♦

Stephen R. Booher American Inn of Court

The Stephen R. Booher American Inn of Court in Fort Lauderdale, Florida, met in February. The pupillage group from Nova Southeastern University Shepard Broad College of Law presented a valentine-themed learning experience. President-elect Paul J. Gamm, Esquire, appeared as the moderator dressed in a pink suit. Together, with the law school students, he led the group on an attorney-client relationship journey on topics that included the talking stage, getting to know you, let's make it official, the work wife, and we are never getting back together.

The group also discussed how non-disclosure agreements could be used in civil and criminal cases. In keeping with the valentine theme, teams with names such as Valentines, Galentines, and Gladiators, competed in a game of Kahoot. The questions were based on the attorney-client presentation. Then in additional segment, the mentor/mentee teams shared

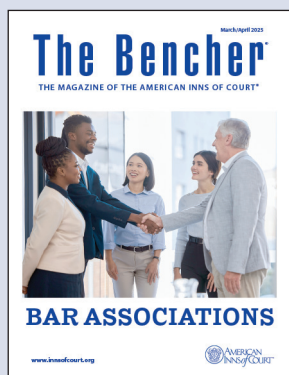
their experiences with each other and talked about the benefits of the relationships. ♦



Members of the Nova Southeastern University (NSU) Shepard Broad College of Law pupillage group along with members of the Booher Inn. Front row, left to right, Michael Fischer, Esq., Inn coordinator; Paul J. Gamm, Esq., Inn president-elect; Sierra Pascoe; Ryan Lewert; Alex Cotel-Altman; Sara Dastgerdi; Maham Moti; Judge Jackie Powell, Inn president; Laura Varela, Esq., NSU assistant dean for career and professional development. Back row, left to right, Michael Kean, Esq., Inn member and mentor; James Harris, Esq., board member; Julian Rey; Juan Perez; and Mike Lee.

Coming This Summer— All New Website for *The Bencher*

We are excited to announce that beginning July 1, 2025, *The Bencher* will be a fully digital magazine. An all-new dedicated website for *The Bencher* will be launched this summer with more content that is timely and relevant to you. The new website will also allow us to provide content more often to members, Inn leaders, and the legal community. Additional information about this transition will be sent to you in the coming months. Please be sure to add "bencher@innsofcourt.org" to your contacts so you'll be the first to know when the website goes live. While this issue is the last one we are printing and mailing, we are looking forward to delivering a much more robust and enhanced member experience through our flagship magazine. ♦



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Judge John M. Scheb American Inn of Court

In November, the Judge John M. Scheb American Inn of Court in Sarasota, Florida, hosted the Teen Court of Sarasota, a local nonprofit that provides at-risk children ages eight to 18 with educational youth development activities. While many Inn members have served as volunteer judges for Teen Court, this was a unique opportunity to hear the story of a Teen Court graduate and how the program dramatically changed the direction of her life.

The graduate shared a photo of her as a teenager during a time when she was making unhealthy and unsafe choices. She shared how Teen Court's intervention caused her to understand her value, understand her choices, and decide to have a better life. She is now a thriving adult, successful and happy, a stark contrast to the teenager in that photo.

Heather Todd, executive director of Teen Court, shared how Teen Court has similarly transformed the lives of many teens in the Sarasota community since 1988. She described how Teen Court promotes feelings of self-esteem, changes attitudes toward authority, and teaches teens the benefits of civic engagement and being a law-abiding citizen.

At the Inn's following meeting, Inn President Amanda M. Gambert, Esquire, challenged members to make a donation to Teen Court. Attendees collected \$550 to donate to Teen Court of Sarasota. ♦



Left to right are Scheb Inn member Megan Leaf, Esq., Teen Court board chair; Heather Todd, Teen Court executive director; and Jessica Fairweather, Esq., Teen Court board member.

Artificial Intelligence Virtual American Inn of Court Launched

The legal profession stands at the precipice of a new era, one defined by rapid technological advancements and a shifting professional landscape. Recognizing the need to bridge the gap between innovation and tradition, a new offering of the American Inns of Court has been launched: the Artificial Intelligence (AI) Virtual American Inn of Court. This initiative aims to usher in a wave of modernization within the American Inn of Court movement, using technology to focus the transformative impact of AI on the practice of law.

The AI Virtual American Inn of Court is the first remotely structured Inn that offers an opportunity for members across the country to come together, regardless of geography, to delve into the nuances of AI technology and its implications for the legal profession. By leveraging a virtual platform, the Inn will host monthly

meetings featuring nationally recognized speakers, live demonstrations from legal technology companies, and in-depth discussions led by esteemed judges, lawyers, technologists, and data scientists.

At its core, the AI Virtual American Inn of Court is dedicated to advancing the understanding of AI within the legal profession. The Inn seeks to educate its members about these changes, equipping them with the knowledge and tools needed to adapt and thrive in this evolving landscape.

Another cornerstone of the AI Virtual Inn's mission is to promote virtual mentoring. Mentorship has long been a hallmark of the Inns of Court, and this new Inn is committed to carrying that tradition into the virtual realm.

For more information, visit www.innsofcourt.org/AI_Virtual_Inn. ♦

Harry Phillips American Inn of Court

In February, the Harry Phillips American Inn of Court in Nashville, Tennessee, met for a program titled “The First Court-Ordered Schedule Desegregation Clinton, Tennessee, ‘A Most Tolerant Little Town?’” The program focused on the 12 Black students—known as the “Clinton 12”—who integrated Clinton High School in Clinton, Tennessee, in 1956. This happened two years after the Supreme Court decision *Brown v. Board of Education*. After the *Brown* ruling, desegregation was ordered by the Tennessee federal courts. Attempts to integrate Clinton High School led to riots, and the National Guard came in. Two years after that, the school was destroyed by a bomb.

The Inn’s program included a historical legal analysis of the “separate but equal” doctrine and desegregation law from the local case of *McSwain v. Anderson County*, which led up to *Brown v. Board of Education*.

One of the Clinton 12, Bobby Cain, was scheduled to attend the Inn program but became ill and couldn’t make it. Instead, his family attended, and his younger brother made remarks.

The program included an interview with author Rachel Louise Martin, a Tennessean who wrote the book *A Most Tolerant Little Town?* Her book includes interviews with witnesses and participants in this



Left to right are author Rachel Louise Martin; Kelvin Joseph Cain, former board president of the Green McAdoo Cultural Center and nephew of Bobby Cain; Paul Frank, Bobby Cain’s son-in-law; Inn member Joycelyn Stevenson, Esq.; James Leonard Cain, former board vice president and treasurer of the Green McAdoo Cultural Center and youngest brother of Bobby Cain.

slice of Tennessee and national history. Clinton now houses the Green McAdoo Cultural Center, which honors and preserves the legacy of these 12 brave students and the history of their time.

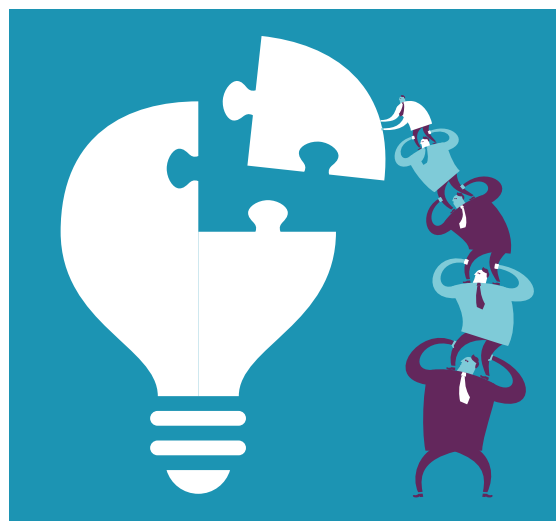
The Inn program enlightened a large group full of Tennessee lawyers about a story that is little known. It reaffirmed that change doesn’t come without sacrifice and dedication to doing what is right. ♦

the program library

brainstorm • innovate • create • inspire

Planning your Inn’s programs?

The Program Library is an excellent resource for members and pupillage groups that want to create or adapt programs that innovate and inspire their membership. New programs are added throughout the year and include programs on specific topics and practice areas. Programs are submitted by Inns nationwide and are available for download immediately.



Get started creating your next great program at www.innsofcourt.org/ProgramLibrary

Central Kentucky American Inn of Court

The Central Kentucky American Inn of Court in Lexington held a memorable joint meeting in November with members of the Kentucky Board of Bar Governors. This was a great event to take a break from the election banter. The guest speaker was Chief Justice of the Kentucky Supreme Court Laurance B. VanMeter, who was nearing retirement at the end of 2024. A week later, his replacement was elected: Inn member Judge Pamela R. Goodwine, who will serve as a regular justice representing the 5th district of Kentucky.

VanMeter shared stories from his time on the bench and discussed the future of judicial selection. Despite the intense stress of the election year, the Inn came together to learn and honor the work of VanMeter, who embodied the qualities of unity and civility essential to the American Inns of Court. It was a great opportunity for the chief justice to engage with old friends and newer attorneys and for members to see the person behind the opinion. ♦



At the Central Kentucky Inn's joint meeting, from left to right, are Judge Lindsay Hughes Thurston, Inn president-elect; University of Kentucky (UK) law student Laurent Cadet; Chief Justice Laurance B. VanMeter, (Ret.); UK law student Ashton Edwards; and Andre F. Regard, Esq., Inn treasurer and past president.



Members of the Calvert Inn at their December meeting, left to right, are Taylor R. Yetter, Esq.; David C. Lawrence, Esq.; Kevin D. Collins, Esq.; Keri Ward, Esq.; Shelby L. O'Brien, Esq.; Nadia Bettac, Esq.; Vanessa A. Gonzalez, Esq.; Craig T. Enoch, Esq.; Rachel Luna, Esq.; and Sam Denton, Esq.

Robert W. Calvert American Inn of Court

The Robert W. Calvert American Inn of Court in Austin, Texas, met in November for the presentation "Tough Competition: A Deep Dive into the FTC." The presenting team covered the history and powers of the Federal Trade Commission (FTC) and several recent enforcement actions brought by the agency, including lawsuits against Facebook and Amazon, and the FTC's rule banning non-compete provisions.

In December, the Inn hosted its final meeting of 2024. The engaging program briefly considered topics on court legitimacy, ranging from timeless issues such as the history and independence of the judiciary to more timely subjects such as populism's effect on courts and judicial removal.

The presentation included quotes from leaders ranging from the French judge Montesquieu to President Ronald Reagan as the audience was reminded of the impact recent action—such as the reversal of longstanding Supreme Court precedence and prevalent use of nationwide injunctions—can have on the public's perception of the judicial system. The program provided everyone with the chance to reflect on concerning trends in the judiciary and the responsibility of every lawyer to help ensure the public remains confident in this branch of government. ♦



Yeakel Inn volunteers and their family members at Community First Village.

Honorable Lee Yeakel IP American Inn of Court

In February, members of the Honorable Lee Yeakel Intellectual Property American Inn of Court in Austin, Texas, along with family members, visited Community First Village, a 51-acre community of tiny homes in the outskirts of Austin that provides affordable tiny homes, community, and support for previously unhoused people.

Inn members spent the morning volunteering in the community gardens of Community First Village, weeding, planting, feeding the chickens, and cleaning out the gardening sheds. Part of the group also helped package bulk products into smaller-sized packaging for the on-site subsidized store. Formerly unhoused residents of the village led and instructed the volunteer group and educated the volunteers about the programs at the village and its history. The volunteers had a great morning helping fight homelessness, learning about Community First Village and its residents, and enjoying gardening. ♦

James C. Adkins Jr. American Inn of Court

The James C. Adkins Jr. American Inn of Court in Gainesville, Florida, held its first winter social in December. The event was hosted by member Cherie Fine, Esquire, at her lovely home. Fine is a talented baker who prepared phenomenal cake and cookies for Inn members to sample after dinner. The Inn remembered longtime University of Florida Professor Joseph Little, who died in October 2024.

One of the Inn's founding members, retired Judge Larry Turner, was scheduled to discuss his unique and distinguished career, the Gainesville 8 case, practicing with professionalism, and other topics. Unfortunately, Turner fell ill and was unable to attend. Instead, attendees played "two truths and a lie." They shared many unique details about themselves, leading to great opportunities to get to know one another. Interesting facts included meeting no less than three U.S. presidents, being bitten by a rattlesnake, and various travels abroad (including China and the former Soviet Union).

The Inn members consider their first winter social a resounding success and look forward to making this a new annual tradition. ♦



At the Melson Arsht December meeting, left to right, are Judge Michael W. Arrington; George Tsakataras, Esq.; Stephen Stopyra; and Judge Michael K. Newell.

Melson Arsht American Inn of Court

In December, members of the Melson Arsht American Inn of Court in Wilmington, Delaware, gathered in celebration of the holiday season and the annual Diane Igo Award Reception. Each year, the non-judicial members nominate and vote to award the Diane Igo Award to a State of Delaware Family Court staff member who provides outstanding service to the domestic relations bar.

The 2024 Diane Igo Award Recipient was Stephen Stopyra, who attended the reception with his family. Stopyra is a judicial case manager. Like the award's namesake, he is an exceptional employee who consistently shows respect not only for judges and supervisors, but for every person who comes before the court. He has been with the Delaware Family Court for six years and continues to demonstrate superior dedication and excellence in his work, for which both the bench and bar are tremendously grateful.

Also in December, members of the Melson Arsht Inn stuffed 100 holiday stockings to benefit youth in foster care. The stockings contained toiletries, Jibbitz charms for Crocs, and other small items including notebooks and stress balls with inspirational messaging. The stockings were given to the Delaware Department of Justice as part of its annual holiday gift drive for children in foster care. This is the second year that the Inn has participated in this outreach program during the holidays. ♦

Justice Major B. Harding American Inn of Court

In February, the Justice Major B. Harding American Inn of Court in Stuart, Florida, held a community outreach event with Cub Scout Pack 448 of Saint Lucie. Troop members, Scout leaders, and Inn members collected bags of trash from Jensen Beach.

In December 2024, the Inn held a toy drive with the Martin County Clerk of Court's Office. Toys were collected for the local United Way to distribute. In November, the Inn held its annual community

outreach event for the Treasure Coast Food Bank. Donations assisted families throughout the entire Treasure Coast, a region on the southeastern coast of the state. This year, many families needed help due to the devastation created by storm surge, powerful winds, and several tropical tornados from Hurricane Milton. The Inn, in collaboration with the Martin County Circuit Clerk's Office, collected 363 pounds of food to be donated. ♦



Cub Scouts and members of the Harding Inn collected bags of trash from Jensen Beach, Florida.

Nominations Sought for American Inns of Court National Awards

Each year the American Inns of Court recognizes individuals whose lives—as well as their words and standards—reflect professionalism, ethics, civility, and excellence in the legal community. Please consider nominating someone for the following awards:

The Lewis F. Powell Jr. Award for Professionalism and Ethics recognizes exemplary service to the legal profession in the areas of professionalism, ethics, and civility.

The A. Sherman Christensen Award honors an American Inn of Court member who has provided distinguished, exceptional, and significant leadership to the American Inns of Court.

The Sandra Day O'Connor Award for Professional Service recognizes an Inn member in practice 10 or fewer years for excellence in public interest or pro bono activities.

The Bankruptcy Distinguished Service Award recognizes a judge or attorney practicing in bankruptcy law with character, integrity, and dedication to the highest standards of the legal profession and the rule of law.



Nominations are due June 1, 2025.

Learn more at www.innsofcourt.org/AwardsandScholarships



Richard Linn American Inn of Court

The Richard Linn American Inn of Court in Chicago, Illinois, was excited to host the British Pegasus Scholars for the final leg of their U.S. tour last year. The crown jewel of the visit was a lively discussion with the scholars—who are barristers from the United Kingdom—and U.S. attorneys and judges about the differences and similarities between trial advocacy in the two countries.

The rest of the week in Chicago was filled with other great legal experiences. U.K. Pegasus Scholars Afiya Amesu and Hannah Gilliland observed various legal proceedings and discussed aspects of the proceedings with attorneys and judges involved in the cases. The court experiences included a bank robbery trial at the U.S. District Court for the Northern District of Illinois, court call at the Cook County Circuit Court—Criminal Division, and a hearing regarding a motion for sanctions at the Cook County Circuit Court—Civil Division.

Judge John F. Kness gave the scholars a tour of his chambers at the U.S. District Court for the Northern District of Illinois, and Judge Thomas J. Byrne received the scholars at the Criminal Division and arranged an in-depth tour of that courthouse by a state's attorney.

Lance D. Northcutt, Esquire, welcomed the barristers to his firm to chat about wrongful death suits and civil proceedings and to view the deposition of a forensic pathologist. Adam G. Kelly, Esquire,

organized a tour of the local FBI field office that included simulating the execution of a search warrant. Olivia Luk Bedi, Esquire, coordinated lunch for the barristers with Kalia Coleman, a former assistant U.S. attorney and past president of the Black Women's Law Association, to discuss gender, race, and the U.S. legal system.

The scholars also enjoyed the cultural and social aspects of Chicago and of the Linn Inn. Their trip included a private tour of the Art Institute of Chicago, an architectural riverboat tour of the city, and a visit to the house from the movie *Home Alone* in Winnetka. The Linn Inn executive committee threw a welcome dinner, and other members hosted the barristers for other meals—including, of course, Chicago hot dogs and pizza—and rooftop drinks at fabulous restaurants.

The Linn Inn looks forward to introducing more U.K. barristers to Chicago and the city's legal community in the future. ♦



British Pegasus Scholars Hannah Gilliland and Afiya Amesu in Chicago, Illinois.

Hay-Sell Pittsburgh American Inn of Court

In January, the Hay-Sell Pittsburgh American Inn of Court in Pennsylvania, along with guests, held a meeting and program on appellate advocacy and legal writing. Pupillage group leader Michael K. Feeney, Esquire, moderated the program. The panel consisted of attorneys and judges, who shared their thoughts on what makes effective advocacy, how to develop an appellate practice career, and their experiences on the bench. The discussion continued during the social hour that followed. ♦



Seated, left to right, are Robert F. Daley, Esq.; Corrie Woods, Esq.; Judge Mary P. Murray; Judge Thomas M. Hardiman; Judge Christine Donohue; Judge Michael H. Wojcik; and Judge Joy Flowers Conti.

The **2025** Warren E. Burger Prize



The American Inns of Court Warren E. Burger Prize is a writing competition designed to promote scholarship in the areas of professionalism, ethics, civility, and excellence.

You are invited to submit an original, unpublished essay of 10,000–20,000 words on a topic of your choice addressing the issues of excellence in legal skills, civility, ethics, and professionalism.

The author of the winning essay will receive a cash prize. The 2025 Warren E. Burger Prize will be presented during the annual American Inns of Court Celebration of Excellence at the Supreme Court of the United States in Washington, DC, in the fall of 2025.

Submissions are due July 1, 2025.



www.innsofcourt.org/burgerprize



Avoiding Spoliation Penalties: Duties to Preserve Evidence

A recent Delaware Court of Chancery decision provides useful guidance regarding the obligation to preserve evidence in connection with litigation and the potential penalties for spoliation. In the matter styled *In re Facebook, Inc. Derivative Litigation*, (Del. Ch., Jan. 21, 2025), the court addressed spoliation in the context of a motion alleging that the chief operating officer (COO) of Facebook and one of the members of the board of directors had failed to preserve their personal email accounts that had been, at least occasionally, used to conduct company business. Despite the fact that they had received a litigation hold notice and reminders from counsel, both of them deleted emails from those personal accounts that would have been relevant to the litigation. The plaintiff sought various curative sanctions for the failure to preserve relevant electronically stored information (ESI).

The legal definition for spoliation is the destruction or significant alteration of evidence, or the failure to preserve evidence properly, or the improper concealment of evidence. Court of Chancery Rule 37(b) authorizes spoliation sanctions for failure to preserve ESI and requires that before sanctions can be imposed, it must be shown that the responding party had a duty to preserve the ESI, the ESI is lost, the loss is attributable to the responding party's failure to take reasonable steps to preserve the ESI, and the requesting party suffered prejudice.

Moreover, to obtain an adverse inference or case dispositive sanctions, the moving party must show that the responding party recklessly or intentionally failed to preserve ESI.

To determine when a duty to preserve arises, the court analyzes several issues. The first question under Rule 37(e) is whether ESI should have been preserved. As the court emphasized in this decision: "A party is not obligated to preserve every shred of a paper, every email or electronic document," but the party must preserve what it reasonably should know is relevant to the action. The duty applies to key people likely to have relevant data.

The second question posed in a Rule 37(e) analysis is whether the ESI is lost. For purposes of Rule 37(e), information is lost only if it is irretrievable from another source, including other custodians. The third question is whether ESI was lost because of the failure of a party to take reasonable steps to preserve it.

To understand preservation, as a threshold matter we must understand the components of ESI discovery. As illustrated by the court, there are five steps involved in ESI discovery: identification, preservation, collection, review, and production. In this case, the key issues were identification and preservation. Let's take a look at these:

Identification

Taking reasonable steps to identify where ESI is stored must be the first step in preserving evidence or information that should be collected and preserved. This involves locating the individuals that have custody of the relevant ESI or the ability to obtain it, as well as identifying the location and types of ESI. This may involve interviewing individuals who might have information about the location of relevant ESI.

Preservation

Of particular interest to practitioners is the court's discussion of the affirmative steps that both counsel and clients must take to preserve ESI. Counsel must not only send a litigation hold notice, but it must also take affirmative steps to ensure that the client understands the notice and takes steps to comply with it. The court provided examples of acceptable steps to comply, such as disabling an auto-delete feature. Importantly, the court explained that it should be "sensitive to the parties' sophistication with regard to litigation in evaluating preservation efforts; *some litigants, particularly individual litigants, may be less familiar with preservation obligations than others who have considerable experience in litigation*" (emphasis added).

Steps Necessary to Preserve

The next step is to preserve ESI, but a party "need not preserve all documents in its possession; it must preserve what it knows and reasonably ought to know is relevant to possible litigation and is in its possession, custody, or control." The court distinguished between the practical steps an organization—compared to an individual—must take to preserve but indicated that both must suspend routine document destruction policies. For example, individuals must disable auto-delete functions and back up data on personal devices. Failure to do so

Continued on the next page.

may suggest they acted unreasonably. An individual must self-educate to learn what is necessary to prevent automatic deletion or destruction.

Applying the standards to the *Facebook* case, the court found that the COO was highly sophisticated in her role and knew what was required. She should have consulted company counsel if she had any doubts. Her failure to take steps to disable the auto-deletion of her email was not reasonable.

The court also explained that the board member who failed to disable his auto-delete function for his personal emails also acted unreasonably, but in his case there was no prejudice on that point.

Prejudice Required

If no prejudice resulted from the loss of ESI, no sanctions are to be imposed. The prejudice analysis requires that the moving party provide an explanation as to why the lost ESI could have been relevant, but the mere fact that evidence is lost will not be sufficient; a plausible explanation as to why evidence could have been relevant such that the failure to preserve is prejudicial must be provided. Once that initial burden is met, the party that failed to preserve must convince the court that the lost

ESI did not result in prejudice. Some reasons could be that the material could not have been relevant, would not have been admissible, or could not have been used by the requesting party to its advantage.

The court explained why the loss of the COO's emails was prejudicial, but it concluded that no prejudice resulted from the loss of the board member's emails. Although various requests for curative sanctions were made, the court only imposed an elevated requirement for the burden of proof, as well as an award of fees for bringing the motion for sanctions.

This cautionary tale should serve as a reminder to litigants and their counsel of their obligations to preserve and produce ESI relevant to litigation. ♦

*Francis G.X. Pileggi, Esquire, is the managing partner of the Delaware office of Lewis Brisbois Bisgaard & Smith LLP. His email address is Francis.Pileggi@LewisBrisbois.com. He comments on key corporate and commercial decisions and legal ethics topics at www.delawarelitigation.com. He published a book on legal ethics titled *American Legal Ethics, A Retrospective from 1997 to 2018*. Aimee M. Czachorowski, Esquire, is a partner in the Delaware office of Lewis Brisbois Bisgaard & Smith LLP. Her email address is Aimee.Czachorowski@LewisBrisbois.com.*



2025 *Inns of Distinction Gala*

We are pleased to announce the **2025 Inns of Distinction Gala** to be held July 26, 2025, at the Supreme Court of the United States in Washington, DC.

Reserve your seats now and join us in recognizing Inns that have earned Platinum distinction in the 2024–2025 Achieving Excellence program and the 2024–2025 Program Awards recipients at this must-not-miss event.

Learn more and register today at www.innsforcourt.org/gala.

Create A Connection



The American Inns of Court has a reciprocal visitation agreement with the four Inns of Court in London, England. Members of American Inns of Court, with a letter of introduction from the national office, can visit, tour, and dine at any of the London Inns.

For more information, visit our website at www.innsofcourt.org/visitation or call (703) 684-3590.

English Inns of Court Visitation



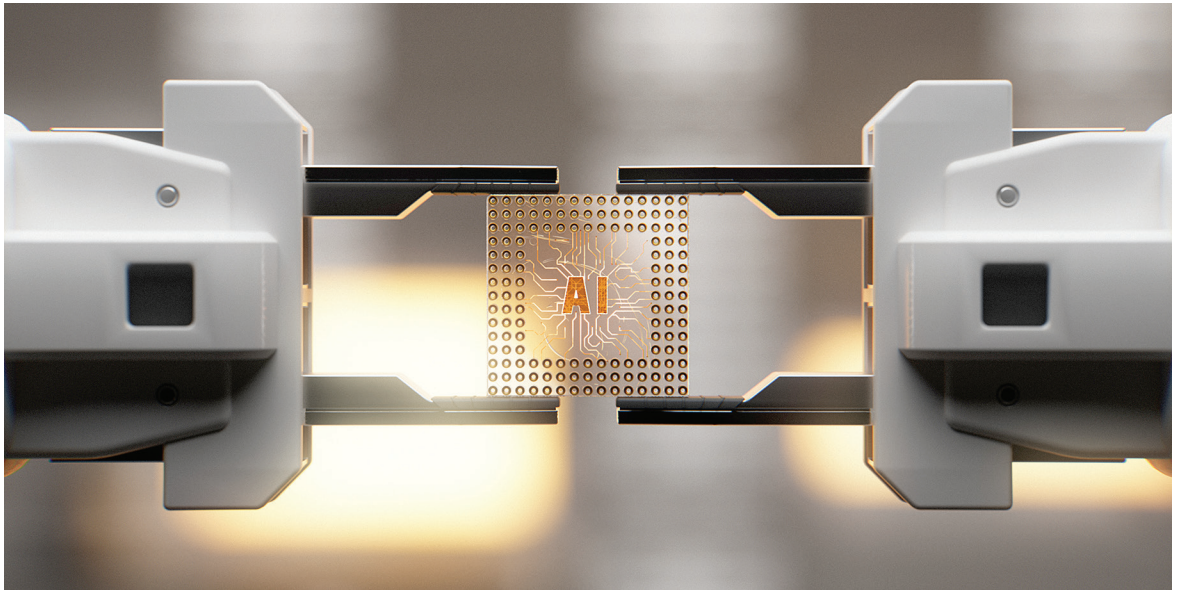


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Bridging the Justice Gap with Generative AI

By Nick Guinn, Esquire

The justice gap in the United States remains a persistent and growing challenge. Recent studies by the Legal Services Corporation reveal that 92% of low-income Americans' civil legal needs receive inadequate or no legal help. The Self-Represented Litigation Network reported in 2020 that in 75% of state court civil cases, at least one party is self-represented. While Inns of Court members consistently demonstrate their commitment to pro bono service, the scale of unmet legal needs demands innovative solutions. Generative artificial intelligence (AI) presents a powerful opportunity to amplify our pro bono impact and serve more Americans in need.

Traditional pro bono efforts, while vital, face inherent limitations of time and resources. A typical attorney might dedicate 50 hours annually to pro bono work, but even this commendable commitment leaves many potential clients unserved. The mathematics of the justice gap are stark: there is roughly one legal aid attorney for every 10,000 eligible clients living in poverty. By strategically incorporating generative AI tools into our pro bono practice, we can expand our reach while maintaining the high standards of service that define the American Inns of Court.

Practical Applications for Enhanced Service

Several promising applications of generative AI could immediately enhance pro bono service

delivery. Document automation, traditionally expensive and inflexible, becomes more accessible with AI tools that can quickly adapt templates to specific jurisdictions and client needs. An Inn could collaborate with legal services organization to assist with public outreach, namely, preparing administrative documents to assist with intake or other operations.

Legal research and case analysis, often time-intensive aspects of pro bono work, can be streamlined with AI assistance. These tools can quickly analyze case law, summarize relevant precedents, and identify potential legal issues, allowing attorneys to focus their expertise on strategy and client counseling. Volunteer attorneys could use AI to analyze several years of eviction cases in their jurisdiction, identifying patterns that could help develop more effective

defense strategies for pro bono clients. Additionally, AI can help create multilingual resources and educational materials, making legal information more accessible to diverse communities.

Client intake and screening present another opportunity for AI tools. By using AI to prepare initial questionnaires and screen for program eligibility, pro bono programs can more efficiently match clients with appropriate services. One innovative approach could involve using AI chatbots to gather preliminary information and identify urgent legal needs, ensuring that when clients meet with volunteer attorneys, the interaction is more focused and productive. Analysis suggests that AI-assisted intake could reduce initial consultation time by 30% while improving the accuracy of issue spotting.

The Technology-Empowered Pro Bono Practice

Innovation in pro bono service delivery extends beyond basic document preparation. Inns could develop AI-powered document libraries and educational materials to aid self-represented litigants. These resources, supervised by attorney volunteers, could help individuals understand basic legal concepts, identify relevant forms and resources, and prepare for consultations with pro bono attorneys. The result would be more efficient use of volunteer attorney time and better-prepared clients.

Professional development benefits have emerged as an unexpected bonus. Younger attorneys gain valuable experience working with emerging technologies, while seasoned practitioners share their judgment and expertise in applying these tools effectively. This technological mentorship adds a new dimension to the Inn's traditional mentoring role.

Ethical Implementation and Best Practices

As we integrate AI tools into pro bono service, maintaining ethical standards remains paramount. Inns and the pupillage groups therein could organize programming that addresses one or more of the following:

- Evaluate and recommend appropriate AI tools for pro bono work
- Develop training programs for members on effective and ethical AI use
- Create quality control guidelines for AI-assisted legal work
- Share successful implementation strategies across Inns

- Monitor and address emerging ethical considerations
- Develop protocols for data privacy and security
- Establish best practices for maintaining attorney-client relationships in tech-enabled representations

The Mentoring Connection

The American Inns of Court's emphasis on mentoring aligns perfectly with the responsible adoption of AI tools. Experienced practitioners can guide newer attorneys in balancing technological efficiency with professional judgment. This mentoring relationship becomes even more valuable as we navigate the integration of AI into legal practice, ensuring that innovation enhances, rather than diminishes, the quality of pro bono service.

Inns could create "AI pro bono teams" that pair experienced attorneys with tech-savvy younger members. These partnerships could prove particularly effective in developing new approaches to common legal challenges while maintaining high professional standards. The teams could also serve as valuable resources for other Inn members interested in incorporating AI tools into their own pro bono work.

Measuring Impact and Looking Forward

Inns and the pupillage groups focused on public outreach could develop metrics that are shared with members of the Inn—and the greater legal community—that measure one or more of the following:

- Number of clients served
- Types of matters handled
- Time saved through AI assistance
- Client satisfaction and outcomes
- Member engagement in pro bono activities
- Quality metrics for AI-assisted work products
- Cost savings and efficiency gains
- Community impact and outreach effectiveness

Early adopters could see encouraging results. A housing clinic could potentially double its capacity by implementing AI tools for document preparation and initial case review, while maintaining high client satisfaction rates.

The Path Forward

The justice gap represents both a challenge and an opportunity for the American Inns of Court. By thoughtfully incorporating generative AI into our

Continued on page 20.



PHOTO CREDIT: @Stockphoto.com/VectorStory

Give Back and Receive More in Return

By Dale G. Larrimore, Esquire

In my 50 years of practicing law, some of the most rewarding moments have come from efforts on behalf of my pro bono clients. The Philadelphia Volunteers for the Indigent Program (VIP) was created in 1981 by the Philadelphia Bar Association and Community Legal Services to meet the legal needs of low-income Philadelphians by finding and training attorneys to provide pro bono legal services. Since that time, the organization has recruited thousands of private attorneys and provided them with continuing legal education programs, creating a pool of attorneys who can offer consistent, high-quality representation to low-income clients in need of legal representation.

Serving more than 3,000 clients annually, Philadelphia VIP continues to implement creative and effective ways to bridge the gap between marginalized individuals and families with legal needs and lawyers possessing the skills and ability to meet those needs.

In 2018, Harvard Law School's Access to Justice Lab published the results of its rigorous multi-year study of VIP's divorce program, finding that "Philadelphia VIP's divorce representation program was effective, spectacularly so. The program made a difference in its participants' lives. There is little more to say."

Many years ago, I started volunteering with Philadelphia VIP, and I have donated hundreds of hours of time through the years, helping low-income Philadelphians with a myriad of legal situations that they found overwhelming. My daughter calls me a "people lawyer" because my legal practice has been devoted to helping injured people at a time in their lives when they need help to overcome the many problems that result from devastating life-changing injuries. It has been a pleasure to help my paying clients too, but I can honestly say that the many thanks and smiles that

I have received from my VIP clients have brought some of the greatest joys of my career.

Similar programs are run by bar associations all over the country. Please look into the possibilities where you practice law and take the time to provide quality volunteer legal services, ensuring access to justice to low-income residents where you live. You will be rewarded.

I've had other opportunities to give back to those in need in Southeast Pennsylvania through the Villanova Law J. Willard O'Brien American Inn of Court. Our Inn's pro bono programs have included drafting wills for first responders, helping hundreds of low-income individuals obtain necessary documentation for government benefits and ID cards, providing tax return guidance to people who have difficulty understanding the basics of completing a tax return, and providing free legal advice to the underserved.

If your Inn has a pro bono program, work with your fellow Inn members and donate your time and efforts there. If your Inn does not have an active pro bono component, take the lead and volunteer to create and lead such a program next year.

In the past almost five decades, my pro bono services have run the gamut of basic legal representation. One client who lived in the family home her whole life continued to live there and pay property taxes long after both parents died. She needed help in defending a lawsuit by someone who fell on the adjacent sidewalk and in getting the deed changed into her name. Another client needed a defense in litigation that arose when a neighbor borrowed her car and had an accident. Multiple clients needed representation in lawsuits brought by credit card companies for outstanding debt. Sometimes this assistance resulted in a win for the VIP clients. At other times, the end result was a negotiated settlement on favorable terms.

In another case, an elderly client born in a house in rural North Carolina came to Philadelphia in her early 20s, living and working there for the rest of her life. But to get a government-issued ID card—which now seems to be more and more necessary—she had to prove she was born. The church where she was baptized had been destroyed by fire, and it took many letters and phone calls to people who were still alive in her childhood community to finally prove that she was who she said she was.

In other cases, I have drafted basic wills for individuals who, although lacking in extensive assets, still needed help in leaving their homes or property to their heirs. Other clients needed advice on dealing with a landlord. The unifying factor in all of these claims was the absolute amazement expressed by these clients when they realized that they could receive legal representation without having to pay for my time.

Many of us volunteer our time in a variety of ways: coaching youth teams, helping out with our places of worship, serving our communities, giving back on Martin Luther King Jr. Days of Service. These are all definitely important. But, as attorneys, we have a special expertise that can be provided to help those who desperately require legal assistance. Please find the time to apply your professional education and talents to those who most need, but cannot afford, an attorney. I guarantee you will receive an incredible inner reward by giving back to your community. Give and you shall receive. ♦

Dale G. Larrimore, Esquire, is a partner in the firm of Larrimore & Farnish LLP in Philadelphia, Pennsylvania. He is a member of the Villanova Law J. Willard O'Brien American Inn of Court and serves on the Editorial Board for The Benchers.



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How to Incorporate Pro Bono Services

By Y. Jun Roh, Esquire

One of the most frequent calls attorneys will encounter is the request to take on pro bono work. This often comes with the expectation that lawyers, given their training and position, should serve the public, particularly underrepresented or underserved communities. Pro bono service can sometimes feel like an additional layer of responsibility on top of an already busy professional life. However, it is essential to pause and reflect on the true meaning of pro bono services, why lawyers should engage in them, and how to make these efforts truly impactful on society. This means understanding the importance of such services, finding ways to enjoy pro bono work, and appreciating the unexpected rewards such work can bring.

“Pro bono” originates from the Latin phrase “pro bono publico,” meaning “for the public good.” Pro bono services are generally aimed at supporting those who cannot afford legal services, as well as to causes considered in the public interest.

The American Bar Association (ABA) provides additional guidance in its Model Rules of Professional Conduct, specifically Rule 6.1. This rule underscores the professional responsibility of lawyers to provide legal services to those unable

to pay, suggesting that attorneys should aim to complete at least 50 hours of pro bono work each year. Moreover, the ABA encourages lawyers to contribute financial support to organizations that provide legal services to individuals of limited means. By this, the ABA highlights that pro bono service is not merely an optional activity but a crucial part of a lawyer’s professional duties. The American Inns of Court Professional Creed, also emphasizes that engaging in pro bono services should be a mandate for its members and the

broader legal community. As the creed states: “I will contribute time and resources to public service, charitable activities, and pro bono work.”

Associate Justice Sandra Day O’Connor of the Supreme Court of the United States noted that the legal profession is not just a business; it is a profession with an obligation to the public, whose interests lawyers must serve. Legal training equips us with unique skills to navigate the complex system of laws that govern our society, and this knowledge can make a profound difference in people’s lives. Whether we are drafting legislation, advocating for a client’s rights, or negotiating a settlement, the work we do often has a significant impact on individuals’ lives and societal norms.

When attorneys neglect their role in providing pro bono services, the public’s trust in the legal profession can erode. In many cases, the most vulnerable in society—those who cannot afford legal counsel—may be left without recourse, which can have dire consequences for justice and fairness.

How to Engage in Pro Bono Legal Services

There is no one-size-fits-all approach to starting or continuing pro bono work. However, there are several effective pathways that can help you engage in this important aspect of your legal career.

Start with the American Inns of Court

One excellent way to begin is by becoming involved with the American Inns of Court. The organization has a long history of promoting pro bono service and helping attorneys get involved with these efforts. Many local Inns have developed community outreach programs, in which attorneys can volunteer their legal services to those in need. These programs often come with structured mentorship opportunities, where more experienced attorneys can help guide newer attorneys in pro bono work.

The American Inns of Court offers a mentorship framework that helps new lawyers develop the skills necessary for handling pro bono cases, ensuring that both clients and attorneys are well-supported. By participating in an Inn, you can access both guidance and practical experience, which can provide invaluable insights as you begin your pro bono practice.

Join Your State Bar’s Pro Bono Referral Programs

Another important resource is your state bar association’s pro bono referral programs. These programs often offer comprehensive support for attorneys, including client intake, screening, professional liability coverage, and even fee letters. For example,

a state bar develops a program in which attorneys offer free 30-minute consultations to low-income clients. If clients need further legal services, they would be expected to pay for those services beyond the initial free consultation. This arrangement helps bridge the gap between attorneys and low-income clients.

I have participated in the state bar-run pro bono services for over seven years. These programs have been highly beneficial because they provide not only client referrals but also conflict checks and insurance coverage. Once you establish a relationship with the state bar referral agents, you can develop another valuable source of client referrals. This gives attorneys peace of mind knowing that their time and efforts are protected, while still contributing to the broader community.

Partner with Local Legal Aid Organizations

Another effective way to get involved is by working with local legal aid organizations, such as legal aid or a local pro bono committee established by the judiciary. These groups often have well-established systems in place for vetting potential clients, ensuring that the individuals in need of assistance meet the necessary criteria. Legal aid organizations also provide important training and resources for attorneys, so you can be sure that your contributions are both efficient and meaningful. Sometimes, courts set up special days in which attorneys with specific expertise, such as in divorce or custody matters, assist pro se litigants under the supervision of the court. These events might include pre-mediation sessions or one-off representation for pro bono purposes. Participating in such events offers an opportunity to network with local experienced attorneys and judges, which can be important when starting your practice in a local jurisdiction.

Direct Representation for Pro Bono Clients

Once you gain experience with some of the larger programs, you might consider taking on clients directly on a pro bono basis. In my experience, I found it helpful to categorize clients into three groups:

The Most Urgent. These individuals require urgent legal assistance, such as someone facing immediate deportation or at risk of losing their home or business to foreclosure. They often have no other recourse, and legal intervention could significantly alter their lives. Of course, you need to assess whether you can competently represent such clients, given time and resource constraints.

Continued on the next page.

Moderate. These individuals may not require immediate representation but still face significant legal challenges. The key here is understanding the limits of your involvement. Under ABA Model Rule 1.2(c), lawyers are allowed to provide “limited representation” in certain cases, and many state bars have adopted rules to make this process clear and manageable. Limited representation might involve providing support for specific legal proceedings, such as defending against a motion to dismiss or representing a client in mediation. The use of clear client engagement letters and informed consent from the clients outlining the scope of your involvement is crucial. This surgical approach can assist these individuals with limited resources, while also allowing your budget for time and resources to be effectively allocated.

The Less Urgent. These individuals may not need legal services urgently but could benefit from legal assistance. In these cases, you should weigh the financial implications of involvement. Setting clear expectations with the client is key. You may choose to accept such individuals with the understanding that payment may be deferred, perhaps through a monthly payment plan. If a client fails to fulfill the payment plan, it can still be counted as pro bono time under ABA Model Rule 6.1, which allows attorneys to count some of the unpaid fees as part of their pro bono hours.

Y. Jun Roh, Esquire, is a partner at RIMÓN PC, Albuquerque, New Mexico, and Seoul, Korea, and a member of the Oliver Seth American Inn of Court in Santa Fe, New Mexico.

The Rewards of Pro Bono Service

Participating in pro bono service is often the most rewarding aspect of a legal career. It provides a unique opportunity to have a direct positive impact on the lives of those who may otherwise have been denied access to justice. The satisfaction of helping someone keep their home or business, secure custody of their children, or obtain asylum from persecution can make all the time and effort you put into pro bono work feel incredibly worthwhile.

As I reflect on my own experiences with pro bono clients, I recall the immense gratitude shown by clients whose lives were significantly changed because of legal assistance. When they look at you as their savior, it reinforces the reason many of us became lawyers in the first place. While not every client will express the appreciation you might expect, the knowledge that you have made a tangible difference in someone’s life—whether by shielding their loved ones from abuse or assisting them in securing legal status—reminds you why you chose this profession.

As one of the legal profession’s core values, pro bono work is not only a moral obligation but a privilege. It enriches both the attorney and the broader community, fostering a sense of purpose that extends beyond the confines of the traditional legal practice. ♦

Bridging the Justice Gap *continued from page 15.*

pro bono efforts, we can serve more clients more effectively while upholding our commitment to excellence in the practice of law. This technology-enhanced approach to pro bono service aligns perfectly with our mission of promoting the rule of law and equal access to justice.

The potential impact is significant: if AI tools can help each pro bono attorney serve even 25% more clients annually, the collective effect across all Inn members could mean tens of thousands more Americans receiving needed legal assistance. Moreover, the efficiency gains could encourage more attorneys to engage in pro bono work, knowing they can make a meaningful impact within their time constraints.

Through careful implementation, ongoing evaluation, and a commitment to ethical practice, we can use these new tools to help bridge the justice gap while maintaining the high standards that define our organization.

Success in this endeavor will require continued collaboration, openness to innovation, and a steadfast commitment to our professional values. The justice gap may be wide, but with generative AI as a new tool in our pro bono toolkit, we are better equipped than ever to bridge it. By embracing this technology thoughtfully and strategically, we can honor our profession’s highest calling: ensuring that justice is accessible to all. ♦

Nick Guinn, Esquire, is a trademark and patent attorney with Gunn Lee & Cave PC in San Antonio, Texas. He is a Barrister member of the William S. Sessions American Inn of Court.

PROFILE IN PROFESSIONALISM

Alan Vinegrad, Esquire

2024 Professionalism Award for the Second Circuit

By Rebecca A. Clay

Alan Vinegrad's father was a math teacher and passed his love of numbers and math down to his son. As a result, the younger Vinegrad's initial career goal was to become an accountant. After graduating magna cum laude from the University of Pennsylvania's Wharton School in 1980, he became a staff accountant at Price Waterhouse. But he soon decided he wanted to do more and considered becoming a tax lawyer instead. By the time he had earned a cum laude law degree from New York University School of Law in 1984 and had some work experience at large law firms, he settled on litigation. Today, Vinegrad is a senior counsel at Covington & Burling LLP in New York City.

As a member of the firm's white-collar defense and trial practice groups, Vinegrad represents individuals, corporations, and corporate boards in complex litigation and criminal and regulatory enforcement matters. "I like the challenge of helping people with what is often the worst or toughest experiences of their lives and the challenge of coming up with the best possible strategies and arguments to help them and keep them out of harm's way," he says. He also enjoys being the underdog: "When you are fighting the Justice Department or large regulatory agencies, you are the underdog. They have immense power."

Vinegrad used to be part of the U.S. Department of Justice, with years of public service under his belt. Before joining Covington & Burling, he served as U.S. attorney for the Eastern District of New York. Previously, he served as the office's chief assistant U.S. attorney, chief and deputy chief of the criminal division, chief of civil rights litigation, and chief of general crimes. During his time at the Eastern District, he helped prosecute many high-profile cases, including the Abner Louima police brutality case and the Yankel Rosenbaum stabbing during the Crown Heights riots.

"Having had that experience gives me a better perspective on how prosecutors think and what approaches, strategies, and arguments are probably going to work or not work," he says. "I have been on the other side; I have been there and done that."

While Vinegrad was chief of general crimes, he decided to create a more formal training program to supplement the day-to-day learning new prosecutors

get on the job. "I felt more ought to be done so that everyone had a common basic core knowledge of how things work, what their responsibilities were, and how to handle various situations," he says.

He achieved that goal by collecting policies, sample plea agreements and other documents, and other forms of guidance into one binder. In the past, he says, memos would go out with new policies or instructions. "That is fine for the people who were there to get them," he points out, "but if you are new, how would you know?"

Vinegrad also helped revitalize the Eastern District Association, which keeps current and former prosecutors of the U.S. Attorney's Office connected. The association was formed long before Vinegrad joined the Eastern District, but it had become all but inactive. Vinegrad became part of a board consisting of different generations of Eastern District alumni determined to make the association a more vibrant organization. He has been the association's president for so long he cannot remember exactly when he took on the role—15 or 20 years ago.

As part of Vinegrad's commitment to teaching and mentoring instilled in him by his father and mother (who also was a teacher), he also shares his knowledge with the next generation of lawyers. Since 1996, he has taught trial advocacy as an adjunct professor at New York Law School. He has also been a guest lecturer at other law schools, including Yale, Columbia, Fordham, and Penn.

These days, Vinegrad is beginning to think about what he wants to do with his remaining years of practicing law. "I have made a concerted effort to shift away from primarily doing work for the firm's clients on a paid basis to helping criminal justice reform organizations as a way of improving the criminal justice system in this country," he says. He cites key issues: overincarceration, an excessively punitive federal system, and alternatives to incarceration.

"I want to be part of the process of making wide-ranging systematic change, not just advocating on behalf of individuals." Over the past three years, he has provided hundreds of hours of pro bono work to the Aleph Institute, a criminal justice advocacy and reform organization. He also spent nine years on the board of the Vera Institute of Justice. ♦





TECHNOLOGY IN THE PRACTICE OF LAW

Raffi Melkonian, Esquire

Walking and Talking: AI as a New Tool for Oral Argument Preparation

Raffi Melkonian, Esquire, is an appellate partner at the Houston, Texas, law firm of Wright, Close & Barger LLP. He litigates appeals in the state and federal courts of Texas and around the United States. He can be reached at melkonian@wrightclosebarger.com. Melkonian is Master of the Bench member of the Garland R. Walker American Inn of Court.

Late at night in my neighborhood, you might spot a peculiar sight: a lawyer pacing the sidewalks, deep in conversation with himself about federal jurisdiction or administrative procedure. For years, this has been one of my methods of preparing for oral arguments. Walking helps me think, and speaking aloud helps me refine my arguments, identify weaknesses, and distill complex cases down to their essential elements.

When I argue in the Fifth Circuit, my wandering takes me along the streets of the French Quarter in New Orleans at night, an odd participant in the late-night carousing along Bourbon Street. Who knows what people think as they watch me stumble by, muttering about standing doctrine under streetlights? But recently, I began considering whether modern technology might offer a way to enhance my talking walks.

Artificial intelligence (AI) and large language models (LLMs) dominate legal technology discussions today, though often with an air of caution. We've all seen the headlines about lawyers facing sanctions for submitting AI-generated briefs with phantom citations or fictitious cases. Some have used AI to draft documents without adequate review, leading to embarrassing or even ethically problematic results. But these cautionary tales, while important, don't tell the whole story about AI's potential role in legal practice.

My journey toward exploring AI as a preparation tool began, surprisingly, with French language practice. Like many casual language learners, I'm self-conscious about my accent and vocabulary. Speaking French to real people feels daunting—nobody wants to sound like a cartoon character in serious conversation. But I discovered that several AI platforms offer voice interaction modes, allowing users to engage in spoken dialogue. These AI programs proved to be patient, non-judgmental conversation partners (though I'm still waiting for one brave enough to critique my accent). I've been able to get a couple of models to walk me through common French scenarios: buying some bread, ordering wine, and most important, mollifying Parisians annoyed by a clueless American.

This experience led me to wonder: Could AI serve a similar role in oral argument preparation? Could

I have a "conversation" with an AI about my cases, using it as a sounding board to refine arguments and anticipate questions? To test this idea, I provided an AI platform with some briefs from old cases and engaged it in dialogue about the legal issues involved: "The judgment below should be reversed for X and Y reasons. Let me start with the first. What do you think about those arguments?"

The results were intriguing. While an AI certainly can't replace traditional moot court practice or discussions with colleagues, it showed promise as a supplementary tool. The AI could engage in reasonable dialogue about legal principles, pose logical follow-up questions, and help identify potential weaknesses in argument structure. It served as a sort of always-available, tireless law clerk—one willing to discuss the same point repeatedly as I worked through different approaches.

Is the technology ready for prime time? Not quite. Current AI systems still have significant limitations. They can make mistakes about legal principles, misunderstand complex factual scenarios, or occasionally generate completely incorrect information. Using them requires careful attention and constant fact-checking against authoritative sources.

However, the technology is evolving rapidly—more quickly than many in the legal profession might expect. Each new iteration brings improvements in accuracy, comprehension, and interaction capabilities.

While we must maintain appropriate skepticism and ensure ethical use, we should also be thinking proactively about how to harness these tools effectively. Perhaps in the near future, my late-night preparation walks will involve conversation with an AI assistant through earbuds rather than self-directed monologues. The neighbors might appreciate the change.

More importantly, this technology could offer new ways to prepare, practice, and refine our advocacy skills. As members of the legal profession, we have a responsibility to approach new technologies thoughtfully, understanding both their potential benefits and limitations. The key lies not in wholesale adoption or rejection, but in finding appropriate ways to integrate these tools into our existing practices. ♦

Pro Bono: To Give or Not to Give?

Program No.: P13029

Presented By: The J. Clifford Cheatwood American Inn of Court
 Presented On: February 10, 2015
 Materials: Script, Handouts, and PowerPoint Presentation
 CLE: Approved (1 hr)

Summary

This exceptional interactive program focused on the value of providing pro bono legal service to the underprivileged. The presentation began with a comedic skit in which Bono, from U2, appeared, mistakenly under the impression that the Inn was “pro” Bono. A video and PowerPoint presentation outlined the need for and advantages of providing pro bono legal services. Representatives from Bay Area Legal Services gave an overview of the organization and outlined various pro bono opportunities. After the presentation, Karen M. Buesing, Esquire, who received the Florida Bar’s 2014 Tobias Simon Pro Bono Service Award, spoke about her personal experience with providing pro bono services in addition to working with and taking in unhoused youths. Following the presentations, cases were assigned to each of the Inn’s pupillage groups to resolve free of charge for clients of Bay Area Legal Services. The program was well-received, and Inn members jumped at the opportunity to provide a crucial service to their community.

Roles

Introduction	Master of the Bench
Comedy Skit Judge	Master of the Bench
Comedy Skit Bono	Associate
Overview and Benefits of Pro Bono Work	Barrister
Legal Services Organization	Legal Services Representatives
Pro Bono Testimonial	Member or Distinguished Guest
Discussion Leader	Master of the Bench
Toastmaster	Master of the Bench

Agenda

Introduction	5 minutes
Pro Bono Comedy Sketch	10 minutes
Presentation: Video and Pro Bono Overview	10 minutes
Presentation: Bay Area Legal Services	15 minutes
Presentation: Karen Buesing (Pro Bono Award Recipient)	10 minutes
Discussion: Pupillage Group Pro Bono Logistics	10 minutes
Toast	5 minutes

Recommended Physical Setup

Tables and seating for pupillage groups.

Afterword: Pro Bono Program an Impactful Success!

Everyone in the J. Clifford Cheatwood American Inn of Court’s pupillage groups participated in this pro bono project, with all of the cases accepted for pro bono representation. The Inn’s pro bono work made a huge difference not just in the lives of Bay Area Legal Services clients—many of whom had low income, had a disability, or were a victim of domestic violence—but also Inn members. Many of the Pupil and younger Inn members were surprised by how easy it is to volunteer and provide help. A bonus of the experience was the realization that the Inn provided its younger members with a warm introduction to how gratifying volunteering can be, along with the opportunity to enhance their practice skills, boost their confidence, and increase the number of pro bono service providers.

Key Takeaways:

- 100% participation from the pupillage groups.
- Pro bono work provides excellent practice of our skills.
- Discussion of the pro bono cases was elegant—newer members had fresh ideas, and more experienced lawyers were provoked to tell war stories.
- We discussed actual cases that were outside our comfort zone and how to best handle them. Cases were accepted for representation with lawyers in pupillages co-counselling each other.

The American Inns of Court Program Library is an important resource offered as a member benefit. This Program Spotlight highlights the best of the Program Library as an offering to spark your own program creativity. If you would like to order any of the featured programs, please visit our website at www.innsofcourt.org or email programlibrary@innsofcourt.org.

The Bencher

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