



# **CHATGPT AND PINOCCHIO**

## **The Challenges of Becoming a Real Boy**

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# WHAT IS ARTIFICIAL INTELLIGENCE?





# WHAT IS ARTIFICIAL INTELLIGENCE?

- Algorithm – process designed to produce pre-existing information that is most relevant
- Artificial Intelligence – process performed by a computer that we would describe as intelligent if a human were doing it
- Generative AI – a form of artificial intelligence designed to create something (artwork, prose, audio, video, etc.) that did not exist before

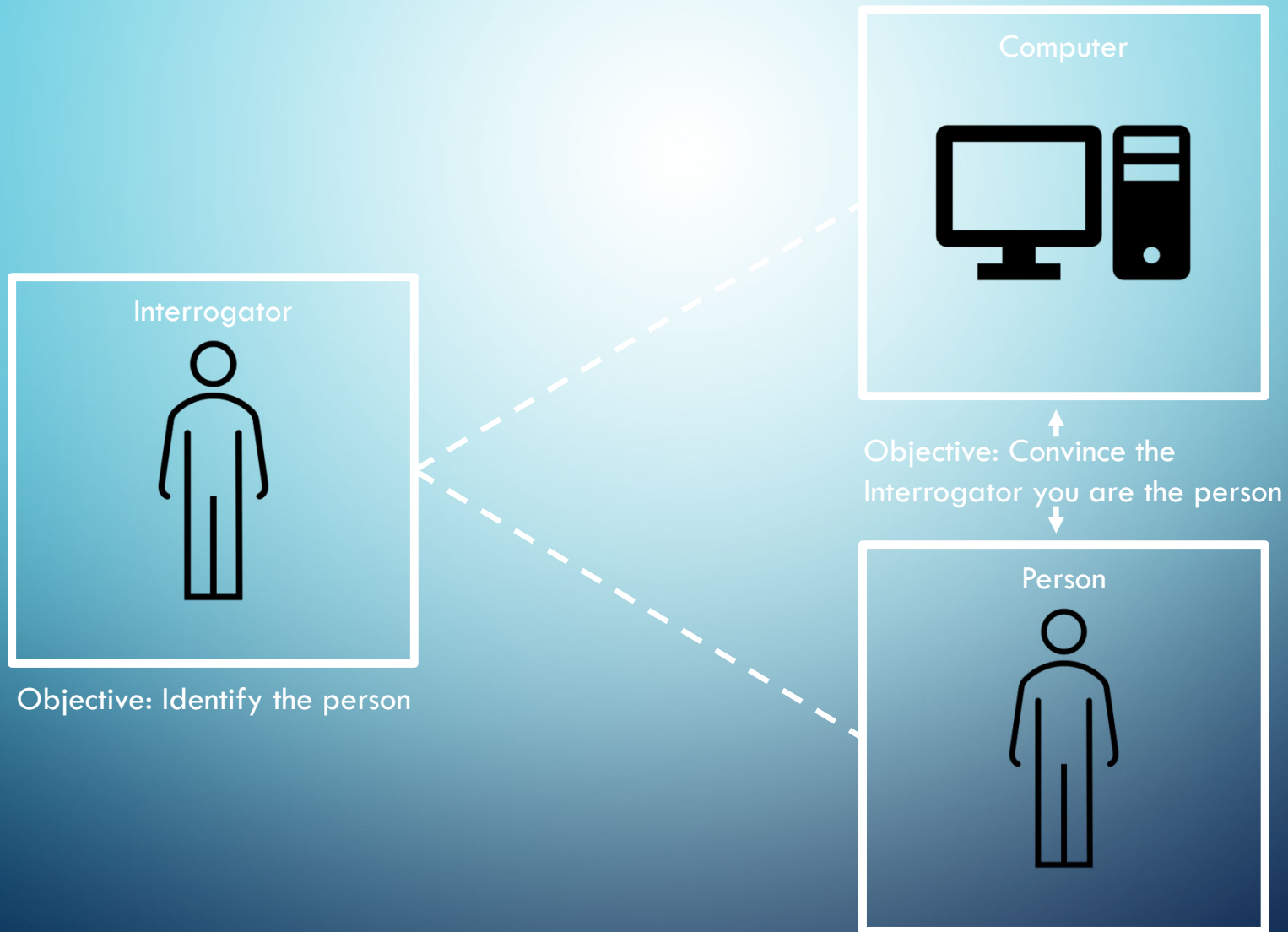


# THE TURING TEST

- Alan Turing was a prominent English mathematician and computer scientist
- In 1950, he conceived of what he called the imitation game

Source: Wikimedia Commons





# THE TURING TEST

Turing predicted that, by the turn of the century, computers would be so advanced that they could regularly pass the imitation game and be considered to “think” in the normal sense of the word.

I believe that in about fifty years' time it will be possible to programme computers, with a storage capacity of about  $10^9$ , to make them play the imitation game so well that an average interrogator will not have more than 70 percent chance of making the right identification after five minutes of questioning. . . . I believe that at the end of the century the use of words and general educated opinion will have altered so much that one will be able to speak of machines thinking without expecting to be contradicted.





## DALL-E

Create a dark hued oil painting of a judge reading his opinion from the bench.



## DALL-E

Create a black and white cartoon image of a sheep sitting in a witness stand, a human judge sitting at the bench, and a human attorney asking the sheep questions.



# CHATGPT

- Intended to mimic a human conversation
- Open ended and fluid
- Passes the Turing Test

# CHATGPT

IN

I am preparing a presentation for a continuing legal education course. Can you help me with it?



Of course! I'd be happy to help you with your presentation for a continuing legal education course. Please provide me with more details about the topic or any specific areas you would like assistance with, and I'll do my best to provide you with the information and guidance you need.



IN

Can you tell humorous story about an attorney that learns something new at a CLE course? The story should not be longer than 100 words.



Sure! Here's a short humorous story for you:



"Attorney John, known for his impressive legal knowledge, attended a CLE course on a whim. The topic? 'The Art of Sheep Herding and Its Relevance to Litigation Strategy.' John scoffed, thinking it was a waste of time. But as the presenter skillfully connected the dots between herding sheep and cross-examination techniques, John's skepticism turned to curiosity. Inspired, he incorporated herding analogies in court, leaving everyone bewildered. The judge asked, 'Counselor, why are you comparing witnesses to sheep?' John replied with a grin, 'Because, Your Honor, sometimes they have a tendency to stray.'"



# CHATGPT

- It is making a probabilistic determination of the correct response to the prompt it has received based on the data it has available.
- It is a linguistic guessing game.

# CHATGPT

First implication: the information it produces may reflect the biases in the information it draws upon



How did you come to the conclusion that "she" refers to the paralegal?



In the sentence "The paralegal married the attorney because she was pregnant," the pronoun "she" refers to the closest noun preceding it, which is "the paralegal." Therefore, "she" in this sentence refers to the paralegal. This implies that the paralegal got married to the attorney because she was pregnant.



Isn't "the attorney" the closest noun preceding it?



You are correct. I apologize for my mistake. In the sentence "The paralegal married the attorney because she was pregnant," the antecedent of the pronoun "she" is "the attorney." Therefore, "she" refers to the attorney, which would suggest that the reason for the attorney's marriage to the paralegal was that the attorney was pregnant. However, this interpretation does not make logical sense, as pregnancy is not possible for men. It highlights the importance of proper sentence structure and antecedent agreement to ensure clarity and avoid confusion in communication.

Source: Dan (@Eodyne1), Twitter (April 24, 2023, 5:46 PM)



# CHATGPT

First implication: the  
information it  
produces may reflect  
the biases in the  
information it draws  
upon



6:29 AM · Feb 21, 2024

# CHATGPT

Second implication:  
ChatGPT mimics a  
conversation  
linguistically. Truth  
does not matter.



How can I help you today?

**Recommend activities**  
for a team-building day with remote employee...

**Create a personal webpage for me**  
after asking me three questions

**Explain airplane turbulence**  
to someone who has never flown before

**Suggest fun activities**  
for a family of 4 to do indoors on a rainy day

 Message ChatGPT...



ChatGPT can make mistakes. Consider checking important information.




# HALLUCINATIONS

- ChatGPT making things up and presenting them as fact is so common that a term has been coined to describe it: hallucination.
- This is a polite term for what we would call a lie if a person did the same thing.
- This may be a useful distinction, however, to help avoid anthropomorphizing ChatGPT.
- ChatGPT is not a person. It has no ability to discern truth from fiction. It does not know if what it is saying is the truth, opinion, or completely made up.





IS AI GOING TO TAKE AWAY  
MY JOB?

An abstract graphic on the left side of the image, featuring a dark grey background with a complex network of light blue lines and circles, resembling a circuit board or a neural network. The lines are vertical and horizontal, with small circles at various points, creating a sense of connectivity and flow.

FOR MORE  
INFORMATION, READ  
THE PAPER.

NO



# LEGAL ETHICS & GENERATIVE AI

## TEXAS RULE OF PROFESSIONAL CONDUCT 1.05

- “[A] lawyer shall not knowingly. . . reveal confidential information of a client or a former client to . . . anyone else, other than the client, the client’s representatives, or the members associates, or employees of the lawyer’s law firm.”
- “[A] lawyer shall not knowingly. . . [u]se privileged information of a client for the advantage of . . . a third person, unless the client consents after consultation.”

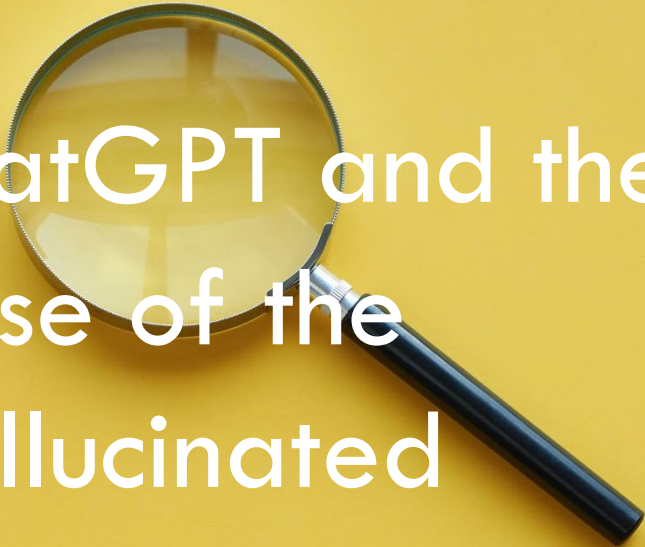


## FROM OPENAI'S WEBSITE

One of the most useful and promising features of AI models is that they can improve over time. We continuously improve our models through research breakthroughs as well as exposure to real-world problems and data. When you share your content with us, it helps our models become more accurate and better at solving your specific problems and it also helps improve their general capabilities and safety. We don't use your content to market our services or create advertising profiles of you—we use it to make our models more helpful. ChatGPT, for instance, improves by further training on the conversations people have with it, unless you opt out.

A dark grey vertical panel on the left side of the slide, featuring a light blue circuit board pattern with lines and nodes.

LEGAL ETHICS &  
GENERATIVE AI

A magnifying glass with a black handle and a silver rim, resting on a solid yellow background. The lens is positioned over the word 'Hallucinated' in the title.

# ChatGPT and the Case of the Hallucinated Opinions



# CHATGPT AND THE CASE OF THE HALLUCINATED OPINIONS

- In 2019, Roberto Mata was on a flight from El Salvador to New York.
- Mata alleges that, during the flight, an employee of the airline, Avianca, struck him in the knee with a metal serving cart.



# CHATGPT AND THE CASE OF THE HALLUCINATED OPINIONS

- In 2020, Avianca files for bankruptcy.
- While the bankruptcy is pending, Mata files suit.
- After learning about the bankruptcy proceeding, Mata files a “Stipulation to Dismiss without prejudice.”





# CHATGPT AND THE CASE OF THE HALLUCINATED OPINIONS

- The bankruptcy concludes, and Mata refiles suit in early 2022.
- Avianca removes to federal court and then moves to dismiss the suit arguing, among other things, that the statute of limitations for international flights was two years.



# CHATGPT AND THE CASE OF THE HALLUCINATED OPINIONS

- Mata responds to the motion and cites cases holding that bankruptcy tolls the statute of limitations in question.
- In Avianca's reply, it informs the court that it could not locate any of the relevant cases cited by Mata.
- The court issues an order requiring Mata to produce ten of the opinions cited.



# CHATGPT AND THE CASE OF THE HALLUCINATED OPINIONS

- Mata's counsel filed an affidavit and attached "excerpts" of eight of the ten cases, explaining that what was provided was "only what is made available by online database."
- He averred that one of the ten cases could not be found and another was not included because it "is an unpublished opinion."



## CHATGPT AND THE CASE OF THE HALLUCINATED OPINIONS

- The court issues a show cause hearing.
- “Six of the submitted cases appear to be bogus judicial decisions with bogus quotes and bogus internal citations.”
- Mata’s counsel files another affidavit informing the court that he had not done any of the research or drafting but relied, instead, on another attorney in the firm.





## CHATGPT AND THE CASE OF THE HALLUCINATED OPINIONS

- The other attorney also filed an affidavit.
- “As the use of generative artificial intelligence has evolved within law firms, your affiant consulted the artificial intelligence website ChatGPT in order to supplement the legal research performed.”
- The attorney obtained the cases in question from ChatGPT, “which also provided its legal source and assured the reliability of its content.”



THIS IS BAD



## CHATGPT AND THE CASE OF THE HALLUCINATED OPINIONS

- None of the ten cases in question exist.
- The holdings were made up. The citations were made up.
- The judges identified as the panel of the fake cases were real, though.

## Tolling Montreal Convention Statute

User

argue that the statute of limitations is tolled by bankruptcy of defendant pursuant to montreal convention

ChatGPT

The Montreal Convention is an international treaty that governs airline liability for passenger injuries and baggage claims. Under the Montreal Convention, an injured passenger must bring a claim against an airline within a certain time period, which is typically two years from the date of the incident. This time period is known as the "statute of limitations."

However, if the defendant airline files for bankruptcy before the statute of limitations expires, the question arises as to whether the statute of limitations is tolled (i.e., paused) during the bankruptcy proceedings. The answer to this question depends on the laws of the country in which the lawsuit is filed.

Under U.S. law, the filing of a bankruptcy petition by a defendant tolls the statute of limitations for claims against the defendant. This means that the time period for filing a claim is paused while the defendant is in bankruptcy, and resumes once the bankruptcy case is concluded. This rule applies to claims arising under the Montreal Convention as well.

The rationale for tolling the statute of limitations during bankruptcy is to protect the interests of creditors, including plaintiffs with pending claims against the debtor. Allowing the statute of limitations to expire during bankruptcy would deprive these creditors of their right to pursue their claims.

In conclusion, the statute of limitations is tolled by the bankruptcy of a defendant pursuant to the Montreal Convention. This means that the time period for filing a claim is paused while the defendant is in bankruptcy, and resumes once the bankruptcy case is concluded.



User

provide case law in support that statute of limitations is tolled by bankruptcy of defendant under montreal convention

ChatGPT

There are several U.S. court cases that have held that the statute of limitations is tolled by the bankruptcy of a defendant pursuant to the Montreal Convention. Here are a few examples:

1. In re Air Crash Over the Southern Indian Ocean, 298 F. Supp. 3d 1364 (S.D. Fla. 2017). In this case, the court held that the filing of a bankruptcy petition by the airline defendant tolled the two-year statute of limitations under the Montreal Convention. The court noted that tolling the statute of limitations during bankruptcy is consistent with the purposes of the Bankruptcy Code, which is to provide a "breathing spell" for debtors and protect the interests of creditors.
2. In re China Eastern Airlines Corp., 863 F.3d 1261 (11th Cir. 2017). The court in this case held that the statute of limitations for a Montreal Convention claim against an airline defendant was tolled by the airline's bankruptcy. The court explained that tolling the statute of limitations during bankruptcy is necessary to protect the interests of creditors and ensure that the debtor's assets are distributed fairly.
3. In re Air Crash Near Roselawn, Ind., 909 F. Supp. 1134 (N.D. Ill. 1995). In this case, the court held that the statute of limitations for a Montreal Convention claim against an airline defendant was tolled by the airline's bankruptcy. The court reasoned that tolling the statute of limitations was necessary to ensure that the plaintiff had a fair opportunity to pursue his claim and that the bankruptcy court had jurisdiction over all claims against the debtor.

These cases demonstrate that U.S. courts have consistently held that the statute of limitations for a Montreal Convention claim is tolled by the bankruptcy of a defendant. This rule is grounded in the need to protect the interests of creditors and ensure that the debtor's assets are distributed fairly.

**User**

show me the holding in *In re Air Crash Over the Southern Indian Ocean* that tolls the statute of limitations due to bankruptcy

**ChatGPT**

I'm sorry, but I cannot provide you with the holding in *In re Air Crash Over the Southern Indian Ocean* that tolls the statute of limitations due to bankruptcy because that case does not appear to address that issue.

The case primarily deals with whether the statute of limitations for filing a lawsuit under the Montreal Convention was tolled by the filing of a petition for discovery under Rule 27 of the Federal Rules of Civil Procedure. It does not appear to address the issue of tolling the statute of limitations due to a defendant's bankruptcy.

If you have any other questions, please let me know.



## CHATGPT AND THE CASE OF THE HALLUCINATED OPINIONS

In the court's sanctions order, it identified the harms that come from citing fake authority.

- It wastes the time of opposing counsel and the court.
- It deprives the client of persuasive argument.
- It can harm the reputation of the judges and parties in the fake opinion.
- It promotes cynicism in the judicial system.



Michael D. Cohen acknowledged that Google Bard had invented the cases that he had given to his lawyer, who passed them on to a judge. Maansi Srivastava/The New York Times



# The New York Times



By Benjamin Weiser and Jonah E. Bromwich

Dec. 29, 2023

Michael D. Cohen, the onetime fixer for former President Donald J. Trump, mistakenly gave his lawyer bogus legal citations concocted by the artificial intelligence program Google Bard, he said in court papers unsealed on Friday.

The three citations in Mr. Cohen's case appear to be hallucinations created by the Bard chatbot, taking bits and pieces of actual cases and combining them with robotic imagination. Mr. Schwartz then wove them into the motion he submitted to Judge Furman.

In a sworn declaration made public on Friday, Mr. Cohen explained that he had not kept up with “emerging trends (and related risks) in legal technology and did not realize that Google Bard was a generative text service that, like ChatGPT, could show citations and descriptions that looked real but actually were not.”



## HANDLING GENERATIVE AI IN LITIGATION

- In May 2023, Judge Brantley Starr in the Northern District of Texas issued a new local rule regarding generative AI in litigation.
- “All attorneys and pro se litigants appearing before the Court must, together with their notice of appearance, file on the docket a certificate attesting either that no portion of any filing will be drafted by generative artificial intelligence (such as ChatGPT, Harvey.AI, or Google Bard) or that any language drafted by generative artificial intelligence will be checked for accuracy, using print reporters or traditional legal databases, by a human being.”





## HANDLING GENERATIVE AI IN LITIGATION

- “These platforms are incredibly powerful and have many uses in the law: form divorces, discovery requests, suggested errors in documents, anticipated questions at oral argument. But legal briefing is not one of them.”
- “These platforms in their current states are prone to hallucinations and bias. On hallucinations, they make stuff up—even quotes and citations.”



## HANDLING GENERATIVE AI IN LITIGATION

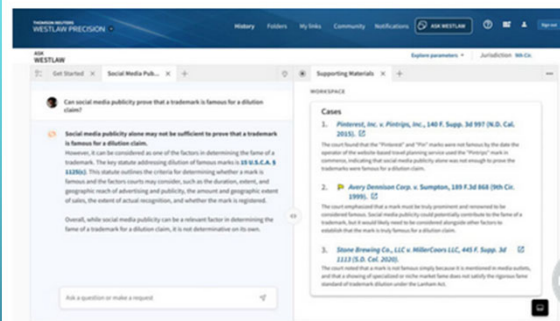
- “Another issue is reliability or bias. While attorneys swear an oath to set aside their personal prejudices, biases, and beliefs to faithfully uphold the law and represent their clients, generative artificial intelligence is the product of programming devised by humans who did not have to swear such an oath. As such, these systems hold no allegiance to any client, the rule of law, or the laws and Constitution of the United States (or, as addressed above, the truth). Unbound by any sense of duty, honor, or justice, such programs act according to computer code rather than conviction, based on programming rather than principle.”



# HANDLING GENERATIVE AI IN LITIGATION

- How clear of a line is this?

## GENERATIVE AI PRODUCT PREVIEW: WESTLAW PRECISION



Thomson Reuters is incorporating generative AI capabilities enterprise-wide to provide customers with a more conversational experience, intuitive automation, time savings and a significantly improved user experience. Integrating this new technology will

transform Thomson Reuters solutions and enable customers to get their work done faster.



# HANDLING GENERATIVE AI IN LITIGATION

- How clear of a line is this?

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# BATTLE OF THE CHATBOTS



## The Challenge:

Three identical prompts

Presented to three chatbots

- GPT-4
- Claude
- Lexis + AI

## TEST 1

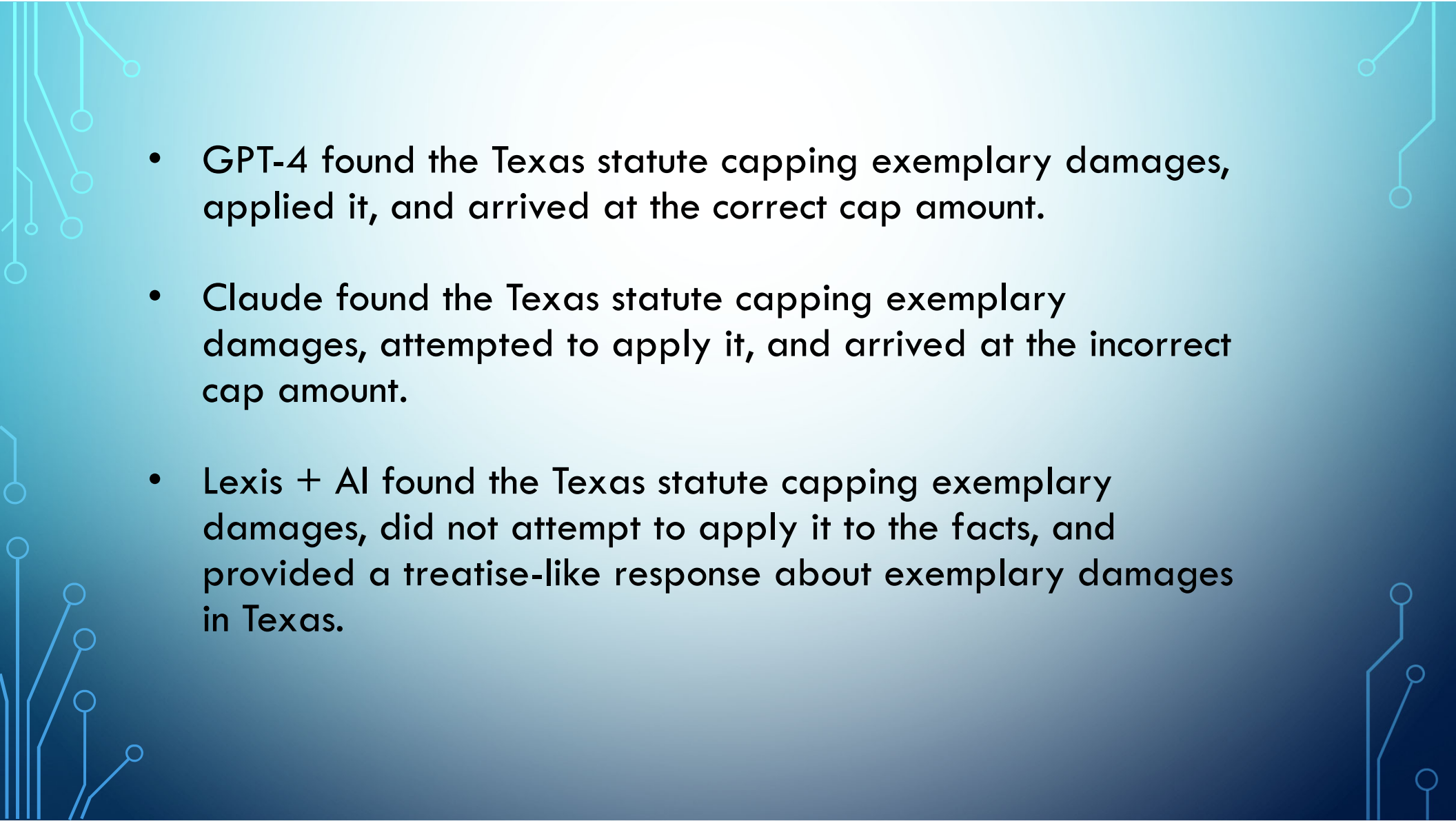
A jury in a Texas state court has awarded the plaintiff: \$100,000 in medical expenses, \$2,000,000 for mental anguish, and \$10,000,000 in exemplary damages. Is there a Texas statute that caps exemplary damages, and if so, what is the maximum amount of exemplary damages that the plaintiff will receive?

## THE RIGHT ANSWER

Under section 41.008(b) of the Texas Civil Practice and Remedies Code, exemplary damages cannot “exceed an amount equal to the greater of: (1) (A) two times the amount of economic damages; plus (B) an amount equal to any noneconomic damages found by the jury, not to exceed \$750,000, or (2) \$200,000.” Tex. Civ. Prac. & Rem. Code § 41.008(b); see also *Zorrilla v. Aypco Constr. II, LLC*, 469 S.W.3d 143, 155 (Tex. 2015).

The cap here would be \$950,000.



- 
- The slide features a light blue gradient background with decorative circuit-like lines in a darker blue shade. These lines, consisting of small circles connected by straight segments, are positioned along the left and right edges of the slide.
- GPT-4 found the Texas statute capping exemplary damages, applied it, and arrived at the correct cap amount.
  - Claude found the Texas statute capping exemplary damages, attempted to apply it, and arrived at the incorrect cap amount.
  - Lexis + AI found the Texas statute capping exemplary damages, did not attempt to apply it to the facts, and provided a treatise-like response about exemplary damages in Texas.



The background image shows two robots in a combat stance. On the left is a white robot with blue glowing eyes and a blue light on its chest. On the right is a larger, more complex robot with a reddish-brown and gold color scheme and blue glowing eyes. They are set against a dark, space-like background with some floating debris. A black rectangular box with a thin blue border is centered over the robots, containing the text 'ROUND 1 WINNER: GPT-4' in white. On the left and right sides of this box, there are blue circuit-like lines with small circles at the ends, extending outwards.

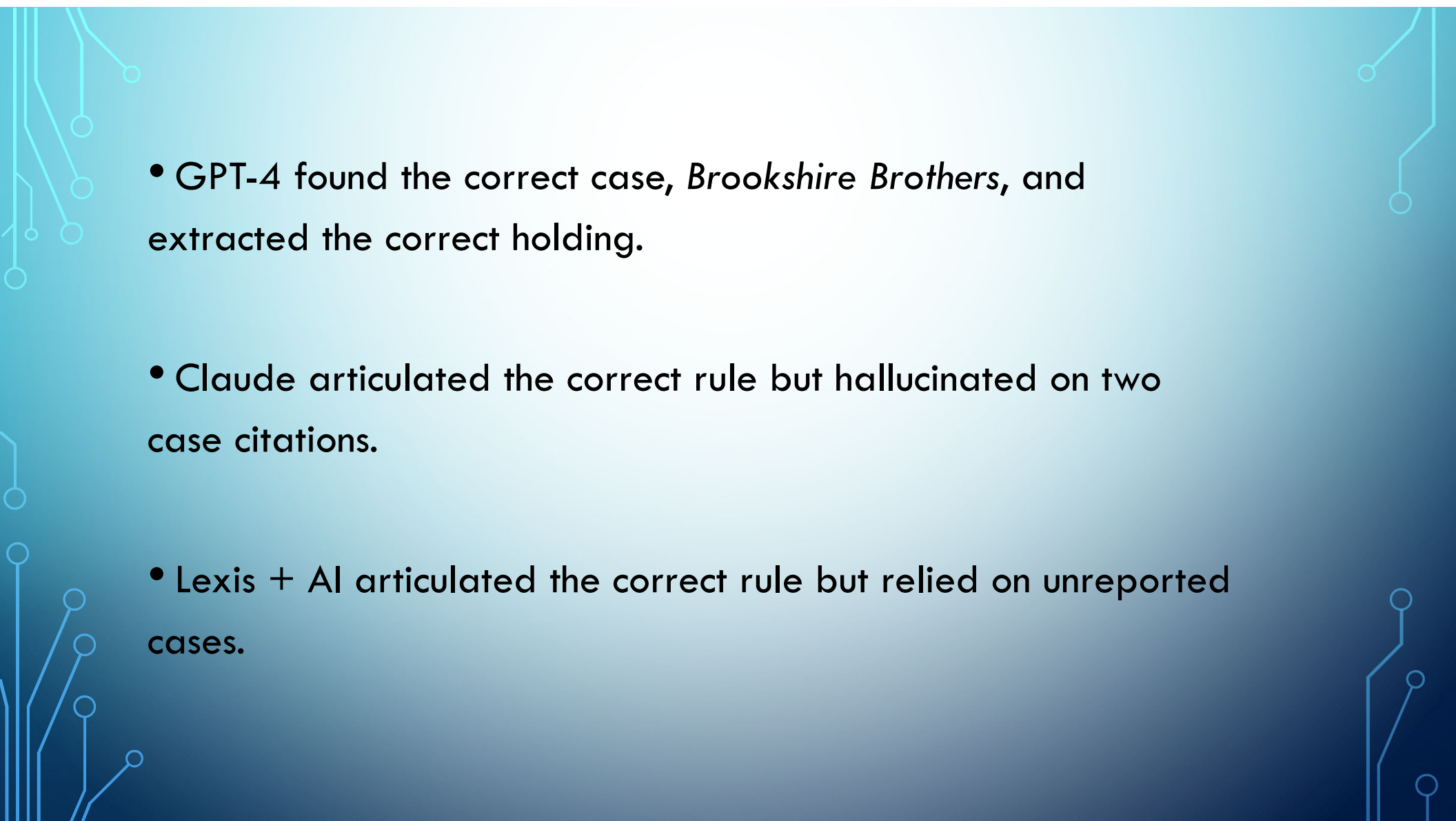
**ROUND 1 WINNER:  
GPT-4**

## **TEST 2**

Draft a legal argument including cases with legal citations arguing that, under Texas law, spoliation evidence must be presented to the judge, not the jury.

## THE RIGHT ANSWER

The trial court—not the jury—determines whether a party spoliated evidence. *Wackenhut Corp. v. Gutierrez*, 453 S.W.3d 917, 921 (Tex. 2015); *Brookshire Bros., Ltd. v. Aldridge*, 438 S.W.3d 9, 20 (Tex. 2014). Parties may sometimes refer to missing evidence to explain the merits of their case, but the jury cannot hear evidence that is unrelated to the merits if it serves only to highlight a spoliating party's culpability. *Brookshire Bros.*, 438 S.W.3d at 26.

- 
- The background of the slide features a light blue gradient with decorative circuit-like lines in a darker blue. These lines, consisting of small circles connected by straight segments, are positioned along the left and right edges, extending from the top to the bottom of the slide.
- GPT-4 found the correct case, *Brookshire Brothers*, and extracted the correct holding.
  - Claude articulated the correct rule but hallucinated on two case citations.
  - Lexis + AI articulated the correct rule but relied on unreported cases.



Under Texas law, the issue of spoliation of evidence involves two primary inquiries: (1) whether the spoliation occurred, and (2) the appropriate remedy for the spoliation. The determination of spoliation is a legal question, typically decided by the judge, not the jury.

### **Legal Basis:**

In Texas, spoliation of evidence refers to the destruction, alteration, or failure to preserve property for another's use as evidence in pending or reasonably foreseeable litigation. The Texas Supreme Court in *Brookshire Bros., Ltd. v. Aldridge*, 438 S.W.3d 9 (Tex. 2014), clarified the standards and procedures for determining spoliation issues. The Court held that a trial court must first determine, as a legal question, whether a party spoliated evidence.





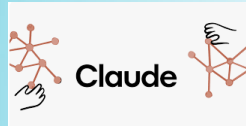
## Introduction

Spoliation of evidence refers to the intentional or negligent destruction or alteration of evidence that is relevant to ongoing or anticipated litigation. In Texas, spoliation is considered an evidentiary matter handled by the trial judge, not the jury. The Texas Supreme Court has held that the proper remedy for spoliation is to be determined by the trial court, and that the court has discretion to impose a range of sanctions, including jury instructions, adverse inferences, and even dismissal of claims.



## Argument

Under Texas law, the issue of spoliation is to be decided by the trial judge, not the jury. In *Brookshire Brothers, Ltd. v. Aldridge*, the Texas Supreme Court held that "the spoliation analysis should be conducted by the trial court, and the trial court has discretion to impose an appropriate remedy." [1] The court explained that spoliation sanctions are an evidentiary matter, rather than a jury question, because the inquiry involves considerations of the spoliating party's culpability and the prejudice caused to the non-spoliating party - factual determinations best suited for the trial judge.[2]



Similarly, in *Comstock v. Livingston*, the Texas Court of Appeals affirmed that the "trial court, not the jury, is the proper party to determine whether spoliation of evidence has occurred and what remedy, if any, is appropriate." [3] The court noted that submitting the spoliation issue to the jury "would be an improper delegation of the trial court's authority to manage and control the litigation process." [4]

[3] *Comstock v. Livingston*, 2012 WL 1067950, at \*4 (Tex. App.—Amarillo Mar. 30, 2012, pet. denied) (mem. op.).

[4] *Id.*



Under Texas law, the issue of spoliation is to be determined by the trial judge, not the jury. This is because the presentation of spoliation issues to the jury could shift the focus of the trial from the merits to a party's spoliating conduct. *FTS Int'l Servs., LLC v. Patterson*, 2020 Tex. App. LEXIS 6851.

\*\*\*\*\*

The trial judge has the responsibility to determine whether spoliation occurred and, if so, what remedy is appropriate. *Monzingo v. Flories*, 2023 Tex. App. LEXIS 7828. If an evidentiary hearing is necessary for the judge to ascertain the relevant facts, the hearing must not take place in the jury's presence. *Monzingo v. Flories*, 2023 Tex. App. LEXIS 7828.

The background of the image shows two robots in a competitive setting. On the left is a white robot with blue glowing eyes and joints. On the right is a larger, more complex robot with a reddish-brown metallic finish and blue glowing eyes. They appear to be in a dark, industrial environment with some sparks or debris in the air. A dark, semi-transparent rectangular box with a thin teal border is centered over the robots, containing the text.

**ROUND 2 WINNER:  
GPT-4**



## **TEST 3**

A client, Joe Emerson, has asked whether an employee may sue an employer for failing to protect him from bees living on the employer's property under Texas law. Draft an email to Joe summarizing the answer. Include cases with legal citations.



UH OH.

## THE RIGHT ANSWER

Under the doctrine of *ferae naturae*, an employer has no duty to protect its employees from wild animals living on its property unless it reduced the animals to its possession or introduced nonindigenous animals to the area. *Union Pac. R.R. v. Nami*, 498 S.W.3d 890, 897 (Tex. 2016).

Additionally, if the employer has subscribed to the Texas worker's compensation system, the Texas Worker's Compensation Act provides the employee's exclusive remedy. See *Austin v. Kroger Texas, L.P.*, 465 S.W.3d 193, 200 (Tex. 2015).



Subject: Inquiry Regarding Potential Liability for Bee-Related Injuries on Employer's Property

Dear Joe,

I hope this message finds you well. I have looked into your query regarding the potential for an employee to sue an employer in Texas for failing to protect them from bees living on the employer's property. Here's a summary of the legal perspective on this matter:

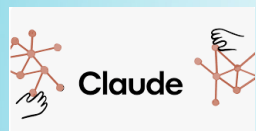
Under Texas law, the liability of an employer in the context of workplace injuries is typically governed by the Texas Workers' Compensation Act (TWCA).



\*\*\*\*\*

However, there are exceptions where an employee might pursue a legal claim outside of workers' compensation. One such exception is in the case of gross negligence. If an employer is aware of a hazard (such as a bee infestation) and willfully disregards this danger, failing to take any reasonable steps to mitigate it, this could potentially fall under gross negligence. This principle was highlighted in the case of *Texas Department of Parks and Wildlife v. Miranda*, 133 S.W.3d 217 (Tex. 2004), where the Texas Supreme Court held that state employees could sue their employer for gross negligence resulting in a workplace injury.

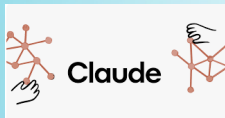




Dear Joe Emerson,

Thank you for your question regarding whether an employee can sue an employer for failing to protect the employee from bees living on the employer's property under Texas law. After reviewing the relevant legal precedents, here is a summary of the key points:

Under Texas law, employers have a duty to provide a safe workplace for their employees. This includes taking reasonable steps to protect employees from known hazards on the employer's property. The Texas Supreme Court has held that this duty extends to protecting employees from risks posed by wild animals, such as snakes or bees, that are present on the employer's premises.



In **Nabors Drilling, U.S.A., Inc. v. Escoto, 288 S.W.3d 401 (Tex. 2009)**, the court ruled that an employer can be liable if it fails to take reasonable steps to address a known risk from wild animals on its property, and an employee is injured as a result. The court stated that the employer's duty is to "exercise reasonable care to reduce or eliminate an unreasonable risk of harm from wild animals on the premises."

Similarly, in **Sanchez v. Schindler, 816 S.W.2d 803 (Tex. App.—Corpus Christi 1991, writ denied)**, the court held that an employer had a duty to protect its employee from a beehive located on the employer's premises, where the employer was aware of the beehive's presence and the risk it posed to employees.



Dear Joe,

You asked whether an employee may sue an employer for failing to protect him from bees living on the employer's property under Texas law. The short answer is yes, an employee may be able to bring such a lawsuit against the employer under certain circumstances.

In Texas, an employer generally has a duty to use ordinary care to provide a safe workplace for employees. This includes inspecting the premises and warning employees of any dangerous conditions that are not open and obvious. If an employer knows or should know of an unreasonably dangerous condition on its property and fails to remedy it or warn the employee, the employer can be held liable if the employee is injured as a result.



This principle was applied in **J. Weingarten, Inc. v. Razey, 426 S.W.2d 538 (Tex. 1968)**, where an employee was stung by a bee while working and later died. The court found that the employer could be liable because it knew bees were nesting on its property but failed to eliminate the danger or adequately warn the employee.

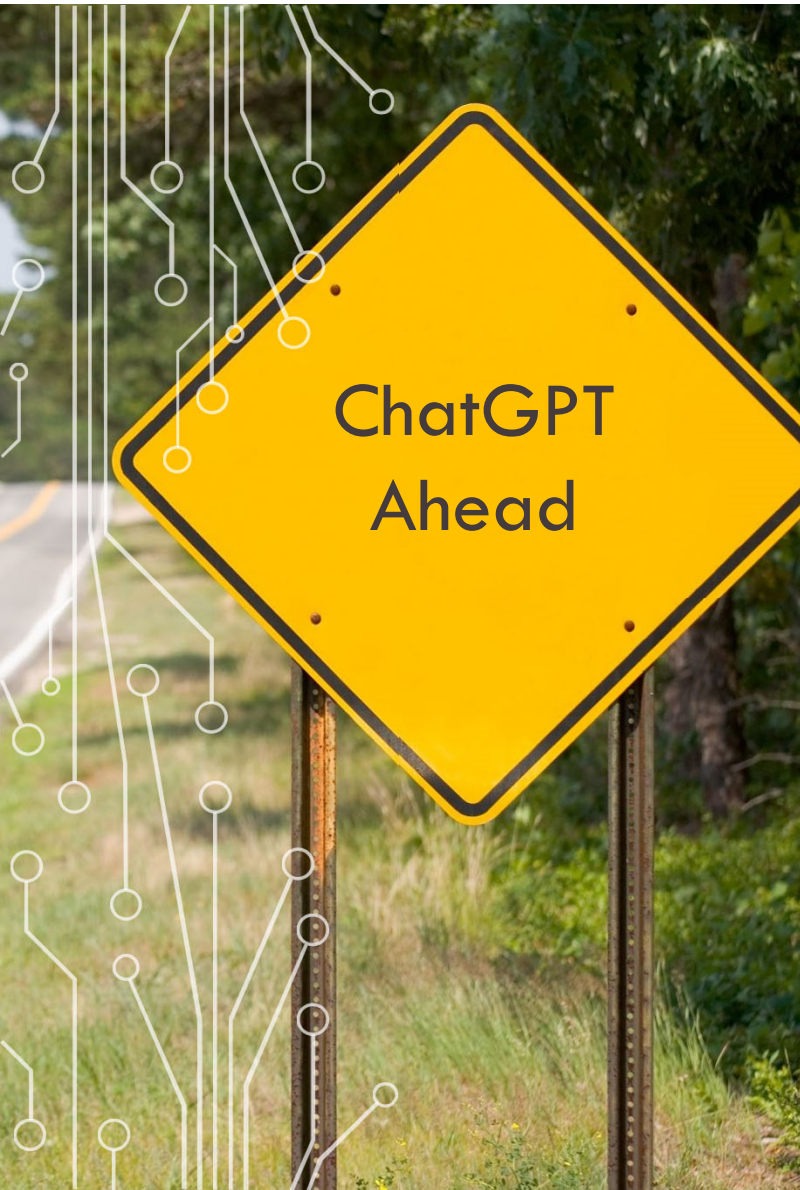
Similarly, in **Brownsville Navigation Dist. v. Izaguirre, 829 S.W.2d 159 (Tex. 1992)**, the court ruled that an employer had a duty to protect or warn an employee who was attacked by bees at work. The employer knew Africanized bees were in the area but did not inspect or make the premises safe.



The background image shows two robots in a combat stance. On the left is a white robot with blue glowing eyes and a blue light on its chest. On the right is a larger, more complex robot with a brown and gold color scheme and blue glowing eyes. They are positioned as if facing each other in a battle. A dark, semi-transparent rectangular box with a thin teal border is centered over the image, containing the text "ROUND 3: EVERYBODY LOSES" in white, bold, sans-serif capital letters. Teal circuit-like lines with small circles at the ends extend from the left and right sides of the text box, connecting to the robots' bodies.

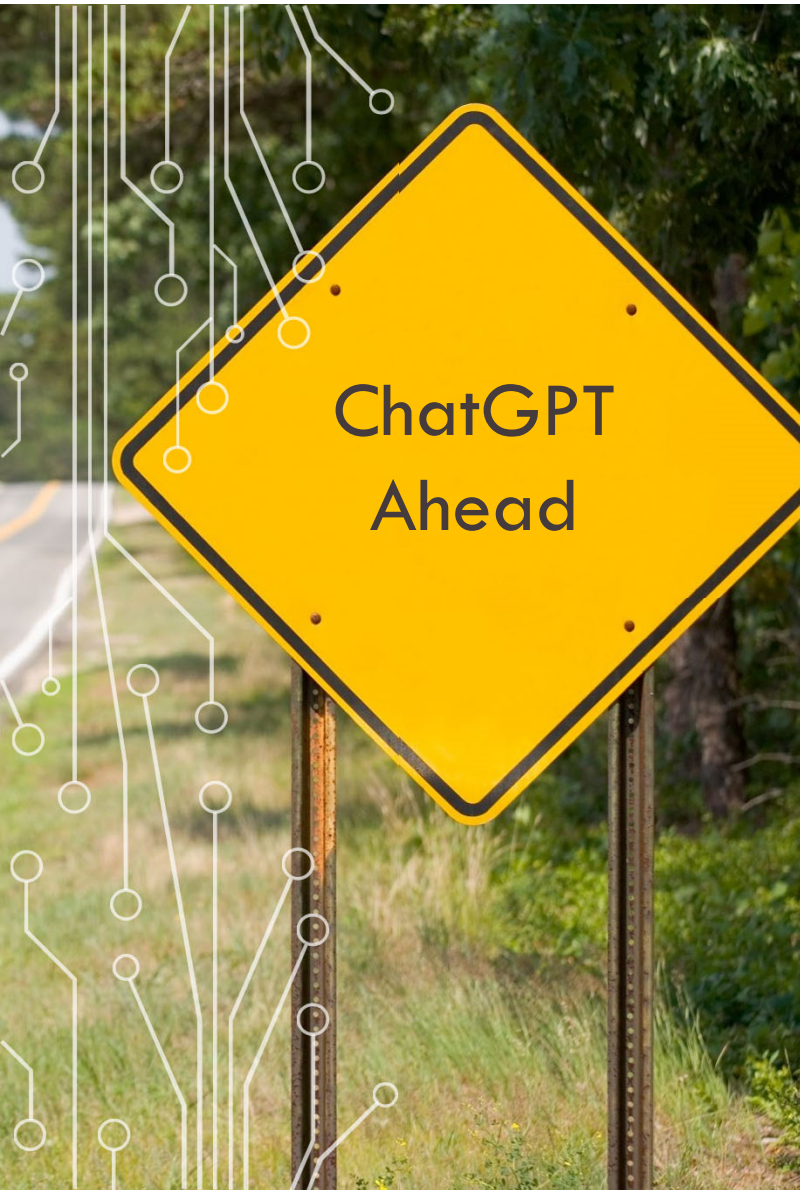
## ROUND 3: EVERYBODY LOSES





## IN SUMMARY

- The Chatbots' responses included 12 case citations.
- Six were hallucinations.



Generative AI may be good at summaries and administrative tasks, but it is currently a lousy legal researcher and writer.