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Understanding and Using Artificial Intelligence for Municipal Attorneys

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By: James E. "Jeb" Brown, Senior Counsel, Liebert Cassidy Whitmore, Los Angeles, California. and John G. Peters, Jr., Ph.D. John G. Peters, Jr. & Associates, Henderson, Nevada

Initially perceived by many of us as a vehicle amassing the world's greatest repository of data and content to derive instant answers and more creative writing, AI's transformative potential is now becoming evident. Municipal lawyering will clearly be affected, and IMLA members need to be prepared.

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Understanding and Using Artificial Intelligence for Municipal Attorneys

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INTRODUCTION:

Artificial Intelligence (AI) is not a futuristic concept. It is here. That means municipal employees, including attorneys, staff, and elected officials, among others, are often using AI daily, many without policy guidance, training, and/or other guardrails in place to maximize efficiency and minimize abuse or mistakes. AI is here to stay, and its use will grow exponentially in the future. The current uses of AI within municipalities include screening job applicants, writing job descriptions, drafting documents (including reports to City Councils), analyzing large data sets, predicting crimes or inventory levels from data, onboarding employees, implementing drones, report writing, plus many more critical and sensitive administrative and operational activities. In short, AI is the new municipal employee assistant that can help improve efficiency, performance, and become a personnel "multiplier" when used effectively with human collaboration.

AI: What is It?

The term, Artificial Intelligence, is not new and is credited to John McCarthy who coined the term at the "Dartmouth Conference" on technology held at Dartmouth College in 1956.[1] There are many definitions of AI. An often-cited definition is, "The capacity of machines to mimic human cognitive functions such as learning, problem-solving, and pattern recognition, enabling them to perform tasks that normally require human intelligence. It includes various subfields, such as machine learning and natural language processing."[2]

15 U.S. Code §9401(3) defines AI as: a machine-based system that can, for a given set of human-defined objectives, make predictions, recommendations or decisions influencing real or virtual environments. Artificial intelligence systems use machine and human-based inputs to:

(A) perceive real and virtual environments;
(B) abstract such perceptions into models through analysis in an automated manner; and
C) use model inference to formulate options for information or action.[3]

There are also definitions established by state statute,[4] municipal code or policy,[5] the National Institute of Technology Standards (NIST), [6] the National Artificial Intelligence Initiative Act of 2020,[7] advocacy groups such as the American Civil Liberty Union (ACLU), [8] federal Executive Order,[9] and similar regulatory bodies.[10] Check to see if your municipality has included an AI definition in its policy, or if one needs to be created to assist with policy, training, and general guidance.

Human Collaboration and AI

Human collaboration is both a critical and necessary component when using AI. Currently, AI does not have emotion and will perform when requested by humans. AI cannot use "past experiences" to help arrive at certain conclusions or insights. The educational level of AI is about fourth grade, and many fourth graders or younger people can outperform AI on many tasks that are relatively simple. In contrast, AI shines when used to analyze large data sets, make predictions, and as a personal assistant when summarizing legal cases, engaging in motion practice, analyzing expert or similar documents, and developing deposition questions. These topics will be discussed in more detail later in this article.

Important AI Definitions
AI requires a basic understanding of select definitions to maximize its functions and to use it effectively. Although the term AI has been previously defined, here are other important definitions for helping to understand AI and some of its unique terminology:

AI Governance: Municipal and/or agency policies, rules, regulations, and guidelines to limit discretion and guide employees on the authorized uses of AI.

AI Training Data: Documents and data used to train AI.

Algorithm: A set of instructions the user follows to achieve a task (e.g., image, develop a lesson plan) or to solve a problem.

Bias: In AI, the outcome reflects human bias because of prompting, data input, and/or data analysis of biased information.

Deepfake: An artificial image or video "generated by a special kind of machine learning called 'deep' learning . . . [and is] dangerous."[11]

Expandable AI: "The outcomes or results can be understood in proper context by humans. This differs from the 'black box' model of AI, where people cannot trace or understand how AI arrived at a particular result."[12]

Generative AI: A subset of AI that can "generate original data, like text, audio, images, or videos without relying on pre-existing information."[13]

Hallucinations: Simply, information provided by Generative AI that is incorrect or is nonexistent. In contrast when employees provide inaccurate or false information, it is called making a "mistake."

Machine Learning: "is a branch of artificial intelligence and computer science that focuses on the using [of] data and algorithm to enable AI to imitate the way that humans learn, gradually improving its accuracy."[14]

Natural Language Processing (NLP): In short, spoken, or written text that models human language when using Generative AI.

Neural Network: "A machine learning program, or model, that makes decisions in a manner similar to the human brain, by using processes that mimic the way biological neurons work together to identify phenomena, weigh options and arrive at conclusions."[15]

Prompt: Written or spoken inputs by humans to produce desired outcomes from AI.

Shadow AI: Employees who use AI when policy prohibits it and/or when untrained. In short, they are using it in the "shadows."

Popular AI Tools
AI has become a "buzzword." Many people and organizations have tried to capitalize on the naivete of individuals, municipalities, and organizations, often offering advice that is incorrect. This compromises AI legitimacy, scares people, or terminates any further inquiry into this ubiquitous tool. Some so-called AI advisors or leaders ban employees from using AI through policy or directives, which is neither realistic, practical, nor helpful. The AI "buzz" is quieting because the focus is upon the critical understanding of how to use AI tools and platforms to improve efficiency and productivity. The adage, "AI will not replace you, but someone who knows AI will," is becoming truer.

Not all AI tools and platforms are the same, nor do they work the same. Giving three different AI tools the same request (prompt) may generate three different answers or informational responses. This process is also an effective way to check for AI response accuracy by comparing the output and identifying consistencies and discrepancies. Here is a summary of three popular AI tools: *ChatGPT*, *Gemini*, and *Copilot*.

ChatGPT is available with or without a subscription; however, the former provides limited use. Developed and offered by OpenAI, this is a very popular form of Generative AI. As a personal AI assistant, it will provide answers to prompts, analyze data and documents, help to create, and compare documents, generate images, plus many more functions.

Gemini is produced and offered by Google. Like *ChatGPT*, it has a free and a subscription model. There is a limit on how many inquiries one can make using the free model per session, but it is a good place to begin learning how to use AI.

Copilot is offered by Microsoft. It searches the World Wide Web for information to provide answers to Generative AI prompts and does data and document analysis. It works very similarly to the other two AI tools described above.

Prompts are the Keys to Success
AI inquiries begin with prompts. Prompting is an art and a result of thinking about the potential output. Prompts contain four key elements: clarity, context, specificity, and structure. It is suggested that you "begin at the end," in other words, what information is being sought by the AI user. As a municipal lawyer, through effective prompting, AI can compare legal documents (think contracts), develop deposition questions, identify relevant cases on a specific topic, or predict outcomes after analyzing large data sets.

Prompting can be used by municipal departments to develop job descriptions or analyze applicant resumes (think Human Resources), develop lesson plans and multiple-choice assessment questions (think public safety), analyze budgets or equipment inventories (think Finance, Public Works, and Parks and

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Recreation).The list of functions is only limited by one's imagination. Thinking is required to create a prompt that will produce desired results.

For a moment, think about going into a restaurant for a meal. After reviewing the menu, the order is placed for a hamburger. A few minutes later a waitperson returns with just a plain hamburger on a plate—no bun, lettuce, tomato, onion, or fries. When asked about these missing items, the waitperson says, "Only a hamburger was ordered. If you wanted the other stuff, you needed to request it." This is also true when writing an AI prompt because AI is not a mind reader.

Prompts must be clear and concise (clarity) and provide background information (context). A prompt might read, "I am a municipal lawyer who is seeking the latest case law summaries on the definition of curtilage." This prompt tells AI about the person making the inquiry and is clear and concise. The rest of the prompt can be more specific, such as "only identify case law in the Tenth Circuit since 2010." Prompts must have clarity, context, specificity, and structure. Do not make the prompt so convoluted that it makes it impossible for AI to understand it or to provide understandable output.

If the prompt was not specific enough or needs to be revised, simply revise the prompt and the request. For example, a prompt asked to compare the alleged complaints about an employee's behavior against the department policy manual. The prompt read, "I am a municipal attorney investigating alleged complaints from a citizen about an employee's behavior. The complaint alleges the public works employee refused to pick up a citizen's trash and when asked about it, he was rude to the citizen. Please identify the policy violations using the online XYZ policy manual."

In a few seconds, AI identifies the possible policy violations but failed to provide the section numbers for each policy because that was not requested. To identify the section numbers, simply amend the prompt: "Great. Using this information, please identify the specific section numbers for each identified policy violation." AI will add section numbers to the original output.

Accuracy and Verification: A Must

After AI generates output, the information *must* be verified and checked for accuracy. It is always helpful to know some background about the topic, but that is not always possible. When in doubt, use the same prompt to ask two or three AI tools, and then compare the responses. This may help to validate the accuracy of the information. For example, the media reported that AI told a person to "glue" the cheese on pizza after being asked how to keep cheese from sliding off pizza. While technically correct, the answer is not a realistic one.

One informational method is asking AI to include references in its response to a prompt. The references are usually shown at the bottom of the response and can easily be checked by opening them and reading the information. It is recommended that AI always be asked to provide references for generated responses so the human can verify the accuracy of the response. It is well known that groups of people across the globe are attempting to upload false and misleading information onto the World Wide Web so AI will obtain it.

The increasing use by law enforcement of body-worn camera AI Tools to generate draft Incident Reports of police officers has raised serious concerns, including their accuracy and completeness. Recently, one District Attorney's office prohibited police officers from submitting AI-generated Incident Reports after discovering that AI had included an officer's name in a report who was never on the scene.[16]

Ethical Considerations

Privacy issues are critical when uploading information into an AI tool or platform. Many AI tools share input and output with the World Wide Web, therefore, before uploading information or documents containing personal or sensitive information, always consider this information as becoming public. Disclosing personal or sensitive information, such as health care records of inmates or employees, may result in potential litigation. Some subscription AI tools and platforms have privacy settings that may reduce or eliminate these risks. Lastly, employees who use AI to harass, embarrass, or create false images of co-workers are being unethical in their use of AI. A comprehensive AI policy will include ethical guidelines for the responsible use of AI.

Risk Management Considerations

AI Policy and Training Concerns: A 2024 national AI survey of state and local law enforcement agencies conducted by the Henderson, Nevada-based Institute for the Prevention of In-Custody Deaths, Inc. (IPICD) found that 74 percent (n=150) of respondents (N=203) reported their agency did not have an AI policy. An additional 15 percent (n=31) of respondents reported not knowing if their agencies had such a policy, with 93 percent (n=148) reporting not receiving training on using AI by their municipal employer (N=159).

Guidance in the form of written policies, procedures, rules, and/or memoranda help limit employee discretion while simultaneously directing the employees and vendors about what is acceptable and prohibited when using AI for municipal activities. Prohibiting AI use is not a policy, but a "rule" that will be violated. *Shadow AI* use by employees (think *Alexa, Siri, GPS, ChatGPT*, etc.) will continue so, it must be managed.

Some municipalities are prohibiting police officers from using AI in report writing. The problem with such outright prohibition is that *Grammarly* is often used to check report spelling, punctuation, etc. The banning of such an AI tool is often an "unforeseen" consequence of such a rule.

Another policy concern is potential is potential *Monell* liability.[17] Would a municipality be liable for an employee sharing personal or healthcare informa-

tion through an AI tool that placed such information on the World Wide Web? Without AI policies, procedures, rules, and/or memoranda limiting employee discretion on using AI and/or providing guidance to them, might this be argued to be "deliberate indifference" on the part of the policy makers? These and related questions might be eliminated through the development, implementation, and training of employees on AI use parameters.

Training Employees in AI: As previously discussed, 93 percent of the respondents who took the AI law enforcement survey reported receiving no training on AI by their employers. When employees use AI in their daily work tasks, it can be argued this is a *core task* of the employee and that any constitutional harm caused by an employee misusing or improperly using AI because (s)he was not trained by the municipality was the nexus to the injury. Aside from a "failure to train" claim in a *core task*,[18] an argument can also be made that it was negligence by the municipality and/or department leadership not to train employees.

Lastly, employees cannot be trained in a policy, rule, procedure, memoranda that does not exist. Written guidance and training are linked, therefore make sure competency-based training occurs about the authorized and unauthorized uses of AI by municipal employees, and in some cases, vendors.

AI Generated Body-Worn Camera Reports: As previously mentioned, several AI tools will generate body-worn camera public safety reports, which can pose several risk management concerns. For example, is the report from the *officer's perspective*? Per *Graham v. Connor,*[19] the force used by an officer is from his or her perspective, not that of a body-worn camera AI-generated report. What if AI *hallucinates* and misses valuable information or created people or items that were not present?

Another potential issue with body-worn camera AI-generated Incident Reports is that the camera cannot feel muscle flexing that may indicate a suspect is about to flee an officer's grasp or control. The body-worn camera will not detect smells and other important environmental concerns that may affect the actions of officers. Finally, the body-worn camera's "vision" may be better than the vision of the officer. The field of vision of the camera may exceed that of the human eye. The camera may be equipped with high definition that may also exceed that of the human eye.

One reasonable approach is to permit body-worn camera AI-generated "draft" reports that must be thoroughly reviewed by the officer, correcting them, if necessary, before submitting them to a supervisor for approval. Guardrails must be in place through policy and training, to minimize an AI generated report being accepted as accurate without review and possible revision by the officer submitting it.

Robotics: Robotics include drones, electric cars (think Tesla), and robotic dogs. Like robotic dogs that are often used in building searches by public safety, *drones* can be greatly beneficial and go places where humans have difficulty navigating safely or where time is critical in locating a person, an accident, or a fire. The City of Chula Vista (CA) has a highly effective and progressive drone as a first responder program that has met community approval.

The positives of drones can be offset by a rogue officer who flies a drone near an apartment building and uses it to peer inside, looking for couples in compromising positions, nude occupants, or simply to leer. The same can be said for hovering drones over swimming pools, backyards, and similar settings. This is another reason to have an AI policy and AI training that addresses drones and officer behavior.

Lack of Training, Lesson Plans, and Competency-Based Assessments: Plaintiffs often request training lesson plans to show what was taught during training. They may also request assessments to prove employee competency. Experience has shown that too often these documents do not exist, which can expose the municipality and/or its policy makers to liability. Lesson plans and competency-based assessments can both be developed in a matter of seconds using AI, thereby eliminating any response that the municipality and/or agency trainers do not have them. Plaintiff lawyers who have no knowledge about the subject area can ask AI to create a detailed lesson plan—with references—as well as a competency-based assessment to demonstrate employees learned the information.

Biased Data and Metrics: Using AI to analyze large data sets (think burglaries over the past five years or repairing sidewalks throughout the City) can be very productive, particularly if predicting future criminal activity or analyzing potential areas for sidewalk repair. However, if the data is biased, the results will be skewed and may impact people of color or certain communities within the municipality or provide inaccurate information.

This is a major concern. It is therefore important to make sure the data are not inherently biased. Similarly, using AI to assist in analyzing candidate resumes can produce unintended result bias. When training the AI tool on what to look for in resumes (think key words and phrases), unintentional bias may have crept in because of coding certain words, which may automatically eliminate qualified applicants.

Collective Bargaining: Surveys, coupled with anecdotal evidence, strongly confirm that most people who do not understand AI are fearful of it. The 2024 IPICD survey found that employees are fearful that AI will make discipline decisions, and other impactful career decisions. Be prepared to discuss issues and concerns about AI in the next round of contract negotiations.

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Deepfakes: Criminals are using AI to commit a variety of crimes from imitation of a person's voice to producing child pornography. Awareness of these criminal activities is necessary for municipal counsel because criminal investigators will be investigating such crimes.

Improved Efficiency does not Equate to Having More Time

There is a myth associated with AI and its hype that it will greatly improve efficiency, thereby providing the AI user with more *free* time. This is inaccurate. While AI can perform tasks in seconds or minutes that might take humans hours, the so-called *free* time is now available for additional tasks. In short, one can perform more tasks in the same amount of time, but getting more *free* time is a myth.

Some people may use this as an excuse for prohibiting AI's use in municipal operations. This is a mistake because AI is a personnel multiplier and can perform complex calculations, generate information, images, or videos in far less time than it takes employees. In large data set analysis, AI may be the only option available to perform such analyses.

AI and Municipal Lawyering

Using AI as an assistive tool in municipal legal practice is helpful to the lawyer and the municipality. For example, AI can be used in the following legal areas:

- Legal research
- Draft documents such as contracts, pleadings
- Motion practice
- Compare and analyze documents (e.g., expert reports, contracts, depositions)
- Develop questions for depositions
- Summarize depositions, highlighting inconsistencies
- Create and counter arguments
- Public Information Officer assistance to get ahead of the narrative

As previously mentioned, artificial intelligence (AI) has rapidly evolved from a futuristic concept into a powerful tool with practical applications across various industries, including the legal profession. Municipal legal practice stands to benefit immensely from the integration of AI technologies. By leveraging AI, lawyers and municipalities can improve efficiency, reduce costs, and enhance the quality of their legal services. This section explores some practical areas in which AI can assist municipal legal professionals, focusing on its role in legal research, document drafting, motion practice, document comparison and analysis, deposition management, and public information efforts.

1. Legal Research

Attorneys spend considerable time reviewing statutes, case law, administrative regulations, and legal commentaries to support their arguments and ensure compliance. Traditional methods of legal research involve manually searching legal databases and libraries, which can be time-consuming and costly. AI tools, such as natural language processing (NLP) and machine learning algorithms, significantly expedite this process.

AI-based legal research tools like *Westlaw Edge, Lexis+* with the "*Lexis AI*" feature, and *ROSS Intelligence* use AI algorithms to analyze large data sets and provide more relevant and precise legal research results. These tools use NLP to understand the context and nuances of a legal query, allowing them to retrieve case law and other legal materials that are directly applicable to a given issue.

In municipal law, where the issues at hand can range from zoning regulations to labor law disputes, AI can identify precedents from other jurisdictions with similar legal questions, helping municipalities anticipate potential legal challenges and develop informed strategies. For example, AI tools could help a city attorney researching the validity of an ordinance or zoning change identify legal trends or potential challenges from similar municipal cases in other states. This reduces the time spent manually searching and helps ensure that the municipality is well prepared.

It is critically important to remember that the information from AI is the start, not the end. The information must be double checked to confirm that the cases, statutes, and respective citations are accurate.

2. Drafting Documents: Contracts, Pleadings, and Other Legal Documents

AI is also making a significant impact on document drafting, particularly in the preparation of contracts, pleadings, and other legal documents. AI-based tools like *Kira Systems, LawGeex*, and *ContractPodAi* use machine learning algorithms to analyze documents and identify key provisions, clauses, and potential risks. These tools not only help with drafting but also in reviewing and revising documents, ensuring that they are comprehensive, compliant, and free from errors.

In the context of municipal legal practice, AI can be employed to automate the drafting of routine legal documents such as vendor contracts, intergovernmental agreements, and employee handbooks. For example, a municipal legal department could use AI tools to draft a standard contract for the construction of public works projects. By inputting the relevant terms and conditions, the AI system can generate a draft contract that includes the necessary provisions tailored to the specific legal requirements of the municipality.

Moreover, AI can assist in the preparation of pleadings and litigation documents by analyzing prior motions and identifying the most persuasive arguments based on legal principles, case law, and historical data.

The city of San Francisco, in collaboration with various tech firms, explored AI tools to streamline the creation of legal contracts related to public-private partnerships (PPPs). This

initiative aimed to ensure that contracts were drafted more efficiently, with fewer errors, and at a lower cost to the municipality. The city also implemented machine learning tools to review these contracts for compliance with local regulations (FinTech Futures, 2019).

3. Motion Practice

AI can also improve motion practice by providing municipal lawyers with tools to draft, review, and optimize motions. AI-based systems can analyze historical motion decisions and predict how a court is likely to rule on a specific legal issue. Additionally, AI can help in the drafting of motions by suggesting language and legal citations based on past successful motions.

In municipal litigation, where a municipality may be facing lawsuits ranging from environmental issues to employment disputes, AI tools can help attorneys develop compelling motions, including motions to dismiss, motions for summary judgment, and motions for temporary restraining orders. These tools can suggest effective legal arguments based on an analysis of similar cases and precedents.

In the 2018 case *AIG v. Cantor Fitzgerald*, AI was used to assist in preparing motion papers by evaluating a large set of legal documents to help identify key legal arguments for both parties. Municipalities involved in complex litigation could benefit similarly by using AI tools to improve the quality and efficiency of their motions (Kirkland & Ellis, 2018).

4. Document Comparison and Analysis: Expert Reports, Contracts, and Depositions

AI's ability to compare and analyze large volumes of data is another key benefit for municipal lawyers. Legal professionals often need to review expert reports, contracts, and depositions to identify inconsistencies, discrepancies, and key points of dispute. Traditional manual review is time-consuming and prone to human error. AI tools like *Relativity*, *eBrevia*, and *Contract Analytics* use machine learning to automatically compare documents and highlight differences, inconsistencies, and critical legal issues.

For example, when reviewing expert reports in a case involving municipal liability for police misconduct, AI can compare the opinions of different experts, flag contradictions, and suggest follow-up questions for depositions or further expert testimony. Similarly, in contract review, AI can identify risks such as ambiguous language, missing clauses, or non-compliance with municipal regulations.

In 2020, the city of Chicago utilized AI-powered contract analytics to review its large portfolio of contracts with private vendors. The AI tool helped identify inconsistencies, potential compliance issues, and opportunities for renegotiation, ultimately saving the city time and legal costs (Chicago Tribune, 2020).

5. Deposition Management: Developing Questions and Summarizing Depositions

AI can assist in developing questions for depositions, an essential part of municipal litigation. AI tools can analyze case files and identify areas where additional information is needed. By using NLP algorithms, these tools can develop targeted questions that focus on key legal issues, helping lawyers gather the most relevant information from witnesses.

Moreover, AI can be used to summarize depositions, highlighting inconsistencies, contradictions, and significant admissions. This helps lawyers quickly identify crucial information and formulate legal strategies. AI tools like *TranscriptPad* and CaseText's "*Compose*" function enable legal professionals to quickly summarize and analyze deposition transcripts, ensuring that no vital details are overlooked.

In municipal cases involving allegations of police misconduct or civil rights violations, AI tools have been used to analyze deposition transcripts and highlight key inconsistencies in witness testimony. This has been especially useful in cases involving multiple witnesses or complex factual scenarios (CaseText, 2021).

6. Creating and Countering Arguments

AI can also be used to create and counter legal arguments by analyzing case law, statutes, and legal briefs. Tools like *ROSS Intelligence* and *LegalMation* can analyze the opposing party's arguments, identify weaknesses, and suggest counterarguments based on legal precedents and statutes. In municipal litigation, this is especially useful when dealing with constitutional challenges, administrative appeals, or claims of statutory violations.

AI systems can also assist in identifying legal issues that may have been overlooked in the initial phases of litigation, ensuring that the municipality's legal team is prepared for all aspects of the case. In some instances, AI tools can even simulate potential arguments and predict the likely outcome of various legal strategies.

In the case of *City of Oakland v. AIG*, AI was used to analyze the opposing party's legal arguments and suggest counterarguments based on case law and regulatory precedents. The city's legal team was able to use the AI-generated insights to strengthen their case and ultimately win the motion for summary judgment (Oakland City Attorney's Office, 2018).

7. Public Information Officer Assistance

Finally, AI can assist Public Information Officers (PIOs) by helping to craft messages, press releases, and social media posts. Advocacy groups promote their narrative very effectively and often get ahead of municipal responses about high-profile events. Through the effective use of AI, Public Information Officers (PIO) can quickly and effectively tell their story, often getting in front of partial and/or incomplete information. PIOs using AI can develop social media posts in seconds and continue to get updates in front of people, including countering inaccurate information. Many municipalities have created a Social Media position to engage in social media dialogue and discourse to

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promote accurate information and build community trust.

AI tools like OpenAI's GPT-based models can generate drafts for press releases and public statements, allowing municipalities to get ahead of the narrative, respond to public concerns, and ensure consistency in messaging. AI can analyze public sentiment and media coverage, helping PIOs craft more effective communication strategies.

In response to civil unrest, the city of Seattle used AI-powered analytics to assess social media conversations, identifying key concerns and shaping their public statements accordingly. AI-enabled tools helped the PIO's office craft timely responses, ensuring that the municipality-maintained control over its public messaging (Seattle.gov, 2020).

CONCLUSION

Artificial intelligence presents numerous opportunities for municipal legal professionals to enhance the efficiency and effectiveness of their work. From legal research to document drafting, motion practice, and deposition management, AI offers practical solutions that streamline processes, reduce costs, and improve outcomes. As municipalities continue to embrace AI technologies, legal departments can expect to see substantial improvements in their ability to manage legal risks, improve compliance, and serve the public interest more effectively.

However, it is critically important to remember that a human must always remain in the analytical loop when using AI. All information obtained using AI must be checked to ensure the accuracy of the information. Do not make the error of simply relying on the information provided by AI. As stated above, information from AI is the starting point, not the end. By incorporating AI into municipal legal practice, attorneys and public officials can harness the power of technology to better navigate the complexities of modern legal challenges. As AI continues to evolve, it is likely that its role in municipal legal practice will expand, offering even more advanced tools to support the work of municipal legal teams and improve service delivery to communities. ML

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REFERENCES

1. Edem Gold, *The History of Artificial Intelligence from the 1950s to Today*, FREECODEAMP.org, Apr. 10, 2023, https:www.freecodecamp.org/news/the-history-of-ai/
2. Retrieved from https://www.unf.edu/ofe/ai/definitions.html#:~:text=Artificial%20Intelligence%20(AI),learning%20and%20natural%20language%20processing.
315 U.S. Code §9401(3).
4. Cal. Government Code §11546.45.5; Generative artificial intelligence: training data (https://legiscan.com/CA/text/AB2013/id/3023192 transparency.)
5. City of Riverside. (2024, July). Artificial Intelligence (AI) Policy. Riverside, CA: https://riversideca.legistar.com/View.ashx?M=F&ID=13570074&GUID=30A6F6F0-22D2-420D-9FF4-D23EBE58E0EE
6. National Institute of Standards and Technology. Artificial Intelligence. https://www.nist.gov/artificial-intelligence.
7. NAIIA 2020
8. American Civil Liberties Union (www.aclu.org).
9. "FACT SHEET: President Biden Issues Executive Order on Safe, Secure, and Trustworthy Artificial Intelligence". *The White House*. 2023-10-30. Retrieved 2023-11-12.
10. Little Hoover Commission. (2024, December). Artificial Intelligence and California State Government Report #284. Sacramento: State of California.
11. Farley, R. H. (2024). Artificial intelligence-Deepfakes and Child Abusers. Retrieved from Artificial%20Intelligence/2024--MIT%20AI%20Course/2024--Artificial%20Intelligence--Deepfakes%20and%20Child%20Abusers.pdf
12. AI Glossary for Executives. Retrieved from Artificial%20Intelligence/2024--MIT%20AI%20Course/Module%204/AI%20glossary%20for%20executives.pdf
13. Sahoda, N. (2023, March 17). Generative AI: Bridging Human Imagination & Digital Reality. Retrieved from https://www.neilsahota.com/generative-ai-bridging-human-imagination-digital-reality/
14. Retrieved from https://www.ibm.com/topics/machine-learning.
15. R Retrieved from https://www.ibm.com/topics/neural-network.
16. GreekWire, September 26, 2024.
17. Monell v. Department of Social Services of the City of New York, 436 U.S. 658 (1978).
18. City of Canton, Ohio v. Harris, 489 U.S. 378 (1989).