

OKLAHOMA LAW REVIEW

SYMPOSIUM: LAWYERING IN THE AGE OF ARTIFICIAL INTELLIGENCE

Should Robots Prosecute and Defend? *Stephen E. Henderson*

The Promise and Limitations of Artificial Intelligence
in the Practice of law *W. Bradley Wendel*

Artificial Wisdom? A Potential Limit on AI in Law
(and Elsewhere) *Joshua P. Davis*

Online Legal Document Providers and the Public Interest:
Using a Certification Approach to Balance Access
to Justice and Public Protection *Susan Saab Fortney*

Minding the Gaps in Lawyers' Rules of Professional
Conduct *Anita Bernstein*

AI/Esq.: Impacts of Artificial Intelligence in Lawyer-
Client Relationships *Chris Chambers Goodman*

The Future Is Bright Complicated: AI, Apps & Access
to Justice *Emily S. Taylor Poppe*

When Robots Make Legal Mistakes *Susan C. Morse*

Except as otherwise expressly provided, the author of each article in this volume has granted permission for copies of that article to be made and used by nonprofit educational institutions, provided that the author and the *Oklahoma Law Review* are identified and that proper notice of the copyright is affixed to each copy. In all other cases, the author and the *Oklahoma Law Review* should be contacted directly.

Cite as: 72 OKLA. L. REV. ____ (2019).

The *Oklahoma Law Review* online edition, ISSN 2473-9111, is edited and compiled at the College of Law of the University of Oklahoma. Copyright July 2019 by the *Oklahoma Law Review*. Manufactured in the United States of America. The *Oklahoma Law Review* is published quarterly and is available online via Digital Commons, Westlaw, Lexis, HeinOnline, and the OLR website, <http://www.law.ou.edu/faculty-and-scholarship/journals/oklahoma-law-review>.

Selected back issues are available electronically free of charge via the *Oklahoma Law Review's* Digital Commons page, at <http://digitalcommons.law.ou.edu/olr/>.

Editorial office: All editorial communications should be directed by email to mwaters@ou.edu, or by regular mail to the Editor-in-Chief, *Oklahoma Law Review*, University of Oklahoma College of Law, 300 Timberdell Road, Norman, Oklahoma 73019.

UNIVERSITY OF OKLAHOMA COLLEGE OF LAW

ADMINISTRATION

Katheleen Guzman, B.A., J.D., LL.M., *Interim Dean of the College of Law, Interim Director of the Law Center, Earl Sneed Centennial Professor, MAPCO/Williams Presidential Professor, and Professor of Law.*

Andrew M. Coats, B.A., J.D., *Dean Emeritus, Director Emeritus, Samuel Roberts Noble Foundation Presidential Professor, Arch B. & Joanne Gilbert Professor, and Professor of Law.*

Darin K. Fox, B.A., M.S., J.D., *Associate Dean, Director of the Law Library, and Professor of Law.*

Megan Wischmeier Shaner, B.S., J.D., *Associate Dean for Research and Scholarship, and Professor of Law.*

C. Brent Dishman, B.S., J.D., *Assistant Dean of Student Affairs.*

Stanley L. Evans, B.B.A., M.B.A., J.D., *Assistant Dean.*

Gail Mullins, B.S., J.D., *Assistant Dean of Experiential Learning, Director of Legal Writing, and Assistant Professor of Law.*

Laura Palk, B.A., J.D., *Assistant Dean of Development and Alumni Affairs Adjunct Professor of Law*

Kenton Brice, B.B.A., J.D., M.S.-L.S., *Director of Technology Innovation.*

Melissa Caperton, B.A., *Director of Communications.*

David W. Dye, B.A., J.D., M.L.I.S., *Director, Graduate and International Programs.*

Brian Griffith, A.A.S., *Director of Information Technology.*

Peter C. Kraemer, B.A., M.A., M.A., *Director of Faculty Support.*

Autumn Lockett, B.A., *Director of Admissions.*

Ashley Murphy, B.A., M.B.A., J.D., *Director, Office of Career Development.*

Camel Pennington, B.A., J.D., *Director of Annual Giving.*

Glen Pinkston, B.S.B.A., M.A., *Director, Financial Services.*

Stacey Reynolds, B.A., *Director of Continuing Legal Education and Events.*

Sunny Rowland, B.S., J.D., *Director of Academic and Bar Support, and Director of Legal Assistant Education.*

Connie S. Smothermon, B.A., J.D., *Director of Competitions, Director of Externships, and Assistant Director and Assistant Professor of Legal Research & Writing.*

Joel Wegemer, B.A., J.D., M.L.S., *Deputy Director of the Law Library and Adjunct Professor of Law.*

Rachel Egli, B.A., *Editor, Sooner Lawyer, and Communications and Events Coordinator.*

Rebecca J. Lucas, *Registrar and Study Abroad Coordinator.*

Lisa Ross, *Executive Assistant to the Dean.*

Michael F. Waters, B.A., M.A., *Editorial Advisor for the Law Reviews.*

FACULTY

Owen L. Anderson, B.A., J.D., *Eugene Kuntz Chair in Law in Oil, Gas and Natural Resources Emeritus, George Lynn Cross Research Professor Emeritus, and Professor of Law Emeritus.*

Carolina Arlota, LL.M., J.S.D., *Visiting Assistant Professor of Law.*

Evelyn Aswad, BSFS, J.D., *Herman G. Kaiser Chair in International Law, and Professor of Law.*

Mary Sue Backus, B.A., M.A.T., J.D., *Robert Glenn Rapp Foundation Presidential Professor of Law.*

Brenda H. Barnes, B.A., J.D., *Assistant Professor of Clinical Legal Education.*

Donald T. Bogan, A.B., J.D., *Thomas P. Hester Presidential Professor, and Frank Elkouri and Edna Asper Elkouri Professor in Law.*

Sarah Burstein, B.A., J.D., *Professor of Law.*

Steven J. Cleveland, B.A., J.D., *Thomas P. Hester Presidential Professor, and Professor of Law.*

Andrew M. Coats, B.A., J.D., *Dean Emeritus, Director Emeritus, Samuel Roberts Noble Foundation Presidential Professor, Arch B. & Joanne Gilbert Professor, and Professor of Law.*

Monika U. Ehrman, B.S, J.D., LL.M., *Faculty Director, Oil & Gas, Natural Resources, and, Energy Center, and Associate Professor of Law.*

Jonathan Forman, B.A., M.A., M.A., J.D., *Kenneth E. McAfee Centennial Chair in Law.*

Darin Fox, B.A., M.S., J.D., *Associate Dean, Director of the Law Library, and Professor of Law.*

Steven S. Gensler, B.S., J.D., *Gene and Elaine Edwards Family Chair in Law, and President's Associates Presidential Professor.*

Mark R. Gillett, B.A., J.D., LL.M., *Professor of Law Emeritus.*

Katheleen Guzman, B.A., J.D., LL.M., *Interim Dean of the College of Law, Interim Director of the Law Center, Earl Sneed Centennial Professor, MAPCO/Williams Presidential Professor, and Professor of Law.*

Joseph Harroz, Jr., B.A., J.D., *Interim President of the University of Oklahoma, Fenelon Boesche Chair in Law, and Professor of Law.*

Taiawagi Helton, B.A., J.D., LL.M., *W. DeVier Pierson Professor of Law, and Professor of Law.*

Stephen E. Henderson, B.S., J.D., *Judge Haskell A. Holloman Professor of Law.*

Eric E. Johnson, B.A., J.D., *Associate Professor of Law.*

Kit Johnson, B.A., J.D., *Associate Professor of Law.*

Drew Kershen, B.A., J.D., LL.M., *Earl Sneed Centennial Professor of Law Emeritus.*

F. Stephen Knippenberg, B.A., J.D., LL.M., *Floyd H. and Martha Norris Chair in Law, and Professor of Law.*

Maria T. Kolar, B.A., M.A., J.D., *Visiting Assistant Professor of Law.*

Peter F. Krug, B.A., M.S., Ph.D., J.D., *Herman G. Kaiser Foundation Chair in International Law Emeritus, and Professor of Law Emeritus.*

Peter B. Kutner, A.B., J.D., *Hugh Roff Professor of Law.*

Lubomir P. Litov, B.S., M.S., Ph.D., *Affiliate Associate Professor of Law.*

Brian McCall, B.A., M.A., J.D., *Orpha & Maurice Merrill Professor in Law.*

William J. McNichols, A.B., J.D., *Professor of Law Emeritus.*

Erin Means DeWalt, B.S., J.D., *Assistant Professor of Legal Research and Writing.*

Roger Michalski, B.A., J.D., Ph.D., *Associate Professor of Law.*

Frederick H. Miller, A.B., J.D., *Professor of Law Emeritus.*

Melissa Mortazavi, B.A., J.D., *Associate Professor of Law.*

Gail Mullins, B.S., J.D., *Assistant Dean of Experiential Learning, Director of Legal Writing, and Assistant Professor of Law.*

Daniel Nicholson, B.A., J.D., *Assistant Professor of Legal Research and Writing.*

Christopher Odinet, B.A., J.D., *Affiliate Associate Professor in Entrepreneurship, and Associate Professor of Law.*

Joyce Palomar, B.S., M.A., J.D., *Kenneth E. McAfee Chair in Law Emeritus, and Ada Lois Sipuel Fisher Presidential Professor of Law.*

Amy Pepper, B.A., J.D., *Assistant Professor of Clinical Education.*

Osborne M. Reynolds, A.B., J.D., LL.M., S.J.D., *Professor of Law Emeritus.*

Robert E.L. Richardson, B.A., J.D., LL.M., *Professor of Law Emeritus.*

Liesa Richter, B.S., J.D., *William J. Alley Professor of Law and Thomas P. Hester Presidential Professor of Law.*

Theodore Roberts, B.S., J.D., *Edith Kinney Gaylord Presidential Professor of Law, and Professor of Law Emeritus.*

Lindsay G. Robertson, A.B., M.A., Ph.D., J.D., *Faculty Director, Center for the Study of American Indian Law and Policy, Chickasaw Nation Endowed Chair in Native American Law, Sam K. Viersen Jr. Family Foundation Presidential Professor, and Professor of Law.*

Michael A. Scaperlanda, B.A., J.D., *Professor of Law Emeritus.*

Zachary M. Schmook, B.S., J.D., *Assistant Professor of Legal Research and Writing.*

Megan Wischmeier Shaner, B.S., J.D., *Associate Dean for Research and Scholarship, and Professor of Law.*

Erin Sheley, A.B., J.D., Ph.D., *Professor of Law.*

Connie S. Smothermon, B.A., J.D., *Director of Competitions, Director of Externships, and Assistant Director and Assistant Professor of Legal Research & Writing.*

Robert G. Spector, B.S., J.D., *Glenn R. Watson Centennial Chair in Law, and Professor of Law Emeritus.*

Rennard Strickland, B.A., M.A., J.D., S.J.D., *Senior Scholar in Residence.*

David Swank, B.A., J.D., *Dean Emeritus, and David Ross Boyd Professor of Law Emeritus.*

Murray Tabb, B.A., M.A., J.D., LL.M., *Judge Fred A. Daugherty Chair in Law, and David Ross Boyd Professor of Law.*

Rebekah C. Taylor, B.A., J.D., *Assistant Professor of Clinical Legal Education.*

Rick Tepker, B.A., J.D., *Floyd & Irma Calvert Chair of Law and Liberty, and Professor of Law.*

Joseph T. Thai, A.B., J.D., *Presidential Professor of Law, Glenn R. Watson Centennial Chair in Law, and Professor of Law.*

OKLAHOMA LAW REVIEW

EDITED AND COMPILED AT THE COLLEGE OF LAW OF THE UNIVERSITY OF OKLAHOMA
AND PUBLISHED QUARTERLY
© Oklahoma Law Review, 2019

COLLEN L. STEFFEN
Editor-in-Chief

KATHERINE M. RAUNIKAR
Managing Editor

ALAN FONSECA
Executive Articles Editor

VICTORIA JOHNSON
ERIC KRAMPF
ALLISON MEINDERS
*Note & Comment
Editors*

JIM JOHN
WIL NORTON
ASHLEY RAY
CHRIS SLOCUM
PAUL TORTORICI
SCOTTIE VERPLANK
*Assistant Managing
Editors*

PHOEBE MITCHELL
*Research Editor &
Candidate Mentor*

JAKE MARTIN
ASHLYN SMITH
MATT STOTT
Judiciary Committee

SARAH K. CAPPS
ANTHONY W. JOYCE
THOMAS J. JOYCE
Articles Editors

HAYLEY PARKER
Symposium Editor

BECKY BRYAN
COOPER DAVIS
JAKE MARTIN
MAEGAN MURDOCK
SHELBY RICE
MATT STOTT
Assistant Articles Editors

SHELBY RICE
*Topic Editor
& Candidate Mentor*

AMANDA BROUSSARD
CHRIS SLOCUM
Staff Editors

MEMBERS

CONNOR L. BALLINGER
BRENNAN T. BARGER
BAILEY BETZ
JACOB P. BLACK
RYAN D. BROWN
EVAN J. CRUMPLEY
DIANE DOH
JACOB M. DOWNS
COOPER E. EPPES
MARCI J. GRACEY
NATALIE M. JESTER
KARSON J. KATZ
MAEVE P. LINDSEY
MICAH G. MAHDI
JUSTIN M. MAI
NICK MARR

MATTHEW T. NEIMAN
TAYLOR J. FREEMAN PESHEHONOFF
JONATHAN L. ROGERS
GRANT P. SCOWDEN
AUSTIN SHEEHY
HEATHER S. TALLEY
ISAAC Z. TREADAWAY
REED C. TRECHTER
GRAYSON P. WALKER
SEAN C. WALLIS
JOSEPH D. WEISS
COURTNEY D. WEST
SIERRA L. WHITE
ALLYSON L. WILCOX
ABBEY D. ZUECH

OKLAHOMA LAW REVIEW

VOLUME 72

AUTUMN 2019

NUMBER 1

SYMPOSIUM: LAWYERING IN THE AGE OF ARTIFICIAL INTELLIGENCE

Should Robots Prosecute and Defend?

Stephen E. Henderson 1

The Promise and Limitations of Artificial Intelligence in the
Practice of Law

W. Bradley Wendel 21

Artificial Wisdom? A Potential Limit on AI in Law (and
Elsewhere)

Joshua P. Davis 51

Online Legal Document Providers and the Public Interest: Using
a Certification Approach to Balance Access to Justice and Public
Protection

Susan Saab Fortney 91

Minding the Gaps in Lawyers' Rules of Professional Conduct

Anita Bernstein 125

AI/Esq.: Impacts of Artificial Intelligence in Lawyer-Client
Relationships

Chris Chambers Goodman 149

The Future Is ~~Bright~~ Complicated: AI, Apps & Access to Justice

Emily S. Taylor Poppe 185

When Robots Make Legal Mistakes

Susan C. Morse 213