

Pioneers and Pathfinders: Ivy Grey Returns

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Steve Poor

Hi, this is Steve Poor, and you're listening to Pioneers and Pathfinders.

This week, we're catching up with Ivy Grey, a legal tech entrepreneur, writer, and longtime friend of the podcast. We first spoke with Ivy three years ago about her fascinating background in anthropology and journalism, as well as her work at WordRake, where she's now chief strategy & growth officer. She also continues as an advisor to PerfectIt, a proofreading tool for legal professionals.

In this episode, Ivy walks us through her "sandwich" approach to writing with generative AI, and how new tools in WordRake are helping users write more clearly and confidently. We also talk about staying ethically grounded while using gen AI, and how emerging tech might reshape legal training and apprenticeships. Ivy brings a usual mix of insight, clarity, and energy. Let's take a listen.

Ivy, welcome back to the podcast. It's so great to see you. Thanks for making time for us.

Ivy Grey

Thank you so much for having me back. It's such a pleasure.

Steve Poor

Since, I think, almost immediately after the last podcast, you moved into the role of chief strategy and growth officer at WordRake. So very belated congratulations on that.

Ivy Grey

Oh, thank you.

Steve Poor

Let's start. I want to, I want to talk about word rake and how it's evolved in the since the big bang of ChatGPT and the cool things you're doing. But let's start with a broader focus. Talk a little bit about legal writing in an age of generative AI. You recently wrote a white paper, and I wrote down the name of it so I get it right: Digital Due Diligence: A Practical Guide to AI and Ethics in the Legal Profession. And you cover a huge amount of topics in a relatively short period of time. It's extremely well done. There's a quote you had that just really stood out to me, and maybe we can use it sort of as a launching pad to have a discussion around legal writing. And I'm quoting now: "Legal writing is not simply assembling words or producing text. It is a result of analysis, strategy, and judgment." I just think that's fabulous.

Ivy Grey

Thank you.

Steve Poor

And I think it captures some of the struggle that people are having, that we're producing work. The lawyer's job is to produce written stuff. By and large, share with us your thoughts led you to that great quote.

Ivy Grey

With generative AI, we can now very quickly get to words on a page. And if you believe writing is merely the transcription of preformed thoughts, then getting to words on a page is a great shortcut, and it's a giant relief. But if you believe that writing is more than that, then generative AI makes you question what we're really trying to do when we go through that process. And I believe that writing is more than just transcribing or assembling information. It is how we arrange our thoughts, and it is a process of forcing us to reconsider our thoughts and make those thoughts useful to other people. So I don't think that we should skip that, even if tools are available to give us that text quickly. So now that generative AI is on the scene and possibly eating up all writing to be done, I'm trying to find ways to help people rethink their process of creating text so that they can get close to their writing, think about what it is that they're doing, and then still use the tools that are available to them to make that writing better, but just do it faster. So it's all about alignment, which I think still fits with what we were talking about when we got together two or three years ago.

Steve Poor

In your white paper, you talked about the sandwich approach. Is that the process you're talking about?

Ivy Grey

Yes, that is the process I'm talking about. So with the sandwich approach, your human thoughts are essentially the bread that are on the outside of the sandwich, and the AI and your interactions with generative AI are all of the stuff that comes in between. But it's really important to create that container so that you can shape whatever you're putting in. So using the sandwich idea, imagine that your first slice of bread represents your thoughts. And you have done your research. You've thought about where you're trying to go before you engage this new tool, and you've thought about your goals. Then in the middle, you start prompting, and your prompting is very goal driven. You know where you're going, you're not letting the generative AI just steer you to wherever it feels you might go based on the probabilities and the statistical analysis of what's there. And then on the final slice of bread in the sandwich that closes it all up, you're going to review your work, think about whether your goals have been achieved, and then you're going to massage what you've received into something that really reflects what you mean to say and incorporates all of your judgment so that you are in control, and the AI has just helped you get to where you wanted to go, rather than replaced where you wanted to go.

Steve Poor

How does this work into training aspiring lawyers? Because these are seductive tools to use.

Ivy Grey

It's true.

Steve Poor

But put hallucinations aside. I think we all know you've got to double check the work. And if you don't, you got problems. And I don't understand why we're still having those problems pop up. That's ethics 101.

Ivy Grey

Right.

Steve Poor

But the seductive nature putting aside the hallucinations is this stuff is produced in a very literate fashion, and it's easy to fall in the trap of allowing it to substitute for your own judgment and your own wisdom, isn't it?

Ivy Grey

It is, and I think that when young lawyers first enter their profession, they're at their most insecure. They want to sound like lawyers. They are worried about whether they're really working fast enough. And they get lost in their thoughts and their words can get really tangled, so it is super seductive to have a tool that says, hey, I can do that for you, and you just want to press the magic easy button, because it helps you get past all of those insecurities. But if you are not engaging in that struggle and in that thinking, then you're not developing the judgment that you need to become a better lawyer and to progress in your career. So I wrote a blog about the importance of writing for knowledge workers. And lawyers are the ultimate knowledge worker, in my opinion, and all of that thinking and developing your work for someone else and thinking about how someone else is going to understand it and use it and what they're going to do with what you've written is part of being a partner to your clients and to your coworkers, and it also teaches you to think more deeply about your work and what you're doing and why you're doing it. So I think that if you focus on the aspect of building judgment, then you're going to continue to be committed to that work, even though these tools are available to you, and they can just polish up your work. And again, if you are involved as you should be, which I think model rules 2.1 and 5.3 require you to be then you are interrogating the generative AI output that you get, and you're saying, Does this meet my goals? Is this what I meant to say? And you're testing yourself and really confirming that you do know what you're talking about, and this is indeed what you meant to say. It's a rhetorical grammar that you're now engaging.

Steve Poor

That makes complete sense. You're running a law firm, you're running a law school, you're running a legal department. That's a great concept. How do you land the plane in terms of training and developing law students or relatively junior lawyers?

Ivy Grey

So, there are a couple of things. First, two training platforms are now available, and they are doing an outstanding job of helping lawyers to develop that judgment and get those repeated reps, which we aren't getting anymore, and those tools would be Practio. So big shout out to Michael bloom, just some of the best work that I've seen out there for the legal writing training part. And also to hotshot, excellent work in helping...

Steve Poor

Ian was just on the podcast.

Ivy Grey

Yes, yes. Ian is so great. So that really helps to develop that subject matter understanding of what you're supposed to be doing in the work. And so between those two tools, we are supplementing and changing how lawyers are learning. Now, in terms of getting in the reps for editing using a tool like WordRake, I think, really helps you to get closer to your writing and think sentence by sentence, whether you're achieving your goals, and when WordRake suggests to you that a sentence could be written a different way, and you must think, well, are those words the same? Is that really what I meant, does this achieve the same goals? Is this piece of information supplemental? Those are questions that you should have been asking when you were writing, but maybe didn't think to ask, and now you have more time to ask those questions when you are in the editing process. So going line by line, word break will bring those editing suggestions to your attention. And I think that gives you the reps of doing that line editing work. So between all three of those things, you're going to get in there a lot better. And then the partners can help you with the strategy part at the end.

Steve Poor

It's been, now, I think when we last talked on the podcast, it was before generative AI became a real thing.

Ivy Grey

Yes.

Steve Poor

Which it now is. And as I've said many times before, there's a law that says every podcast has to talk about generative AI these days.

Ivy Grey

It's true.

Steve Poor

But how has word rake evolved over the last couple of years to take advantage of this massive shift in technology and technology adoption?

Ivy Grey

Well, we've done a couple of things. One, the presence of generative AI has changed how people approach writing. Before generative AI came out, writing was precious, and lawyers were unwilling to try new tools or let tools change any writing for them. So our edits had to be very narrow in scope, and we held ourselves back from making too many big changes. So super accurate, super narrow, very much like a scalpel. And now with generative AI, people are willing to accept larger changes, which means that we can offer bigger changes, and that's exciting. So we can reword and restructure sentences in ways that wouldn't have been acceptable before. We can do more with unwinding passive voice and making sentences active, and we can also help people simplify their language choices, but

within the context that's necessary. So we can do so much more because the context is different and what you will have seen in the last three years, we've had two major releases with WordRake 4.0 that came out at the end of 2022 we introduced simplicity mode, which will help people to write in plain language and comply with the 998 plain language laws in the US. And, I mean, that's just incredible.

Steve Poor

998.

Ivy Grey

Yes.

Steve Poor

We couldn't get two more and get an even 1000.

Ivy Grey

Well, we might be there now. And then at the end of 2024 we released word rig 5.0 where we refreshed the interface, and we also introduced a level of customization that we didn't have before. So now writers can say, never show me this suggestion again. And then every person at the firm over their use will eventually have their own customized version of WordRake as they hit that never suggest button. And then we've done even more. We've been on an incredibly fast trajectory these days, and I'm super excited about it, but with 5.1 released in July, so Wow, it's just about a month ago now, we added a lot more semantic mapping so that we can use court names and policymakers and judges and all of these other known entities to help you to see more of that context and make more significant changes for legal writing. And then coming up soon, so, in September, we are going to be twice as fast, which encourages you to use WordRake even more. So it's a whole lot of stuff that's happening. And we can do that because ChatGPT really opened the door to some of those conceptual changes that weren't really available before.

Steve Poor

Let's put a pin on the adoption phase, because I want to come back to it, but I'm curious about one feature you just described, which is essentially creating a persona that by my usage, I create a persona that's going to edit things in the way I like it to be edited.

Ivy Grey

Well, I wouldn't call it a persona. So what you're doing is you are training the tool locally by saying you do not like this path for a specific algorithm, and you are manually turning off that pathway so that it is no longer offered to you. And through your use, you will say, I don't want to see that. And it will slowly customize the tool to your liking through your own interaction. It's not machine learning, it's more of custom selection.

Steve Poor

So over time, I custom select what I like and don't like, and at some point, it starts giving me what I like and doesn't give me what I don't like.

Ivy Grey

Yes.

Steve Poor

If I'm writing something, here's my question, if I'm writing something for a partner, can I put it through editing as if she was editing it with her custom likes and don't likes so that when I hand it to her, I look good?

Ivy Grey

So what you've just described is actually called a style guide. And a style guide is a list of all of the likes and dislikes and the style choices that any writer or organization would want to apply consistently over the life of their document and all future documents. Style guides is not something that word rate does, but it is something that PerfectIt does, which is my other baby, and it does incredibly well. So with your style guides you could feasibly in PerfectIt customize each style to say the partner or the judge or the jurisdiction that you work with, so that you can just apply those every time you are writing for that specific partner.

Steve Poor

So I could have a style guide for Judge Samuel in the Northern District of California, and to say to associates who are drafting a brief before Judge Samuel, this is the effective way we've had to present these arguments to the judge, and it would offer suggestions in keeping with that learned experience.

Ivy Grey

Yes, so with style guides, at least the way PerfectIt does style guides, and as far as I know it's the only effective way to do style guides is that an expert in that style creates that list of things that should be implemented, and it is not done through machine learning. So the style would be certain words that the judge does not like, certain phrases that the judge does not like, any of the local rule formatting that you would want to apply, or any of the capitalization, all of those things would be in a style guide, so you can take what would typically be tacit knowledge and capture it so that it can be replicated throughout your firm.

Steve Poor

That's very cool.

Ivy Grey

It is cool.

Steve Poor

It's cool. Let's go back to the point you were making about adoption. It has been different since ChatGPT hasn't it?

Ivy Grey

It has.

Steve Poor

I suppose some of it was pandemic related, where people got used to working remotely and with technology, but ChatGPT has really changed people's willingness to utilize and adapt to technology.

Ivy Grey

It has. So chatgpt has changed willingness to adapt to technology, and it's also encouraged people to rethink what is touchable and changeable, and now, writing is up for grabs in a way that it hadn't been before.

Steve Poor

Take me out three or four years from now, where do you see WordRake going with it with the continued advances in technology.

Ivy Grey

Oh, that's cool. So you've got access to judges rules? So we've been focusing on differentiation and making the types of changes that only a subject matter expert would be able to suggest. So ChatGPT is a generalist tool, and it won't care who the judges are, and it will also have whatever bias is built in. So it might change a judge's name because it thinks that a male judge might be more persuasive than a female judge, and things like that. WordRake isn't going to make those sorts of changes, but we can do the hard work of knowing who all the judges are and which jurisdictions those judges are in and what the proper rule statements are. So with that subject matter knowledge and the combination of our linguists who are applying their rhetorical grammar, we can decide what changes are worthwhile to suggest, and we can focus on only doing those top level, super important things. So we're going to be doing more of that as we go forward, because people aren't expecting the basic things from WordRake anymore. So now we're free to do the much more exciting, difficult stuff. And I love that. Right, so you have access to local rules, yes.

Steve Poor

Local rules. I presume that gives you some guidance. But do your linguist like look at materials? Do they say this case was decided on summary judgment. What was it about this brief for these papers that caught the judge's attention? How do you sort of know what the style guide is for a particular judge?

Ivy Grey

So, we look more at literacy and the science of reading and what makes a sentence fundamentally understandable, what makes a collection of words fundamentally persuasive, and we try to take that approach. So if we read, say, a motion for summary judgment, and then we read the opinion that came after that, and we notice a trend, then we'll try to validate that trend and create a broader rule from that trend, rather than saying, Well, this one word worked, therefore it will always work. Instead, we'll try to generalize and say this category of words, it weakens a sentence, and we could instead be better by improving this category of words, by say, removing it, simplifying it, or moving it to a different portion of the sentence.

Steve Poor

Let's change focus just a little bit, because I know with the advent of generative AI and with the evolution of technology, raises all sorts of ethical issues, and I know you've been out in front and very strong in your views on the ethical implications and the duties of lawyers. How has the understanding of the profession moved in the last couple of years? Mean, when we started, everyone was terrified that we don't know what this is. It's gonna there was just no; we just refused to accept it. Then it swung to it's gonna replace all of us. We're all gonna go to the beach. And now there's a more it seems like we're moving towards a more nuanced understanding of lawyers, ethical obligation to use the technology, but to use it correctly and use it in the right way. Have you seen that evolution that I'm talking about, or am I making this up? Which is highly likely.

Ivy Grey

I think there has been some evolution, but it's splintered. So people are starting to understand that the duty of technology competence under model 1.1 comment, eight, it is really about understanding the risks and benefits. So you can't just adopt everything wholesale without looking very far. And you also can't reject everything and say, I refuse to learn because this is going to take my job. You do need to have a balanced view, which means that you need to try it. And I think that people are looking for creative ways to experiment and figure out their own use cases. And they're also realizing that it's kind of fun to prompt ChatGPT to figure out what their use cases could possibly be. So if you're not putting confidential information in, you can just have a conversation and say, Well, I'm trying to do this. How might I be able to accomplish that? Well, could I do this in Microsoft Word? Could I do this some other way? And it can walk you through, which is a really fun way to experiment with the tool without actually having any impact on your legal work for a client. So I think people are realizing that that's an option, and it's really enticing.

Steve Poor

Sam Altman recently was talking about subpoenas and the privacy or lack thereof, of the information in ChatGPT, and I think sent chills down the spine of all of the ethics lawyers around the country. What was your reaction to his comments?

Ivy Grey

My reaction was: yes, we've been saying this. Why are we surprised? So when the ABA came out with opinion 512, and said you should talk to your clients under model rule 1.4 you have a duty to advise your clients and discuss the tools that you're using with them and discuss technology generally with them. Most people brushed it off thinking, well, this is silly. Why would I talk to them about spell check? And they didn't think about the other side of the coin, where you need to speak to your clients about how they use technology, because they might inadvertently waive privilege. They might disclose confidential information. They might take your legal advice and give it to a chat bot. So with a free tool that's widely available, your mindset needs to be more of is this like email? Is this like social media? And what would we normally advise clients about when it comes to legal representation and social media or email use. With that, you would say, you know, if you're in a custody battle, maybe don't post pictures of wild things that you're doing on Facebook. That could be bad for your case. That would be discoverable. Or you could say, you know, maybe you shouldn't, or definitely you shouldn't forward my legal advice that I emailed to you, to somebody who is outside of this representation that's going to break privilege. So I've always been in that mindset, and to me, those sorts of considerations are

clearly within the purview of model rule 1.4 and all of this stuff that Sam Altman was speaking about with a lack of confidentiality and possible lack of privilege, to me fall squarely within those considerations. So just extend your views of social media and email to how your clients might use ChatGPT and have those same conversations with them.

Steve Poor

That's great advice. So you've worked across law and journalism and tech. As you look at the impact of technology and the continued impact of technology in the profession, what are the skills you think the next generation of legal professionals should bring, we should be looking for to bring to the party? Have they changed? Do they remain the same?

Ivy Grey

So I think the skills are actually the same. The technology that we use to get there, will it will be a constantly rotating cast of characters. So I would focus more on those skills. And judgment is key. People need to know why they're doing what they're doing, decide what is in and what is out and where it is worthwhile to spend their time, and that's not going to change, regardless of the tools that you use.

Steve Poor

One of the interesting dynamics ... I agree with you on the judgment part. Historically as a profession, we've let people mature into judgment by doing grunt work, by doing repetition, by doing tasks over and over again, many of which will be done by technology. How is this affecting sort of that apprentice nature of the profession? How do you develop someone's judgment if it's not by letting them see interactions and letting them see cases or deals or over a period of time?

Ivy Grey

Well, I think this is where the old school process mapping comes back in, and...

Steve Poor

Oh no. What's old is new again.

Ivy Grey

Yes. So I think that all of those workflow diagrams and process maps will have a resurgence, because it requires you to look at the big picture of what you're doing, and again, while you're doing it, I feel like I'm a broken record here, but you will start to see those maps, and you'll build a technology stack that reflects those maps, so you'll know what tool to use, when and why and what those fault points are, and you'll learn how to check those things. So checking for those known unknowns will become your new test of whether you can move on to that next skill. So I think that's how the apprenticeship model will start to change.

Steve Poor

I think it also puts a greater burden on the senior lawyers to not just assume people are going to learn by osmosis, but to actually share their wisdom, to share their experience. Here's what you need to be thinking of. Here's what I think of when I go into a client meeting or deposition or something.

Ivy Grey

Yes, I think that feasibly, you could consider it a burden, but partners enjoy speaking about those sorts of things, and I think that partners would rather have those discussions than the comma goes here. So with all of the technology coming in and changing, some of the grunt work, partners will be free to have the discussions that they've been missing for 10 to 20 years, we will now get to talk about the strategy and why you are considering those things, and what you do when you prepare for a deposition, rather than how does the page need to be printed? What does this binder look like? What do you bring with you? So I think that partners will be relieved in the end.

Steve Poor

I hope so. Your lips to God's ears. I know we're running out of time. Last sort of couple questions we've talked about word rake, you mentioned PerfectIt in passing, but what are the goals for perfect? It tell us where that product is going.

Ivy Grey

So, PerfectIt is still an exciting tool. It is growing and doing well, and it's just getting better every day. They've introduced, I get to say they, because I don't get to be part of this one. They've introduced a new tool called Draftsmith that actually does do some line by line editing based on generative AI. And that tool is not designed for lawyers. It's designed for copywriters, editors, professional proofreaders, and they're really enjoying the tool, because they feel that it's a way to use generative AI without it overstepping, because it's confined to sentence by sentence working.

Steve Poor

Oh, that's cool. Sort of avoids hallucination.

Ivy Grey

In a way. Yes, it minimizes it.

Steve Poor

Minimizes it. Yeah, nothing avoids it.

Ivy Grey

Right. So, I mean, the smaller your context window, the better results you're going to get. People got really excited about huge context windows, and they thought that that meant they could just jam everything in there and then get a whole brief out. But if you were working with that much information, something is more likely to get lost. So by changing the context window to simply a single sentence, you're going to get a better result, and I think that that is true for any tool that you're going to use.

Steve Poor

Okay, last question, I promise. Do you still swing dance?

Ivy Grey

I have not been swing dancing in several years now. That is no longer a part of the life that I get to lead. However, I am doing a lot more fun things. I'm playing many more board games, and I am learning a whole lot about product management.

Steve Poor

Oh, I don't know about the product management, but what board game is your favorite?

Ivy Grey

So Dominion is my favorite, and really it is a deck building strategy game.

Steve Poor

I'll have to look for that.

Ivy Grey

It's really fun. It's also introduced a few new expansions that change the gameplay and offer new features. So I play that as much as I can. You can even play it online.

Steve Poor

Okay, a good, good pitch for the company. Thank you for that. Thanks so much for making the time for us. It's been great as always.

Ivy Grey

Thanks for having me back. I've enjoyed it.

Steve Poor

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