



## The Keys To AI: Prompting and Certification

By Brian M. Tully, Esq. and Kera Reed, Esq.

The prevalence of artificial intelligence ("AI") is skyrocketing.<sup>1</sup> According to the Artificial Intelligence Index Report 2025, private investment in AI in the United States grew to \$109.1 billion, and 78% of businesses – as compared to 55% in 2024 – now report using the tool.<sup>2</sup> Although the legal industry may have initially been reluctant to embrace the technology, lawyers are increasingly using the tool to automate routine tasks such as document review and legal research.<sup>3</sup> This practice, however, has not been without its issues.

In her article *Generative Oops: The Risks of Unvetted AI Usage in Court Filings (Part I)*, Professor Heidi K. Brown of New York Law School outlines a plethora of cases in which attorneys may have over-relied on the technology.<sup>4</sup> In one such case – *Mata v. Avianca* – lawyers cited to "hallucinated" cases, or cases that were "created out of thin air," by AI tools.<sup>5</sup> Ultimately, the Southern District of New York reprimanded the lawyers by directing them to write to their clients regarding their transgression, write to each of the judges discussed in the illusory cases, and pay a \$5,000 fine.<sup>6</sup> The bottom line: although AI presents numerous benefits in the name of efficiency, it also presents certain ethical quandaries.<sup>7</sup>

Given the potential issues, attorneys who have limited experience with AI may be hesitant to use the tool in the professional setting. In order to overcome such hesitancy, Professor Brown encourages attorneys to start using AI by beginning with simple prompts, or sets of instructions, for the AI-chatbot to follow.<sup>8</sup> The more specific these prompts eventually become, the better the AI-chatbot will perform.<sup>9</sup> For example, according to Professor Brown, "prompting gurus" recommend that AI-users adopt a prompt formula that in-

cludes the following: (i) a *role* for the AI-chatbot (e.g., an attorney specializing in construction law), (ii) *context* for the role (e.g., representing a builder), (iii) a *task* for the AI-chatbot to complete (e.g., draft a set of interrogatories), (iv) a *format* for the output (e.g., a numbered set of questions), and (v) a *tone / style* for the AI-chatbot to adopt (e.g., assertive but not aggressive or rude).<sup>10</sup>

Aside from well-formulated prompts, AI-chatbots will produce more complete answers when encouraged by the user and asked directly how it prefers to be instructed.<sup>11</sup> For example, AI-chatbots will perform better when encouraged with language such as "you got this" and asked questions such as "how can I improve this prompt?"<sup>12</sup> To test this out, we asked ChatGPT the following: "What is the best way to ask you a question?" In response, similar to the recommendations provided by the "prompting gurus,"<sup>13</sup> ChatGPT instructed us to be: (i) clear and specific, (ii) direct, (iii) contextual, and (iv) goal-oriented. This same question was asked to Google Gemini, and similarly, it responded: "The best way to ask me a question is to be clear and specific. It also provided the following tips: (i) Be direct: Get straight to the point; (ii) Provide context: If your question relates to something specific, give me enough background information so I can understand what you're asking; (iii) Use complete sentences: This helps ensure I interpret your question correctly; (iv) Break down complex questions: If you have a multi-part question, consider breaking it into separate, smaller questions; and (v) Specify what you're looking for: Do you need a definition, an explanation, a list, a comparison, or something else."

Finally, Gemini was asked if it responds to encouragement. It responded, "Yes, I

do! While I don't experience emotions in the way humans do, encouragement helps me understand that I'm providing helpful and accurate responses.

Think of it this way: when you give me positive feedback, it reinforces the "correct" ways to answer questions and makes it more likely I'll provide similar quality responses in the future. It's a signal that I'm on the right track!"

Ultimately, with a well-formulated prompt, AI-chatbots are an incredible tool that can help attorneys automate certain routine tasks. However, to avoid unfortunate situations like those outlined in *Mata v. Avianca*, attorneys should be sure to certify the information produced by the technology.<sup>14</sup>



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<sup>1</sup> See generally NESTOR MASLEJ ET AL., AI INDEX STEERING COMMITTEE, INSTITUTE FOR HUMAN-CENTERED AI, STANFORD UNIVERSITY, ARTIFICIAL INTELLIGENCE INDEX REPORT 2025 3 (Nestor Maslej Editor-in-Chief, 2025), [https://hai.stanford.edu/assets/files/hai\\_ai\\_index\\_report\\_2025.pdf](https://hai.stanford.edu/assets/files/hai_ai_index_report_2025.pdf) ("Business is all in on AI, fueling record investment and usage, as research continues to show strong productivity impacts.").

<sup>2</sup> Id.

<sup>3</sup> How AI is transforming the legal profession (2025), THOMSON REUTERS (Jan. 16, 2025), <https://legal.thomson-reuters.com/blog/how-ai-is-transforming-the-legal-profession/>.

<sup>4</sup> Heidi K. Brown, Generative Oops: The Risks of Unvetted AI Usage in Court Filings (Part I), PLI CHRONICLE: INSIGHTS AND PERSPECTIVES FOR THE LEGAL COMMUNITY (Feb. 13, 2025), [https://plus.pli.edu/Details/Details?fq=id:\(430814-ATL2\)#ID0EFC](https://plus.pli.edu/Details/Details?fq=id:(430814-ATL2)#ID0EFC).

<sup>5</sup> Id. (discussing *Mata v. Avianca*, Inc., 678 F. Supp. 3d 443 (S.D.N.Y. 2023)).

<sup>6</sup> Id. (discussing *Mata v. Avianca*, Inc., 678 F. Supp. 3d 443 (S.D.N.Y. 2023)).

<sup>7</sup> See id.; see also AI for Legal Professionals, BLOOMBERG LAW, <https://pro.bloomberglaw.com/insights/technology/ai-in-legal-practice-explained/#what-is-artificial-intelligence> (last visited July 30, 2025) ("Legal AI tools can help lawyers automate manual processes and work more efficiently, but as AI technology continues to evolve, legal professionals need to understand how to balance the benefits with the potential risks and ethical questions of AI in law and legal practice.").

<sup>8</sup> See Heidi K. Brown, Shaking Hands with Generative AI Chatbots, MEDIUM (Jan. 31, 2024), <https://heidikristinbrown.medium.com/shaking-hands-with-generative-ai-chatbots-2295dc0f1c90>.

<sup>9</sup> See Heidi K. Brown, Can Interacting with GenAI Make Us Better Communicators, Supervisors, and Mentors? (Part I of II), PLI PLUS (Nov. 25, 2024), [https://plus.pli.edu/Details/Details?rows=10&fq=~2B~id~3A~\(~2B22~424125-ATL4~22~\)&sort=s\\_date+desc&origin=title](https://plus.pli.edu/Details/Details?rows=10&fq=~2B~id~3A~(~2B22~424125-ATL4~22~)&sort=s_date+desc&origin=title).

<sup>10</sup> Id.

<sup>11</sup> See id.; see also Lance Eliot, The Answer To Why Emotionally Worded Prompts Can Goose Generative AI Into Better Answers And How To Spur A Decidedly Positive Rise Out Of AI, FORBES (Nov. 11, 2023, 03:34pm EST), <https://www.forbes.com/sites/lanceeliot/2023/11/11/the-answer-to-why-emotionally-worded-prompts-can-goose-generative-ai-into-better-answers-and-how-to-spur-a-decidedly-positive-rise-out-of-ai/>; Moritz Kremb, AI has emotions?, PROMPT WARRIOR (Dec. 1, 2023), <https://www.thepromptwarrior.com/p/ai-emotions>.

<sup>12</sup> Brown, supra note 9 (explaining that emotional language and questions from the user will produce better output); Moritz Kremb, AI has emotions?, PROMPT WARRIOR (Dec. 1, 2023), <https://www.thepromptwarrior.com/p/ai-emotions> (providing the prompt "You got this.").

<sup>13</sup> Brown, supra note 9 (outlining the prompt formula recommended by "prompting gurus.").

<sup>14</sup> Heidi K. Brown, Generative Oops: The Risks of Unvetted AI Usage in Court Filings (Part I), PLI Chronicle: Insights and Perspectives for the Legal Community (Feb. 13, 2025), [https://plus.pli.edu/Details/Details?fq=id:\(430814-ATL2\)#ID0EFC](https://plus.pli.edu/Details/Details?fq=id:(430814-ATL2)#ID0EFC) (discussing *Mata v. Avianca*, Inc., 678 F. Supp. 3d 443 (S.D.N.Y. 2023)).