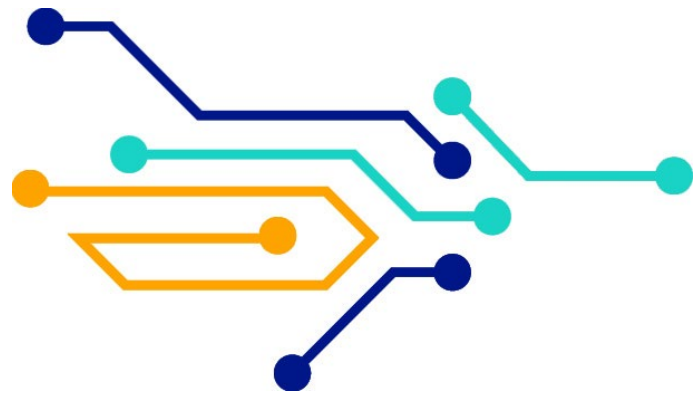


# Generative AI: Opportunities to enhance CLEO's Guided Pathways

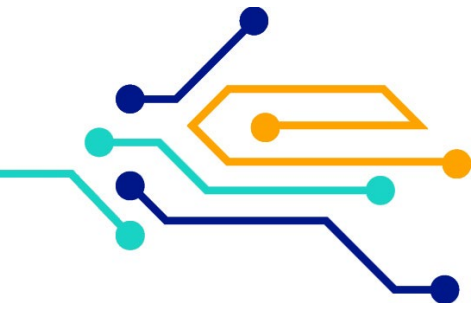
A discussion paper



## **Generative AI: Opportunities to enhance CLEO's Guided Pathways** A discussion paper

Toronto: Community Legal Education Ontario, October 2024

This discussion paper is the result of a joint research project undertaken by CLEO (Community Legal Education Ontario/Éducation juridique communautaire Ontario) in partnership with McGill and the Montreal Cyberjustice Laboratory.



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## Introduction

The legal sector, like much of society, may be on the cusp of transformation due to the proliferation of Generative Artificial Intelligence (GenAI) technologies. In the world of online legal tools, GenAI is starting to dominate headlines and conference agendas. With the emergence and rapid adoption of GenAI, the landscape of public legal information and access to justice has significantly shifted over the past year. The current capabilities and future potential of GenAI are now central to conversations about leveraging technology to enhance access to justice and empower individuals through self-help.

The term GenAI describes technology capable of producing content, like text, images, or video. Text-based GenAI tools, like ChatGPT, use patterns and relationships learned from large datasets to recognize, summarize, predict, analyze, and generate text. GenAI is transforming the traditional search experience, creating both opportunities and challenges in how people find, use, and interact with information and services online.

The hopes, concerns, and questions that animate the conversation about GenAI arise as people increasingly turn to online legal tools to help overcome access to justice barriers. Often, these online tools provide information about the steps in a legal process and help people to complete court forms and other legal documents through a process called “document assembly”.

In Ontario, CLEO (Community Legal Education Ontario / Éducation juridique communautaire Ontario) developed an online document assembly tool called Guided Pathways. The tool helps people understand their legal rights, fill out a variety of court forms and other legal documents, and identify next steps.

### About this paper

In this paper, we discuss the promise that GenAI holds for addressing one specific access to justice barrier: providing better document assembly tools to people who are self-represented or have limited help with their legal problems. The paper is based on a joint research project undertaken by CLEO in partnership with scholars at

McGill Law and the Montreal Cyberjustice Laboratory. The research seeks to understand the potential of GenAI to improve document assembly applications by carefully evaluating whether GenAI can be successfully integrated into CLEO's Guided Pathways as an optional feature, with appropriate safeguards.

We refer to our paper as a "discussion paper" because harnessing GenAI more broadly to improve support for self-help will require discussion among many government, legal, and community partners. We hope that our paper will move the discussion forward and encourage others to share their journeys into the world of GenAI to increase access to justice.

This paper is structured in three sections.

Section one sets out the context for our work. It describes the access to justice challenges faced by people when completing court forms and accessing legal information, as well as the challenges faced by organizations delivering online legal resources to meet this need.

Section two outlines three ways CLEO is exploring the use of GenAI to address these challenges, by:

- helping users of the Guided Pathways craft more compelling narratives for court forms and other legal documents,
- providing real-time technical support and legal information to users of the Guided Pathways through chatbots, and
- facilitating data analysis to evaluate online tools and guide future improvements.

Section three considers how the foundational principles that guide the development of CLEO's Guided Pathways would apply to the use of GenAI and suggests a potential governance approach and framework for the responsible use of GenAI.

## About CLEO and its research partners

[CLEO \(Community Legal Education Ontario/Éducation juridique communautaire Ontario\)](#) is a community legal clinic in Ontario and a charitable, non-profit organization. CLEO works to help people who face individual or systemic barriers to participation in the justice system, including barriers related to income, language, literacy, and systemic injustices, by providing them with information to understand and exercise their legal rights. For 50 years, CLEO has built a strong reputation for producing and disseminating high quality plain language legal resources in various formats to meet the diverse needs of different communities across Ontario.

[McGill](#), through the [Montreal Cyberjustice Laboratory](#) (a joint initiative of McGill and the University of Montreal), is a leading international research institution in its field. The [Autonomy Through Cyberjustice Technologies \(ACT\)](#) initiative provides extensive, multi-disciplinary knowledge and experience in evaluation, online legal tools, and AI. ACT brings together the world's leading research centres dedicated to the use of technologies in justice, litigants, legal professionals, and the main users and developers of AI for justice in Canada. Through ACT, McGill and the Montreal Cyberjustice Laboratory have collaborated with CLEO on research about the evaluation of the Guided Pathways since 2019.



## Section 1: CLEO's Guided Pathways

A major access to justice barrier in Canada is the complexity of court forms.<sup>1</sup> Court forms play a central role in the legal system, driving legal actions and outcomes.<sup>2</sup> They provide a crucial opportunity for people to tell their story.<sup>3</sup> At the same time, the complexity of court forms can be confusing to someone who is advocating for themselves and can limit their ability to effectively present their case.<sup>4</sup>

*CLEO's Guided Pathways are free document assembly tools that address access to justice barriers by reducing the complexity of completing legal documents and helping people navigate the legal system.*

Given the complexity of court forms, people often turn to online resources to meet their legal needs. In Ontario, CLEO's Guided Pathways are free document assembly tools for people who are self-represented or who have limited help with their legal problems. Launched in 2018 and expanded to include French-language pathways in 2020, the pathways are online interviews that help people understand their legal rights, fill out court forms and other documents, and identify next steps. The Guided Pathways address access to justice barriers by reducing the complexity of completing legal documents and helping people navigate the legal system.

The pathways are fundamentally task based. They ask users questions and populate court forms with their answers. One of the advantages of the pathways is that their

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<sup>1</sup> Amy Salyzyn, Lori Isaj, Brandon Piva and Jacquelyn Burkell, "Literacy Requirements of Court Documents: An Underexplored Barrier to Access to Justice," *Western Yearbook of Access to Justice*, 33:2 (2016) 263-301. <https://wyaj.uwindsor.ca/index.php/wyaj/article/view/4943>

<sup>2</sup> Tatiana Grieshofer née Tkacukova, Matt Gee and Ralph Morton, "The Journey to Comprehensibility: Court Forms as the First Barrier to Accessing Justice," *International Journal for the Semiotics of Law*, 35:5 (2022) 1733-1759. [www.ncbi.nlm.nih.gov/pmc/articles/PMC8592072/](http://www.ncbi.nlm.nih.gov/pmc/articles/PMC8592072/)

<sup>3</sup> Tatiana Grieshofer, "The importance of being heard: Stories of unrepresented litigants in small claims cases and private family proceedings," *Language and Law - Linguagem e Direito*, 9:1 (2022) 73-91. <https://ojs.letras.up.pt/index.php/LLD/article/view/12827>

<sup>4</sup> Amy Salyzyn, Lori Isaj, Brandon Piva and Jacquelyn Burkell, "Literacy Requirements of Court Documents: An Underexplored Barrier to Access to Justice," *Western Yearbook of Access to Justice*, 33:2 (2016) 263-301. <https://wyaj.uwindsor.ca/index.php/wyaj/article/view/4943>

decision trees are designed to be intuitive: they do not always follow the format of the court forms. Rather, they ask users questions in a way that would make sense in an interview or a conversation. Users interact with the pathways as they would with an interviewer, while the boxes on the court forms are filled out in the background.

Year-over-year growth in the pathways' use to date suggests that they are successful at reducing the complexity of court forms. During the pandemic, use of the pathways more than doubled, as people increasingly sought access to services online. Use continues to remain high, as does satisfaction with the pathways, based on user surveys.<sup>5</sup> CLEO's Guided Pathways are promoted throughout [Steps to Justice](#), and listed as help for form completion where people download blank forms on the [Ontario Court Forms](#) and [Social Security Tribunal of Canada](#) websites.

CLEO continuously seeks to improve the pathways based on feedback from multiple sources. For example, we receive stakeholder input from family law information service providers, Legal Aid Ontario frontline staff, and family court support workers. We conduct user surveys and hire students who test the pathways. We also monitor questions that are commonly abandoned or take a lot of time to answer, enabling us to track which tasks are difficult for users.

## Challenges in crafting narratives

While the Guided Pathways excel at reducing complexity, the narrative quality of the documents they produce can be limited. Storytelling is a crucial element of effective legal advocacy but remains a challenging task for the pathways. Paradoxically, the very question and answer process that ensures that users provide the information they need to make their claim detracts from the narrative flow of their stories.

*...the very process that ensures users provide the information they need to make their claim detracts from the narrative flow of their stories...*

Research into the complexity of court forms shows that crafting compelling stories through open-ended questions is the most complex and challenging component of completing court forms. In two papers published in 2016<sup>6</sup> and 2019<sup>7</sup>, Dr. Amy Salyzyn (University of Ottawa) and Dr. Jacquelyn Burkell (Western University) applied

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<sup>5</sup> CLEO began administering a user survey at the end of the pathways in January 2020. The survey asks three questions: 1) "What part of the pathway was most helpful?"; 2) "What part of the pathway was most difficult?"; and 3) "Enter anything else you want to tell us about using the pathway."

<sup>6</sup> Amy Salyzyn, Lori Isaj, Brandon Piva and Jacquelyn Burkell, "Literacy Requirements of Court Documents: An Underexplored Barrier to Access to Justice," *Western Yearbook of Access to Justice*, 33:2 (2016) 263-301. <https://wyaj.uwindsor.ca/index.php/wyaj/article/view/4943>

<sup>7</sup> Amy Salyzyn, Jacquelyn Burkell, Emma Costain and Brandon Piva, "What Makes Court Forms Complex? Studying Empirical Support for a Functional Literacy Approach," *Journal of Law & Equality*, 15:1 (2019) 31-67. <https://jps.library.utoronto.ca/index.php/utjle/article/view/30102>



a functional literacy framework to evaluate the complexity of court forms.<sup>8</sup> As part of their research, Salyzyn and Burkell rated the complexity of literacy tasks, including those that require users to generate text, such as open-ended questions that ask for details, descriptions, or explanations. Salyzyn and Burkell rated these tasks at the highest level of complexity because they often require expert legal knowledge, high inference, and an ability to explain the litigant’s factual situation effectively.<sup>9</sup>

Supported by the Law Foundation of Ontario, Salyzyn and Burkell undertook a third study from 2019 to 2021,<sup>10</sup> jointly with CLEO.<sup>11</sup> Study participants were asked to complete a family law form ([Form 8: Application \(General\)](#)) and to “think aloud” as they did so. Participants expressed difficulty with the parts of the form where they had to generate information about their claims. Online tools like CLEO’s Guided Pathways are limited in their ability to help users draft answers to open-ended questions. Salyzyn and Burkell explain:

*These areas of the form that involve open-ended prompts are among the most important, if not the most important, as they provide the necessary information and reasons to justify the legal claims that a user wants to advance. But, because the information best included in response to these prompts is often highly personalized, it is difficult for a general system to provide contextualized, detailed and prescriptive guidance to individual users that would clearly orient someone to a specific response.<sup>12</sup>*

CLEO’s Guided Pathways currently approach open-ended questions by asking the user discrete questions that break down the task of creating a narrative as much as possible. However, the resulting output (such as an affidavit or plaintiff’s claim) can sound stilted. While the interview approach reduces complexity, it can compromise the narrative flow and quality of the resulting outputs. As CLEO’s Guided Pathways expand in scope and breadth, the urgency to assist users in articulating compelling narratives, while maintaining ease of use, increases.

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<sup>8</sup> Functional literacy focuses on people’s ability to complete tasks (like answering a question on a form), rather than on their reading level.

<sup>9</sup> Jacquelyn Burkell, Amy Salyzyn, Esti Azizi and David Westcott, *Court Form Accessibility: Evaluating Online Guided Interviews as an Access to Justice Intervention*, Final report from researchers about work done and outcomes, Law Foundation of Ontario Grant: #1467 (2019) 25.

<sup>10</sup> Ibid.

<sup>11</sup> Community Legal Education Ontario/Éducation juridique communautaire Ontario (CLEO), *Family Law Guided Pathways: Reducing the Complexity of Court Forms*. <https://cleoconnect.ca/tcodownloads/family-law-guided-pathways-reducing-the-complexity-of-court-forms/>

<sup>12</sup> Jacquelyn Burkell, Amy Salyzyn, Esti Azizi and David Westcott, *Court Form Accessibility: Evaluating Online Guided Interviews as an Access to Justice Intervention*, Final report from researchers about work done and outcomes, Law Foundation of Ontario Grant: #1467 (2019) 33.

## Challenges supporting users

Technical support is useful for direct-to-public legal applications like the Guided Pathways. It helps users navigate the system effectively, addresses technical issues that may arise and reduces frustration for the user. Technical support can enhance user satisfaction and trust, which helps with the adoption and continued use of the system. It also helps CLEO to monitor the security and integrity of the pathways system.

CLEO currently provides Guided Pathways technical support by email. Questions are answered by staff during business hours, but use of the pathways often continues well into the evening and on weekends. While most support inquiries can and ideally would be resolved with simple instructions provided in real time, available resources limit technical support to email which is checked periodically by staff during the business day. Often, users don't get instructions until the next business day.

## Challenges with data analysis

Another challenge presented by the Guided Pathways is data analysis and program evaluation. Given the increased use and expansion of the Guided Pathways content, the pathways produce an immense amount of data. This data arises from:

- the number of users (over 5,000 a month)
- the number of pathways and user scenarios within the pathways (over 100 pathways each in English and French, most with hundreds of questions and help screens)
- the information users enter in the pre-survey
- the journey maps they create as they click through the pathways (including the time spent on each question and help text)
- the survey at the end of the pathways

Understanding the relationships between all of the different data sets to derive meaning from them is a monumental task. That said, it is a vital task to enable CLEO to evaluate the Guided Pathways and make data-driven decisions to improve the program.



## Section 2: The potential of GenAI

GenAI has the potential to address the challenges outlined in the last section. This is based on our research on GenAI and evaluation with McGill Law, prior research on usability of online legal tools, and the work of People’s Law School in British Columbia on GenAI chatbots. Specifically, CLEO is exploring using GenAI with the Guided Pathways to:

- craft more compelling narratives for inclusion in court forms and other legal documents,
- provide real-time technical support and legal information, and
- allow for more robust data analysis to evaluate and guide future improvements of the pathways.

We plan to share what we learn from applying GenAI to CLEO’s Guided Pathways with other community legal organizations who are also interested in exploring how to incorporate GenAI into their online legal tools.

### Better outputs: Crafting compelling narratives

GenAI excels at using inputted data, patterns, and relationships learned from large datasets to recognize, summarize, predict, analyze, and generate text. GenAI tools also have a unique ability to augment and enhance written statements, based on instructions to mimic specific styles or voices. In addition to providing real-time edits for grammar, style, and tone, GenAI can restructure and rephrase information to make writing clearer and more polished.<sup>13</sup>

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<sup>13</sup> Len Polsky and Michael Ward, *The Generative AI Playbook: How Lawyers Can Safely Take Advantage of the Opportunities Offered by Generative AI*, Law Society of Alberta (2024). [www.lawsociety.ab.ca/resource-centre/key-resources/professional-conduct/the-generative-ai-playbook/](http://www.lawsociety.ab.ca/resource-centre/key-resources/professional-conduct/the-generative-ai-playbook/)

Given these capabilities, we propose that a GenAI narrative generator could transform the responses provided by Guided Pathways users into more compelling narratives in pleadings and affidavits than would be generated by the pathways alone.

*A GenAI narrative generator could transform the responses provided by users through the Guided Pathways into more compelling narratives.*

CLEO has begun testing this idea by developing a GenAI prototype that leverages ChatGPT-4 to help generate better narratives. The purpose of the prototype is to help CLEO, working with researchers at McGill Law and the Montreal Cyberjustice Laboratory, explore the opportunities and challenges that GenAI presents for future tool development. The prototype builds on CLEO and McGill's research to date on evaluating and improving online legal tools and outputs.

The prototype helps hypothetical users of the [Guided Pathway for making a family law emergency motion](#) create a narrative to explain to the court why they need an emergency motion. We chose this pathway because our community partner and subject matter expert, [Luke's Place](#), advised that their clients would benefit from more help in drafting these narratives. The persuasiveness of these narratives, as told through an affidavit, is critical to an applicant's success.

The prototype is available to explore and test at [Guided Pathways Legal Narrative Assistant – CLEO Research](#). It includes a brief survey to collect feedback from community partners and justice stakeholders.

To build the prototype, CLEO conducted four rounds of testing to analyze how it responded to differently formatted inputs in ChatGPT-4. In all cases, we provided the GenAI tool with data from the Guided Pathway, reducing the risk of GenAI "hallucinating" or making up false information. Partners at McGill also conducted their own experiments using two different chatbots, developed in ChatGPT-4 and Claude. In every iteration, we asked ourselves the same question: "How can we get GenAI to produce the best output for users of CLEO's Guided Pathways?"

We also experimented with using different prompts to improve the GenAI-generated affidavit. Prompts cover things like content, tone, writing level, and formatting. Below are the prompts we use in the current prototype:

- I will send you plain text with a series of questions and answers.
- This text was generated by an online web form that the Applicant filled out.
- It is usually in the format of the word "Question" on a line by itself, followed by explanatory text, followed by the answer from the Applicant.
- Use the information in the text to write a thorough affidavit of 1000 to 2000 words.
- Do not omit or abbreviate any information.
- Include as much detail as possible.
- Emphasize the emotions and urgency wherever possible.
- Write the affidavit in first person from the Applicant's perspective.
- Write at a grade 8 or 9 level (Flesch-Kincaid).
- Number each paragraph of the affidavit.
- There should be an empty line between each paragraph to improve readability.
- Include what Applicant saw, heard, did or said.
- Include dates wherever possible.
- When writing statements, try to include who, what, when, where and how.
- Write only the body of the document. Do not include a title or a date and signature line.
- Only output the numbered paragraphs.
- Output in plain text.

As part of these experiments, we also examined how GenAI-generated questions could help users strengthen their affidavits. In the example below, the GenAI-powered narrative editor provides a suggestion to the user:

**User's text:** My concern stems from the genuine belief that something serious could happen to me or my children if I were to serve my partner with the necessary documents.

**Narrative Editor's suggestion:** Can you share specific incidents or behaviours from your partner that have led to this belief? This will help clarify why you feel unsafe.

Our preliminary evaluation of the outputs generated by the prototype suggests that it can produce promising affidavits. See Appendix A for sample inputs and the resulting affidavit generated by the prototype.

CLEO is continuing to work with McGill to experiment with the inputs (i.e., data, prompts) to refine the outputs. The Guided Pathway decision trees are excellent inputs for GenAI because they provide a structured representation of the data and organize complex relationships. To date, feeding GenAI decision-tree data in an interrogatory form has proven to be the best format for creating draft affidavits. We are also assessing the user interface and functionality to ensure that the prototype is clear and easy to use.

As experimentation with hypothetical emergency motion scenarios continues, CLEO is interested in the helpfulness and safety of the technology to create other forms of legal narratives, including Small Claims Court and family law pleadings, tenant applications, immigration open work permit applications, and applications for a peace bond or private prosecution by people who have experienced gender-based violence. As with the prototype experiments, CLEO is exploring whether GenAI can use information collected by the Guided Pathway decision trees to create helpful and accurate narrative text for these documents as well as to make suggestions for improvement.

## What might follow? More inputs

With further technological improvement, GenAI could helpfully and safely facilitate more detailed chats or discussions with users after they complete the decision tree part of the Guided Pathways. The chats could help identify new facts and information, prompt for more explanation, and check for internal consistency. GenAI technology could integrate the information collected by way of follow-up chats to improve the narrative with every iteration.

Recent technological updates, like ChatGPT-4o which accepts video and audio inputs, make it easy to imagine GenAI prompting the user to find, photograph, and upload a document that corroborates an aspect of their narrative. GenAI could then ask the user questions about relevant aspects or details in the document image that were omitted in their answers earlier, creating new inputs for the GenAI narrative generator that could be incorporated into revised versions of the narrative.

While outside the scope of CLEO's current research, this type of post-decision-tree chat, incorporating multimedia inputs such as documents, photographs, audio, and even video, appears within reach if GenAI can be incorporated responsibly and in a manner that leads to reliably helpful and safe outputs.

## Better guidance: Providing real-time support and information

GenAI also holds promise in providing real-time personalized technical support through chatbots, computer programs which simulate human conversations. Unlike a standard search engine which provides the user with a series of links, chatbots can create human-like answers to a user's questions.

*GenAI can help people using the Guided Pathways by providing real-time personalized technical support through a GenAI chatbot.*

Overwhelmingly, the responses provided through CLEO's technical support for the Guided Pathways are routine. These are standard answers to frequently asked questions. On occasion, users will ask a specific question related to their case. In these situations, CLEO advises that it cannot provide legal advice. If there is public legal information already linked or embedded in the pathway on the topic of their inquiry, CLEO will excerpt and provide that information. Or, users might be sent links to resources on Steps to Justice, including legal advice service options.

Critically, most technical support emails are satisfactorily answered through a standard response, without CLEO staff needing to find and review the user's information on the pathways system. The questions can be answered based on the information provided by the user in their email. A separate process is followed for those rare questions that require further investigation.

GenAI can help people using the Guided Pathways by providing real-time personalized technical support through a GenAI chatbot. While this would primarily answer technical questions about using the Guided Pathways system, it could also direct people to general public legal information they may have missed in a Guided Pathway.

[People's Law School](#) in British Columbia has already established a promising model with its [Beagle+](#) chatbot, which responds to users' questions based on content from its public legal information websites. Launched as Beagle in 2020 and powered by conversational AI technology, the chatbot was relaunched as Beagle+ in 2024, now powered by ChatGPT-4.

Unlike Beagle+, CLEO's research into AI chatbots is primarily focused on their potential to deliver technical support, such as helping with a forgotten password, assisting with account creation, or facilitating access to saved or completed work. CLEO is interested in the promise of an AI chatbot to answer these technical inquiries instantly, allowing CLEO to provide real-time help when users need it.

Using Retrieval Augmented Generation (RAG),<sup>14</sup> the chatbot would generate answers using redacted copies of past support email threads and the public legal information in or linked to by the pathways.

By answering questions and guiding users to relevant information, the chatbot would provide comprehensive assistance to Guided Pathways users in real time, retrieving information from pop ups (definitions or clarifications in the pathways) help features, and answers to frequently asked questions.

Because of the risks associated with providing incorrect or misleading information, CLEO would require any chatbot tool to undergo rigorous manual and automated testing, with continual fact checking, to ensure responses meet quality standards. CLEO envisions that this process would include developing a test suite with community and legal stakeholders to anticipate expected queries and define clear, helpful, and accurate responses.

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<sup>14</sup> Retrieval Augmented Generation, or RAG, is the process whereby an AI retrieves facts from an authoritative internal knowledge base outside of the AI's training data.



CLEO is also interested in assessing whether the technology can reliably escalate or refer those rare inquiries that require staff investigation. For this scope of function, the chatbot would not need nor have access to the information a user has entered into the pathway.

Staff time presently devoted to responding to support emails would be redeployed to reviewing chatbot correspondence, ensuring a human is in the loop. This would include monitoring and improving the data used by the technology to answer user questions and identifying and addressing errors and omissions.

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## What might follow? More service

While beyond the scope of our present research, if the technology proves helpful and safe in the limited context of providing technical support, there could be a continuum of deepening integration into the Guided Pathways system beyond Phase 1. Acknowledging the distinction between legal information and legal service and attendant regulatory implications, this development might unfold in four phases:

### *Phase 1: Technical support Q&A chatbot*

The first phase could use a basic Q&A chatbot as described above, to answer technical questions with no context or integration, relying on data in a technical support database. As noted above, the AI improves the quality of its responses using RAG. However, the AI would remain unaware of what the user is seeing or entering into the pathways system unless the user enters this information into the chat. The technology would provide quick solutions for technical support issues only, but with the convenience of 24/7 responses. The only non-technical information provided would be referrals to information already embedded or linked to in the pathways, if applicable to a user's inquiry, with careful disclaimers.

### *Phase 2: Instructional support chatbot with increased context*

The next phase could be to increase the level of system integration, so that the AI chatbot would understand more of the context of the inquiry. For instance, the system could ping the AI application, advising what pathway the user is in and the step/question they are on. The AI chatbot could then generate responses knowing the context of where the user is within the pathway. The chatbot would also remember earlier chats with the user, providing additional context. The AI chatbot would not know the data the user had entered into the pathway unless the user enters this information into the chat (although it may be able to infer some information). For example, it may know whether the user has stated that they have children, based on where they are in the pathway.

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By understanding and remembering the context of interactions, this chatbot could engage in more natural and coherent conversations and deliver better assistance with complex tasks. For example, if the user asks why they need to enter information about dependent children they don't have, the chatbot could follow up asking whether the user had inadvertently made a selection earlier about dependent children instead of adult children, considering where they are in the pathway. The chatbot responses could be fine-tuned over time based on interactions and feedback.

### *Phase 3: Co-pilot or personalized chatbot*

The next phase could continue to full system integration, so that the chatbot would be aware of the user's answers in the pathway. In this phase, the chatbot could serve as a "co-pilot" as the user navigates the Guided Pathway, offering more insight and data. The chatbot would leverage user data to provide personalized interactions. It would remember user preferences and even past interactions to tailor its responses, making the user experience more engaging and relevant.

### *Phase 4: Proactive chatbot*

The final evolution could result in a proactive chatbot that would initiate conversations based on user behaviour and context. It could predict user needs and offer assistance before being asked, enhancing user engagement and satisfaction. This more immersive chatbot could even replace the decision-tree interface, initiating conversation and inquiry and presenting public legal information as necessary. It could include the option of an entirely audio experience, a verbal interview between the chatbot and the user. While it would follow the decision-tree design as an outline, it could ask questions that consider both the decision tree and the user's answers in the broader context. It could make suggestions and follow up with requests for details, explanations, and information more closely tailored to the user's specific circumstances. With a history function, the chatbot could also draw on past experience with the user, providing the AI with a more complete situational context for the interaction.

## Better insights: Allowing for more robust data analysis

The data produced by CLEO's Guided Pathways are vast and complex. Analyzing this data is helpful to program evaluation. It helps us improve existing pathways, develop new pathways and generally informs decision-making about the pathways. GenAI's capabilities for adding natural language interfaces to data analytic platforms could help us query the data to evaluate the use of the Guided Pathways. Such conversational interfaces would help make data analysis accessible to more staff, not just data specialists.

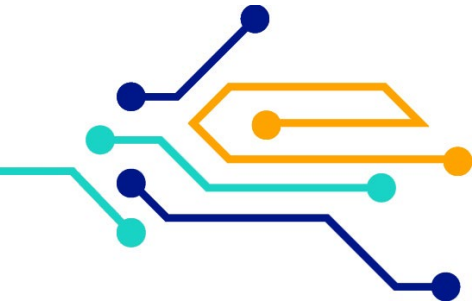
*GenAI's capabilities for adding natural language interfaces to data analytic platforms could help us query the data to evaluate the use of the Guided Pathways.*

Using GenAI to make data analysis more accessible would allow CLEO to improve our understanding of how people use the pathways, on a scale and at a pace not possible to date. This evaluation could help us identify and address problems (for example, what are the top five questions that users abandon or answer incorrectly?) and make data-driven improvements to the program. Moreover, GenAI interfaces could help correlate existing data with new data created by the first two proposed uses of GenAI (i.e., a narrative text generator and a chatbot).

### What might follow? Data analytics

GenAI-assisted data analytics, such as [Power BI](#) or [Tableau](#), could provide us with more comprehensive, accurate, and efficient ways to derive data insights from the Guided Pathways. They could:

- accelerate and automate data analytics (for example, time calculations for user actions)
- analyze data in multiple ways to identify the best outputs for specific reporting needs
- identify trends, patterns, and anomalies in data, and handle missing data "intelligently"
- allow CLEO to interact with data through natural language prompts, making data exploration more accessible to a wider group of users, not just data specialists
- provide a more adaptive and responsive way of analyzing data



## Section 3: Responsible AI mapped to CLEO's Guided Pathways principles

In assessing opportunities for GenAI to address challenges and improve access to justice, CLEO is acutely aware of the importance of establishing governance frameworks. These frameworks would guide implementation in a responsible and trustworthy manner that prioritizes beneficial and equitable outcomes and minimizes risk. We are exploring governance approaches that build on the concept of Responsible AI and existing and proposed regulatory requirements. At the same time, we are also considering broader design principles and potential accountability frameworks, as outlined below.

*...CLEO is acutely aware of the importance of establishing governance frameworks to guide AI implementation in a responsible and trustworthy manner that prioritizes beneficial and equitable outcomes and minimizes risk.*

Responsible AI is an approach that sets out principles for developing and implementing AI systems in an ethical, safe, and trustworthy manner. The concept was first introduced in the 1950s from a philosophical perspective, with propositions including the Turing Test and Isaac Asimov's three laws of robotics. However, it was not until the early 2000s that burgeoning AI capabilities spurred renewed interest in ethical AI and practical discussions on regulating AI.

Since then, larger technology companies as well as governments have begun making Responsible AI a priority. While companies and countries have taken different

approaches to establishing guiding principles and frameworks, most include concepts such as those set out in Microsoft’s Responsible AI Standards:<sup>15</sup>

- accountability
- transparency
- fairness
- reliability and safety
- privacy and security
- inclusiveness

In February 2024, the European Union (EU) released a provisional agreement on proposed harmonized rules for regulating AI, known as the *Artificial Intelligence Act*.<sup>16</sup> The regulations aim to ensure that AI systems placed on the European market and used in the EU are safe and respect fundamental rights and EU values.

New regulations on AI are also forthcoming in Canada and Ontario. In June 2022, the federal government introduced the *Artificial Intelligence and Data Act (AIDA)* as part of Bill C-27. While the Act is still under consideration at the committee stage, it seeks to promote the responsible design, development, and use of AI systems in Canada’s private sector. The federal government has also published a set of guiding principles for the use of AI in government.<sup>17</sup> Similarly, in May 2024, the Ontario government proposed new legislation in *Bill 194, Strengthening Cyber Security and Building Trust in the Public Sector Act, 2024*, which would regulate the use of AI systems in the public sector.<sup>18</sup>

Specific to the justice sector, in April 2024, the Futures Committee of the Law Society of Ontario (LSO) released *Licensee’s use of generative artificial intelligence*<sup>19</sup>. This white paper provides an overview of GenAI as well as guidance and considerations for lawyers on how the professional conduct rules apply to the delivery of legal services empowered by GenAI. The LSO included a checklist for integrating AI into legal workflows to manage potential risks and ensure the responsible integration of GenAI into a legal services practice.

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<sup>15</sup> Microsoft, *Microsoft Responsible AI Standard, v2: General Requirements* (2022).

<https://go.microsoft.com/fwlink/?linkid=2257674&clid=0x409&culture=en-us&country=us>

<sup>16</sup> European Council press release, “Artificial intelligence act: Council and Parliament strike a deal on the first rules for AI in the world,” published February 2, 2024. [www.consilium.europa.eu/en/press/press-releases/2023/12/09/artificial-intelligence-act-council-and-parliament-strike-a-deal-on-the-first-worldwide-rules-for-ai/](http://www.consilium.europa.eu/en/press/press-releases/2023/12/09/artificial-intelligence-act-council-and-parliament-strike-a-deal-on-the-first-worldwide-rules-for-ai/)

<sup>17</sup> Government of Canada, *Guiding principles in the use of AI in government*.

[www.canada.ca/en/government/system/digital-government/digital-government-innovations/responsible-use-ai/principles.html](http://www.canada.ca/en/government/system/digital-government/digital-government-innovations/responsible-use-ai/principles.html)

<sup>18</sup> Bill 194, *Strengthening Cyber Security and Building Trust in the Public Sector Act, 2024*, 1<sup>st</sup> session, 43 parliament. [www.ola.org/en/legislative-business/bills/parliament-43/session-1/bill-194](http://www.ola.org/en/legislative-business/bills/parliament-43/session-1/bill-194)

<sup>19</sup> Law Society of Ontario Futures Committee, “Licensee’s use of generative artificial intelligence,” *Report to Convocation*, (2024).

<https://lawsocietyontario.azureedge.net/media/lso/media/about/convocation/2024/convocation-april-2024-futures-committee-report.pdf>

More generally, the LSO white paper followed the Law Commission of Ontario (LCO) which, in June 2022, published *Accountable AI*,<sup>20</sup> a report on how to address the risks of AI in decision-making in the civil and administrative justice systems. The LCO argued that effective risk management strategies are essential for AI accountability and that these strategies require robust governance frameworks. These frameworks should include oversight bodies, clear accountability structures, and continuous monitoring of AI systems to identify and address potential risks.

As CLEO explores the use of GenAI in improving our access to justice tools, and in anticipation of pending legislation, we are considering the adoption of a Responsible AI approach. In this work, we are guided by the same design principles<sup>21</sup> we established for the development of the Guided Pathways:

1. ease of use
2. reflective of the diversity of users
3. robust privacy and security features
4. sustainable in the long term

## Ease of use

CLEO has always taken an intentional approach to developing tools that are easy to use by the public. Ease of use in the context of the Guided Pathways also means being effective at producing outputs that satisfactorily help the user achieve their legal objective, be it an application for divorce, drafting a will, or appealing a benefits decision.

The pathways must be effective, but without providing a legal service. There is an inherent tension in collecting personal information necessary to complete court forms and documents with the assistance of public legal information without crossing the line into legal service provision—namely helping people without advising them on their specific situation.

The interactive character of the pathways directs the user to provide the necessary information about their situation. And it allows the pathways to provide public legal information that is generally applicable to a situation, as opposed to advice specific to the user's situation (which would rely on a qualified lawyer and stray into the

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<sup>20</sup> Law Commission of Ontario, *Accountable AI* (2022). [www.lco-cdo.org/wp-content/uploads/2022/06/LCO-Accountable-AI-Final-Report.pdf](http://www.lco-cdo.org/wp-content/uploads/2022/06/LCO-Accountable-AI-Final-Report.pdf)

<sup>21</sup> Julie Mathews and Erik Bornmann, *Family Law Guided Pathways: A Direct-to-Public Automated Legal Tool*, prepared for 2019 Special Lectures Program of the Law Society of Ontario, (2019). <https://cleoconnect.ca/wp-content/uploads/2022/10/2019.10-CLEO-submission-to-2019-Special-Lectures-Program-of-the-LSO.docx.pdf>

provision of “legal services”).<sup>22</sup> Throughout, the pathways rely on human decision-making. Any GenAI enhancements would similarly need to rely on the judgment and decisions of the user in completing the process.

A key feature of the Guided Pathways is that they are fundamentally task based.

Evaluating the difficulty of the questions (or tasks) is essential to making the pathways as easy as possible for users. This task-based or functional literacy approach, in dialogue with careful legal analysis, has been a good fit for reviewing and reducing complexity.

We propose that it will continue to be a good fit when developing GenAI enhancements to these tools that continue to prioritize ease of use.

*...the task-based nature of the pathways will be a good fit when developing GenAI enhancements that prioritize ease of use...*

In our Guided Pathways work, we have observed that developing easy-to-use tools is more successful if carried out by multidisciplinary teams. The pathways team at CLEO includes staff with different areas of expertise—lawyers competent in the pathway area of law, design analysts, programmers, plain language writers, and researchers. Each area of expertise brings a different perspective that is valuable to assessing court form or legal drafting complexity.

As we extend our work to encompass new opportunities presented by GenAI, CLEO envisions expanding this multidisciplinary approach to incorporate new areas of expertise such as prompt engineering, data analysis, and social sciences. This will ensure that CLEO has the skills to evaluate the benefits and risks of GenAI in the pathways.

GenAI also presents new design challenges. The decision tree-technology of the pathways will reliably create the same output when fed the same input. In contrast, GenAI tools like ChatGPT provide different outputs to the same input.<sup>23</sup> There are ways to reduce the differences in outputs for the same input, such as careful prompt engineering, adjusting temperature and sampling settings, specifying the role of the AI in the prompt (e.g., stick to the facts), and repetition and refinement. These involve a significant amount of testing and iteration, tweaking the prompt to minimize any inconsistencies observed in the initial responses. However, the degree to which consistency can be achieved remains unclear. To address this issue, a new testing

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<sup>22</sup> Jennifer Bond, David Wiseman and Emily Bates, “The Cost of Uncertainty: Navigating the Boundary Between Legal Information and Legal Services in the Access to Justice Sector,” *Journal of Law and Social Policy* 25 (2016), 1-25 <https://digitalcommons.osgoode.yorku.ca/jlsp/vol25/iss1/1/>

<sup>23</sup> Generative AI tools like ChatGPT provide different outputs to the same input due to several factors. Firstly, these models use sampling techniques to generate responses, introducing an element of randomness in the output selection process. Secondly, the specific architecture of the model, such as transformer-based designs, can contribute to output variability. Additionally, slight variations in input phrasing or context can lead to different interpretations and responses by the AI. Finally, periodic updates to the model's training data and algorithms can cause evolving responses over time.

workflow would need to be added to the pathways development process to assess whether the integrated GenAI is producing materially consistent outputs that are helpful and safe.

Another process for achieving ease of use is rigorous user testing and feedback. Manual and partially automated tests are run by developers and analysts while building the pathways. Hundreds of manual user tests are completed before a pathway is released to the public. The number of tests depends on the complexity of the pathway but have ranged from 300 to over 1,000.

To ensure readiness for public use, test reports and their associated outputs are carefully reviewed by the pathways team. Once the pathway is released, we also monitor email inquiries from users and user survey responses and seek feedback from frontline workers and others who help people fill out legal documents or who refer them to the pathways.

User testing and feedback will continue to be a critical part of developing GenAI tools to work in conjunction with the pathways. In fact, GenAI could improve our ability to analyze and integrate the results of user testing through the iterative development process. However, overall, the testing process for GenAI pathways outputs is expected to be more laborious and complicated because of the lack of consistent replicability in GenAI outputs.

To evaluate the readiness of GenAI outputs, CLEO envisions using the outputs generated by the pathways now, without GenAI, as a benchmark against which narrative text created with the assistance of GenAI can be compared. Benchmarking is the process of comparing products, services, and processes against an accepted standard. While GenAI may also assist with this process in time, initial plans are for a manual comparison of the two types of outputs to assess and document efficacy and safety.

Through a rigorous program of testing, delivered through CLEO's research and development project with McGill and the Montreal Cyberjustice Laboratory, CLEO seeks to create a collection of Guided Pathway GenAI outputs that are benchmarked against non-AI generated outputs for the same inputs. It is hoped this comparison will provide the basis for a qualified lawyer, in consultation with CLEO's multidisciplinary pathway team, to advise on the safety and efficacy of the GenAI tool in the context of a specific Guided Pathway. In short, CLEO believes that benchmarking can help address concerns with transparency and reliability of AI legal tools,<sup>24</sup> while also helping identify other potential harms such as bias.

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<sup>24</sup> Isha Marathe, *The Real Issue beyond the Stanford Study's Gaffes: Where are Legal Tech's Benchmarks?* ALM Global, LLC, (2024). [www.law.com/legaltechnews/2024/05/29/the-real-issue-beyond-the-stanford-studys-gaffes-where-are-legal-techs-benchmarks/](https://www.law.com/legaltechnews/2024/05/29/the-real-issue-beyond-the-stanford-studys-gaffes-where-are-legal-techs-benchmarks/)



Beyond initial development, making online tools that are easy to use is an ongoing process. CLEO continuously monitors usage data and seeks to improve the pathways. Continually reviewing our pathways on a systematic basis to make improvements provides benefits to users. It also enables us to identify principles and develop best practices to help us enhance our tools over time. Incorporating GenAI into the pathways will involve broadening CLEO's ongoing review processes to meet the replicability challenges inherent in evaluating the performance of the technology.

In addition to a program of manual reviews by the different parts of our multidisciplinary team and stakeholder workshops, CLEO analyzes usage data, including questions that are commonly answered incorrectly or places where people are abandoning the pathway. This information enables us to assess which tasks are difficult for users. The data includes time spent on questions and help content as well as demographic information about who is using the pathways and how. GenAI integration will require metrics specific to use of the GenAI technology and an audit function for evaluating GenAI produced outputs.

## Reflective of the diversity of users

The individuals and communities CLEO serves are disproportionately people who are impacted by one or more forms of systemic oppression. We take an intersectional approach to our work, understanding that the ways in which multiple forms of oppression impact a person's experience of legal issues often intertwine in complex ways. We partner with community organizations and community legal clinics to ensure that our materials meet the needs of our diverse audiences.

As we explore how to leverage GenAI advances responsibly, we are committed to ensuring that the communities served by CLEO are not excluded from the benefits that technology can offer in enhancing access to justice. CLEO takes seriously our mandate to serve people who face barriers to participating in the justice system. People living with low income or who face barriers to accessing the legal system also need access to reliable, ethical, and accessible AI tools. They may face greater challenges in accessing justice without the benefit of these tools—tools that will otherwise increasingly serve more privileged litigants.

*...we are committed to ensuring that communities who experience systemic barriers are not excluded from the benefits that technology can offer in enhancing access to justice...*

Organizations with strong connections to, and a history of working with, these diverse communities should be involved in developing this technology. As a non-profit public legal education organization, CLEO is well-positioned to collaborate with a range of partners and share our learnings and outcomes. Technology-related

projects are often challenging for small non-profit organizations. We plan to share what we learn with this wider community who may be interested in this work but lack the capacity and resources to develop it on their own.

## Robust privacy and security features

GenAI presents an array of challenges related to privacy unlike what we have faced to date. CLEO's work is premised on the view that privacy by design is a best practice for direct-to-public legal tools. As described by University of Ottawa Professor Amy Salyzyn, this is an approach that "emphasizes and prioritizes privacy principles throughout the design stage" of the tool.<sup>25</sup> It involves thinking about limiting the scope and retention of user data to what is really needed for the purpose of the application.

*...privacy by design is a best practice for direct-to-public legal tools...*

In practice, prioritizing privacy means many things. For example, CLEO ensures that the personal data that we collect is stored on a hosting platform located in Canada. We do not want to expose data that we collect to disclosure in foreign jurisdictions, like the United States pursuant to the *Patriot Act*, or to commercial interests, permissible under the terms of use, wholly unconnected to the purpose of the tool to the public. We work with a public sector vendor of record to develop and maintain the Guided Pathways. It also means a continuing data protection and risk management program, with associated policies and procedures.

CLEO's Guided Pathways process highly sensitive personal information from people who are completing court forms. We have worked hard to provide a level of security that is appropriate to this level of sensitivity. It is a recommended practice that, for direct-to-public legal tools, especially where sensitive data is being collected, the security of the application should be independently verified, ideally through a Threat Risk Assessment ("TRA"). In line with this recommendation, CLEO plans to conduct a third-party TRA of any GenAI tools before public roll out. This will allow us to examine the risks associated with use of the tools, confirm our understanding of the risks, and enable us to take steps to mitigate them.

CLEO would also update our Privacy Impact Assessment ("PIA") to evaluate any impacts on privacy resulting from the deployment of new technologies and associated processes in the Guided Pathways. Like the TRA, a PIA is conducted by an independent third party and considers the initiative or process in the context of privacy principles, best practices, codes of conduct, legislation, and directives. Such

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<sup>25</sup> Amy Salyzyn, Teresa Scassa, Jena McGill, and Suzanne Bouclin, *Improving Privacy Practices for Legal Apps: A Best Practices Guide* (2019). [https://www.priv.gc.ca/en/opc-actions-and-decisions/research/funding-for-privacy-research-and-knowledge-translation/completed-contributions-program-projects/2018-2019/p\\_201819\\_10/](https://www.priv.gc.ca/en/opc-actions-and-decisions/research/funding-for-privacy-research-and-knowledge-translation/completed-contributions-program-projects/2018-2019/p_201819_10/)

assessments are intended to inform relevant stakeholders and decision-makers of privacy considerations pertaining to a new or changed process, initiative, program, or system.

Many characteristics of GenAI are in tension with traditional approaches to data protection.<sup>26</sup> Beyond reviewing the terms of service for the GenAI, to ensure there is no saving of data, or use of it for training, CLEO is exploring whether additional terminology would be necessary to obtain informed consent from users, including preserving the ability to opt out of features that use GenAI. When users choose to use GenAI features, CLEO is interested in ensuring transparency and user control over the data to be shared and exploring the efficacy of privacy enhancing technologies,<sup>27</sup> like those that change identifying information before passing it to the GenAI.

## Sustainable in the long term

CLEO undertook the Guided Pathways with a plan for sustaining the work in the long term. To this end, CLEO has a structure in place for revising the pathways as the law changes. In addition, the Guided Pathways use A2J Author software<sup>28</sup> that can be used securely and is available for free for non-commercial activities by non-profit organizations like CLEO—a cost-effective measure that helps ensure the sustainability of these tools.

*...initiatives that are set up to be sustainable—while growing and adapting over time—are a much better investment...*

When exploring opportunities to incorporate GenAI technology in our work, CLEO will continue prioritizing long-term sustainability. CLEO envisions staying current on AI developments in the access to justice space, leveraging networks such as the Public Legal Education Association of Canada, Legal Services Corporation Innovation programming in the United States, and the Self-Represented Litigants Network. Literacy in emerging GenAI technologies is likely to become part of CLEO's ongoing training and supervision for staff.

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<sup>26</sup> Centre for Information Policy Leadership, *Artificial Intelligence and Data Protection in Tension* (2018). <https://bit.ly/2QUP2xy>

<sup>27</sup> The Royal Society, *From privacy to partnership: The role of privacy enhancing technologies in data governance and collaborative analysis* (2023). <https://royalsociety.org/-/media/policy/projects/privacy-enhancing-technologies/from-privacy-to-partnership.pdf>

<sup>28</sup> <https://www.a2jauthor.org/>

## Comprehensive approach to AI governance

The next step in CLEO's work to pursue opportunities presented by GenAI is the development of an AI governance approach. This would integrate these guiding principles with AI best practices and standards, in the context of Ontario's evolving regulatory environment. In advance of regulatory guidance, CLEO is surveying the approaches taken by other organizations that have established AI governance programs.

*The next step is the development of an AI governance approach that integrates these guiding principles with AI best practices and standards, in the context of the evolving regulatory environment.*

In the adoption of GenAI tools, the private sector appears to be well ahead of government and non-profits. A number of large multinational and transnational enterprises that identify as early adopters of AI technologies support the work of the Centre for Information Policy Leadership (CIPL), a think tank that advocates for a comprehensive approach to AI governance. While multinational and transnational enterprises do not typically serve as models for community legal clinics like CLEO, the approaches that these early adopters have taken to limit risks and liabilities of AI technology warrant consideration.

CIPL recently undertook a survey of its members on approaches to AI governance, publishing its findings in the report [Building Accountable AI Programs: Mapping Emerging Best Practices to the CIPL Accountability Framework](#). It states:

*A well-developed, comprehensive accountability framework or program provides organizations with the tools and processes needed to implement relevant legal requirements and standards, as well as internal ethics standards and other internal "best practice" goals. In addition to compliance with applicable legal requirements and other objectives, accountability frameworks and programs can act as market differentiators by building trust from stakeholders, business partners, and regulators, and allow organizations to more effectively and broadly leverage data and AI technologies.<sup>29</sup>*

CIPL proposes that seemingly typical accountability frameworks for privacy and data governance can be used in the AI context to build a comprehensive governance approach that ensures responsible development and deployment of AI. The framework contains seven core elements of accountability:

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<sup>29</sup> Centre for Information Policy Leadership (CIPL), *Building Accountable AI Programs: Mapping Emerging Best Practices to the CIPL Accountability Framework*, (2024) 6.  
[www.informationpolicycentre.com/uploads/5/7/1/0/57104281/cipl\\_building\\_accountable\\_ai\\_programs\\_23\\_feb\\_2024.pdf](https://www.informationpolicycentre.com/uploads/5/7/1/0/57104281/cipl_building_accountable_ai_programs_23_feb_2024.pdf)

- leadership and oversight
- risk assessment
- policies and procedures
- transparency
- training and awareness
- monitoring and verification
- response and enforcement

For each core element, CIPL has identified best practices and lessons learned from organizations with mature or advancing AI governance programs. CLEO's work developing the pathways, including our privacy and data governance program, maps well to the core elements and related practices identified in CIPL's accountability framework and can act as a foundation for an AI governance program.

## What might follow? AI Governance

The CIPL approach leverages existing compliance program principles but expands beyond legal and data protection compliance to include high-level standards, centralized ethics oversight, and detailed issues of data ethics and digital trust, while also allowing for operational flexibility. Given its comprehensive nature, the CIPL framework could be a starting point for establishing a governance approach for the responsible use of GenAI.

### *Leadership and oversight*

CLEO could establish a top-down ethical framework, applying the ideas and principles that underpin its commitment to public legal education to the development and use of GenAI. There could be an organizational and team aspect to this. For the Guided Pathways, CLEO could start with expanding the role of our existing privacy team to include AI responsibilities. Integrating GenAI expertise into the multidisciplinary team could create a foundation for an AI ethics oversight body to review risky AI cases and enhance practices in pathway development at the team level. Organizationally, the pathways compliance program could serve as a model for overseeing responsible AI across the organization, led by CLEO's Privacy Officer or a new organizational AI lead. Ensuring inclusion and diversity in AI model development would be integral, as it is for CLEO's existing work. Taken together, this structure could be the basis of a centralized governance framework with both top-level oversight and internal team flexibility.

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### *Risk assessment*

Risk assessment is integral to CLEO's Guided Pathways development and data protection compliance. Beyond manual testing, CLEO could use algorithmic impact assessments to help monitor for bias and other harms on an ongoing basis. CLEO's research project with McGill and the Montreal Cyberjustice Laboratory calls for continuous assessment of risk over many months. While efficacy is the primary focus of this assessment, ethics, human rights, and compliance will also be assessed as part of this work. CLEO also conducts conventional data protection impact assessments (i.e., the PIA and TRA). These can help inform a risk taxonomy and feed into a centralized repository of risk documentation. The goal could be to develop standardized methodologies that evaluate AI benefits, risk severity, and human oversight needs. It would also include the ability to explain and audit the technology, considering factors like accuracy, data minimization, security, transparency, and societal benefits.

Risk of error will be the primary objective of the research project, assessing data quality against current pathway outputs. However, system integration work could include the assessment of privacy-enhancing technologies to bolster AI system privacy and security. The testing phase promises an opportunity for CLEO to explore new ways to manage these risks, including the creation of escalation channels inside CLEO and the above-discussed oversight bodies at the team and organizational levels.

### *Policies and procedures*

CLEO's research and development project can help inform AI policies and procedures. Existing rules for data protection, risk management, and legal content development, including careful observation of the distinction between legal information and services, could be rethought with the inclusion of GenAI. The use of pseudonymized personal information and other privacy-enhancing technologies (PETs) and privacy-preserving technologies (PPTs) could be investigated and considered. While PETs focus on protecting data during processing, PPTs encompass a broader range of technologies aimed at ensuring overall privacy, including transparency and user control.

Policies and procedures may also be required for simpler steps, such as creating a glossary of AI-related terms for internal use, promoting the use of smaller, high-quality data sets, and cleaning and curating data sets before testing, through automated or manual checks. The assessment of GenAI through the research and development project could also lead to due diligence checklists, defining escalation steps for reporting high-risk AI issues.

CLEO could seek to implement specific policies for internal GenAI use, considering diversity in relevant pathways functions. At a minimum, internal policies would need to be aligned with forthcoming AI regulations. Principles-based policies could then be translated to partnerships and third-party vendor agreements and due diligence processes. Finally, high-risk AI use cases could be reviewed by the oversight bodies established at the organizational and team levels.

### *Transparency*

Given the general lack of understanding of how large language models work, even by the companies that train them, robust transparency measures would be ideal for end users, regulators, community partners, and other justice sector stakeholders, throughout the AI lifecycle. A goal could be a transparency trail that explains automated decision-making and the workings of GenAI-enhanced tools, with clear notices to users when the system relies on AI, such as for generating narrative text or chatbot support. This could be accompanied by easy opt out features, that allow use of the system without GenAI. Another idea could be to explore the feasibility of providing users with counterfactual information to show how different inputs affect AI model outputs.

As with our other programs, CLEO would work with community partners to understand users' evolving expectations and readiness to use AI, defining criteria for internal AI deployment based on usage scenarios and communicating these to users. Transparency could include publishing model or system cards describing the context and performance of GenAI features. AI disclosures could be communicated in simple, easy-to-understand language, ensuring inclusivity and accessibility. Over time, CLEO might earn trust as a data hub on GenAI for direct-to-public legal applications, managing information on data governance, accessibility, and quality control. Other transparency measures could include watermarking GenAI outputs, participating in benchmarking, public engagement, and regulatory sandboxes, and conveying ideas in plain language with visualization tools to depict complex concepts.

### *Training and awareness*

Continued training and awareness could be part of CLEO's program of AI governance. This would include CLEO's continuing commitment to cultural awareness and anti-racism training, identifying and addressing bias, and facilitating opportunities for cross-functional training between legal and privacy professionals, analysts, and developers. However, it could also include delivering tailored ethics and fairness in AI training for relevant teams, compiling AI use case information, sharing case studies, or providing other awareness building activities of interest. Over time, a staff "translator" role could emerge, whose job could include explaining AI's impact and technical capacities and integrating ethics training into mandatory activities.

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### *Monitoring and verification*

CLEO's GenAI research project incorporates a “human in the loop” approach to the generation of narrative text. This approach allows human control or intervention where technically possible and reasonably necessary, including human review of individual decisions with legal or similarly significant effects. The eventual user will see the input and the output of the narrative text process. During the extensive testing that will take place during the research and development phase, humans will play a central role in design, oversight, and redress. The chatbot will be similarly tested, and once deployed, could be subject to daily human review.

For the Guided Pathways, CLEO has identified specific functions that could benefit from GenAI. Both the narrative text generator and chatbot project allow for human audit of input and output. This clarity of purpose combined with the capacity for human audit could be a model for standardized practices, to support monitoring and verification. Human review could also be augmented with GenAI functions that check for errors, omissions, and other harms, like bias.

If extensive use is realized, an internal audit team could be established with expertise in AI and other associated technologies, employing techniques like “red teaming” and adversarial testing of the GenAI functions.

### *Response and enforcement*

CLEO's approach builds in mechanisms to remedy GenAI decisions, permitting redress through a human (e.g., either by the user refining the pathway output or by staff reviewing the chatbot transcripts). Through the research project, CLEO can develop internal and external communication channels to report and address feedback, complaints, and requests.





## Conclusion

It remains to be seen whether GenAI technology can be carefully implemented with appropriate safeguards. Through rigorous testing, CLEO seeks to prove its promise for addressing access to justice challenges by improving the Guided Pathways. While we are just starting this journey, CLEO is taking exciting first steps towards developing new GenAI tools to address challenges that face its pathways program, targeting the following results:

- better outputs, by crafting more compelling narratives for inclusion in court forms and other legal documents
- better guidance, by providing real-time technical support and legal information through a GenAI chatbot
- better insights, through a natural language approach to data analysis to evaluate the pathways and guide future improvements

While work proceeds on the technical development of these tools, it is critical that work also proceeds in tandem on establishing a GenAI governance framework. This framework would guide implementation in a responsible and trustworthy manner that prioritizes beneficial and equitable outcomes and minimizes risk. It should build on, and be consistent with, the fundamental principles that guide CLEO's access to justice work to date, together with AI best practices and standards, and in compliance with Ontario's and Canada's evolving regulatory environment.

As we embark on this journey, we are committed to developing AI tools that are ethical, transparent, and inclusive, ensuring that everyone benefits from these advancements. By integrating GenAI, we can envision a future where legal narratives prepared by the public are more compelling and effective, where real-time online support resources are readily available, and where deeper insights are gleaned from more sophisticated data analysis. CLEO is dedicated to exploring these innovations responsibly, creating a model that other organizations may find helpful, and ultimately increasing access to justice for those who need it most. If successful, GenAI may dramatically transform CLEO's Guided Pathways program and the way the public accesses related information and legal services.

# Appendix A: Sample input and output from GenAI prototype

## Sample input

The GenAI prototype generates text based on answers entered by a user as they complete the interview in the Guided Pathway.

An example of a series of questions and answers from a beta version Guided Pathway can be found at <https://www.cleo.on.ca/wp-content/uploads/Appendix-A-Guided-Pathways-output-sample.txt>.

A brief sample of some questions and answers from a Guided Pathway is set out below. (The sample is based on hypothetical data. It does not use personal information from actual users of CLEO's Guided Pathways.)

Question: Do you believe that something serious could happen to you or your children if you have to serve the other party, or take the time to serve them?

Answer: Yes

Question: Are you concerned about your safety or your children's safety right now?

Answer: I'm not sure

Question: Describe the aspects of parenting you took care of:

Answer: The kids live with me and my mom. I look after everything they need, with help from my mom. I take them to school, summer camps and activities. I cook dinner and buy them clothes. I make all of the medical decisions and school decisions.

Question: List the parenting responsibilities Nisar takes care of now:

Answer: Nisar usually takes the kids for a few hours on Saturdays. They usually go to

the park or movies and hang out. He isn't very involved with them.

Question: Are there any issues with Nisar's parenting that you believe are putting your children in danger?

Answer: Yes

Question: Describe the issues with Nisar's parenting that you believe are putting your children in danger:

Answer: Nisar has a very short temper with the kids and has physically threatened the kids. He has shaken April when she isn't behaving. Last year he left the kids alone at the movie theatre to go to the bar next door. At the time, April was only 3 and Cylus was 6. They were scared when he didn't come back and to movie theatre had to call me to pick them up. Also, Nisar is supposed to pay me child support but he lost his job in 2020 and has been on Ontario Works since then, which means he no longer has to pay child support.

Question: Has Nisar ever committed family violence?

Answer: Yes

Question: Have the police ever been called because of the family violence?

Answer: No

Question: Describe the impact of the family violence on your children:

Answer: My kids are scared of their dad. They try to behave really well around him but they are afraid to go with him anywhere. Cylus has started having problems at school. He has started getting in fights and I worry that it is because he sees his dad be angry.

Question: Describe the impact the family violence has had on you:

Answer: I live on edge, worried about what little thing will set off Nisar's temper. When he is angry he forgets how strong he is and doesn't think about consequences and he can hurt people. I'm worried that he will hurt me or the kids.

Question: Describe the family violence that Nisar has committed:

[Click here to see the types of family violence you selected.](#)

Answer: Nisar lost his job during the pandemic. He was bored and angry and started becoming abusive to me when we would go out on dates or when he'd come over to visit. First he was only emotionally abusive, yelling at me for being too concerned with money, saying I was "bleeding him dry" and that I was not a good mother because I was working all of the time. I work in healthcare and I've had to work overtime since the pandemic started. After a few months, he started hitting me occasionally when we would fight about money. It would leave bruises but I never sought medical attention. The kids would see him hit me and get upset. He sometimes would get very angry with them as well. I never saw him hit them, but once in 2022 he shook April really hard when she spilled her juice on the carpet. He

picked her up and shook her. At first, she screamed but then was really quiet. Later I noticed that there were bruises on her arms where he had held her. Nisar also killed the kids' pet dog. We had a small chihuahua named Barkley. Nisar hated the dog and would get angry because Barkley would yip loudly whenever Nisar was around. In November, Nisar was visiting and Barkley was being very loud. Nisar picked up Barkley and threw him against the wall in the living room. The dog's spine broke and we had to put him down. Nisar said it was good because the dog was expensive but the kids were very upset.

Question: Do you want to tell the court about the family violence that Nisar has committed?

Answer: Yes

## Sample output

An example of an affidavit generated by CLEO's current Gen AI prototype, using ChatGPT4 in spring 2024, is below.

1. My name is Sandra Lee, and I am currently residing at 447 Nelson Street, Pembroke, Ontario, K8A 3P2. I am the primary caregiver to my two children, Cylus Lee, born on August 15, 2016, and April Lee, born on January 2, 2020. Both children live with me and are under my care and protection. Nisar Saravana, the father of my children, resides at 1128 Boundary Road, Pembroke, Ontario, K8A 6N1.
2. Over the past few years, my relationship with Nisar has deteriorated due to his escalating and unpredictable behavior, encompassing a range of abuses from verbal and emotional to physical, financial, and most distressingly, towards our children. This affidavit is to request a restraining order against Nisar Saravana to protect myself and my children, Cylus and April Lee, from further harm and potential danger.
3. My concerns for our safety have progressively intensified due to Nisar's behavior, which includes but is not limited to physical threats, shaking our daughter April violently, and abandoning our children unsupervised in public places. In one instance in 2020, Nisar left April, then three years old, and Cylus, six years old, alone at a movie theater to visit a bar, resulting in a traumatic experience for them both when they were found by theater staff and I had to retrieve them.
4. Additionally, Nisar has exhibited violence towards me in the presence of our children. Starting with emotional abuse, his aggression escalated to physical abuse, including hitting me during arguments, which left visible bruises and undoubtedly psychological marks on both me and the children. One of the most harrowing incidents involved Nisar violently shaking our daughter April for a minor accident, leaving bruises on her arms - a vivid and terrifying memory for her and evidence of

Nisar's uncontrollable temper and propensity for violence.

5. In November of a previous year, an act of unspeakable cruelty occurred when Nisar, in a fit of anger, fatally injured our family pet dog, Barkley, by throwing him against a wall. This not only resulted in the heartbreaking loss of a loved pet but also deeply traumatized Cylus and April, further emphasizing the imminent danger Nisar poses not only to humans but to all beings in his vicinity.

6. Financial instability and Nisar's lack of contribution to child support have also contributed to the stress and volatile environment around our children. After losing his job in 2020, Nisar ceased paying child support, adding financial burden and emotional strain, which often triggers Nisar's aggressive behavior towards me and, indirectly, towards our children due to the heightened tensions at home.

7. The situation reached a critical point on January 8, 2024, when Nisar, without my knowledge or consent, took our children from school and drove them to an unsafe location. He parked the car near a dangerously thin patch of ice on the river, instigating fear into Cylus by suggesting they could drive onto the ice and "forget about everything." This incident left Cylus and April extremely traumatized, fearing for their lives, and hesitant to spend any further time with their father.

8. My request for a restraining order to be processed without notification to Nisar stems from an acute fear that informing him would precipitate further aggression or perhaps an even more drastic response. His history of psychiatric issues, including depression and a previous suicide attempt, combined with his unemployment and recent aggressive behavior, presents a highly volatile and potentially dangerous situation for me and my children.

9. Given Nisar's past conduct and the immediate threat he poses, I earnestly request the court to enforce a restraining order that would mandate Nisar to maintain a distance of no less than 500 meters from me, Cylus, and April, and particularly from our residence at 447 Nelson Street, Pembroke, Ontario, and from Highview Public School, where Cylus and April are currently enrolled and participate in after-school daycare and summer camps. This order should also prohibit Nisar from any form of communication with us.

10. My children's exposure to the violence and fear they have witnessed and experienced directly has had a significant impact on both their mental and emotional wellbeing. Cylus has displayed behavioral changes, including aggression at school, which I believe is a direct manifestation of the domestic turmoil and violence he has been exposed to. April and Cylus are genuinely frightened of their father, a situation that no child should ever have to endure.

11. The recent incident on January 8, 2024, serves as a chilling reminder of the unpredictable danger that Nisar poses, not only to me but more critically, to our

children. Their safety and welfare are my utmost priorities, and it is with a heavy heart and tremendous fear for their and my own safety that I seek the court's immediate and decisive intervention.

12. In supporting this affidavit, I am including a letter from my uncle, Jordan Lee, detailing his account of the January 8 incident, which corroborates the immediate threat Nisar poses to our children and me. This affidavit, along with the supporting exhibit, seeks to illustrate the urgent need for protection from Nisar Saravana.

13. I implore the court to consider the severity and urgency of our situation. The cycle of violence and threats we face has escalated, making it imperative that a restraining order be issued promptly to ensure the safety and security of my children and me. It is my fervent hope that this court will recognize the dire circumstances we are in and grant the necessary legal protections to safeguard us from further harm.