

Fact sheet

Complainant use of AI

SUMMARY

Recent experience shows that generative artificial intelligence (AI) tools such as Google Gemini, Microsoft Copilot, Apple intelligence and ChatGPT are being widely and increasingly used to assist in the creation of complaints to the Legal Profession Conduct Commissioner.

While these AI tools offer improved access to justice, they come with many significant drawbacks including a tendency to increase the scope of complaints and the overall size of the complaint material submitted. This is placing an additional burden on the Commissioner and his staff as resourcing does not increase to match increased complaint numbers or the additional volume of material received.

LIMITATIONS OF AI TOOLS

It is important to understand that AI tools suffer from significant limitations including:

- Absence of context – AI tools use math and pattern recognition.
 - AI tools do not ‘know’ and cannot ‘understand’ your personal circumstances.
 - AI tools do not ‘know’ the broader South Australian social, cultural and legal context.
- Lack of common sense – AI tools are not intelligent. They have not situational or self-awareness and do not ‘understand’ the concepts they employ.
- Bias – as AI tools ‘learn’ from human-created data they are susceptible to the prejudices inherent in that data. They are also susceptible to repeating their own ‘AI slop’.

MAKING A COMPLAINT

Your complaint will be assessed by a person, one of the Commissioner’s staff. An overly detailed and complex complaint is more difficult to assess.

You do not need to:

- Identify the conduct rules you say have been broken.
- Provide references to legislation you consider has been breached.
- Include case law references to support your allegations.

You do need to:

- Identify the legal practitioner you wish to complain about.
- Identify your relationship with that legal practitioner.

- Provide a succinct and straightforward description of the action or decision about which you are complaining.
- Include only the key documents such as correspondence which relate to your complaint.

The Commissioner's staff will contact you and seek any additional information or documents they consider might assist them in determining whether to commence an investigation.

LIMITS APPLICABLE TO COMPLAINTS

In order to efficiently employ available resources, the Commissioner has determined to place limitations on complaints he will receive and progress. These limits are:

- a limit of three (3) pages or 1,500 words in (11 point font) setting out the conduct and circumstances of the complaint; and
- a limit of (15MB) of additional documents which can be submitted with the complaint.

These are upper limits and do not need to be reached. Experience shows that most complaints can be effectively described in a single page and only a few documents, such as engagement letters, costs agreements and invoices for overcharging complaints, are needed at the outset to ascertain whether a complaint warrants investigation. Keep it simple.

Should your complaint exceed the above limits, the most likely response will be a letter asking you to resubmit your complaint in a form which comes within these limits.

The Commissioner retains the right to reject a complaint or to close an investigation at any time in accordance with the *Legal Practitioners Act 1981* including where a complainant does not cooperate in the Commissioner's investigation