



SCALL 2024
AI UNLEASHED
PRACTICAL AND ETHICAL APPLICATIONS



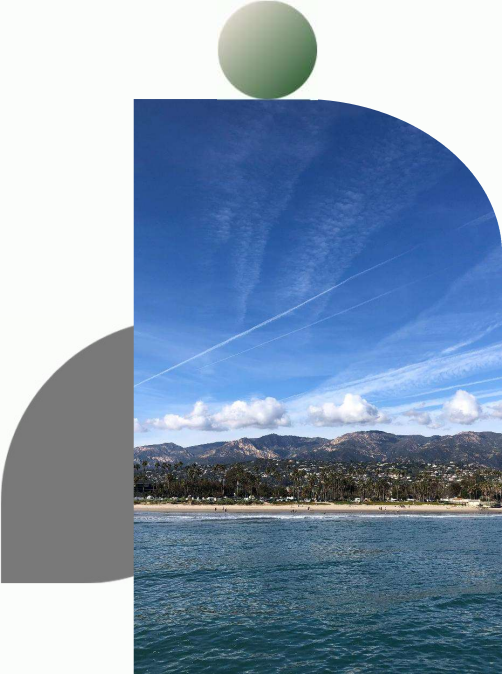
**Santa
Barbara, CA**

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Saturday, February 24th
10:45 am

Practical Prompt Engineering

Cara Henley Johnson
Knowledge & Research Manager
O'Melveny & Myers



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Agenda

- GAI Prompt Tips
- AI Use Cases with sample Prompt Engineering
- Takeaways

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How confident do you
feel in your prompts
now?

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GAI Prompt Tips

- ✓ Craft for the AI tool you are using – content, open/closed, public/private
- ✓ Include the audience
- ✓ Define the output – list, letter, table, chart, memo
- ✓ Be specific, but not too specific
- ✓ Revise and edit your prompts
- ✓ Use AI to improve its own results



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ABCs of Prompt Verbs

Analyze/Address/Advise	Narrate/Name/Narrow
Build/Brainstorm	Outline/Organize
Create/Compose/Classify	Predict/Provide
Draft/Describe/Design	Question/Quantify
Evaluate/Explain	Recommend/Rewrite
Find/Formulate/Frame	Summarize/Support
Generate/Group/Guess	Translate/Trace/Tell
Highlight/Hypothesize	Use/Uncover
Interpret/Illustrate	Validate/Visualize/Vary
Justify/Join	Write/Watch
Keep/Know	eXtract/eXplore
List/Limit/Learn	Yield
Make/Modify	Zero In/Zoom

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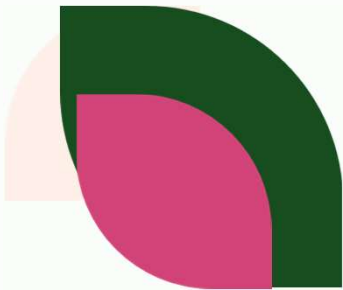
Westlaw Specific Prompt Tips

Use clear, concise language that focuses on one issue and relevant facts and jurisdiction

Do **NOT** write as a prompts or command

Do **NOT** use names of clients or parties (ex: use "tech industry CEO" instead of "Steve Jobs")

Be content aware: primary law, treatises not yet usable, Practical Law in separate platform



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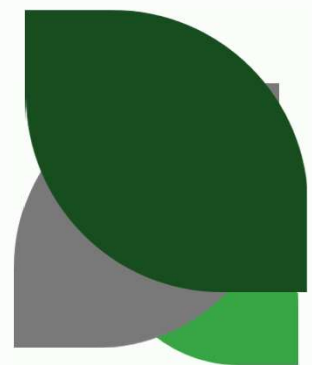
Lexis Specific Prompt Tips

Use conversationally with follow up questions to refine or expand

Specify your goal (find, draft, summarize, review) and format of answer (cases, statutes, times topic/person discussed)

Include parties, terms, points of law, material facts, context

Content: primary law, MB treatises, practical guidance, but not news or briefs (yet)



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Use Case

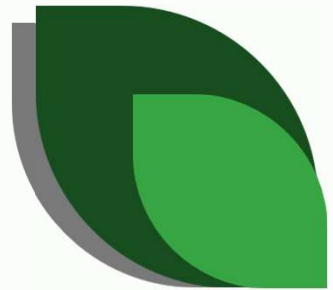
Based on the recent pickleball craze, HOA installs a pickleball court in an open area of its communal property. The pickleball games are very loud and disturb a homeowner whose bedroom is 60 feet from the new court. Homeowner asks your firm for help.

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Prompt One: Background Knowledge



How often do homeowners sue HOAs over pickleball?



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Prompt One: Background Knowledge

The number of lawsuits involving homeowners suing HOAs over pickleball has been **steadily increasing** in recent years, making it a growing trend. While it's difficult to pinpoint an exact number, we can understand the prevalence through various studies and news reports:

- A 2023 study by Mass Pickleball Guide reported a **significant rise** in cases, with:
 - 120 noise complaints in 2019.
 - 200 court installation issues in 2020.
 - 320 inadequate noise barrier complaints in 2021.
 - A jump to 525 cases in 2022, citing even health and property

Reasons for lawsuits often center around:

- **Noise:** The frequent "pop" of the ball hitting the paddle and enthusiastic player interactions can be disruptive, especially for residents living near courts.
- **Court placement:** Disputes arise when courts are built too close to homes, exceeding noise ordinances or disturbing residents' "quiet enjoyment" of their property.
- **Lack of mitigation:** Homeowners may sue if the HOA fails to address noise complaints adequately, like not installing sound barriers or enforcing time restrictions.

Overall, while not an everyday occurrence, **pickleball-related lawsuits against HOAs are becoming increasingly common** due to noise concerns and conflicts over court placement and management.

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Prompt One: Use AI to Improve Results

There are several reasons that lawsuits against HOAs over pickleball have made the news. Some common reasons include:

1. **Noise disturbances:** Homeowners may file lawsuits against their HOA due to excessive noise generated by pickleball courts. The noise can disrupt the peace and quiet of the community, leading to complaints and legal action.
2. **Property value concerns:** Homeowners may argue that the presence of pickleball courts negatively impacts property values. They claim that the noise, increased traffic, or perceived lack of aesthetic appeal associated with the courts can deter potential buyers and decrease property values.
3. **Construction disputes:** Lawsuits can arise when homeowners believe that their HOA violated community guidelines or failed to obtain proper approval for the construction of pickleball courts. Homeowners may challenge the legality of the construction, seeking to have the courts removed or relocated.
4. **Usage and access issues:** Disputes can arise over how pickleball courts are allocated and whether non-residents are allowed to use the facilities. Homeowners may feel that their access to the courts is limited or unfairly restricted, leading to legal action against the HOA.
5. **Financial concerns:** Homeowners may file lawsuits against their HOA over excessive maintenance fees specifically related to pickleball courts. They may argue that the fees are unreasonable or were implemented without proper homeowner input or financial transparency.
6. **Accessibility for residents with disabilities:** Lawsuits can arise when pickleball courts are not made accessible to residents with disabilities. Homeowners may claim that the HOA failed to provide reasonable accommodations or ensure equal access to the facilities, leading to legal action.

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Prompt Two: Legal Research

C What are the nuisance standards in California for HOAs when **building** pickleball courts? 

C What are the nuisance standards in California for HOAs for pickleball courts on community property? 

AI The nuisance standards for Homeowners' Associations (HOAs) in California, particularly concerning pickleball courts on community property, are not specifically outlined in the search results. However, there are general statutes and regulations that can guide us in understanding the potential standards.

According to the West's Annotated California Health & Safety Code § 17980, if a building (which could be interpreted to include structures like pickleball courts) is constructed, altered, converted, or maintained in violation of any provision of the California Building Standards Code or any other rules and regulations, or if a **nuisance exists in a building** or on the lot it is situated on, the enforcement agency may issue a notice to abate the nuisance or violation [1]. This could potentially apply to pickleball courts **constructed** on community property by an HOA if they are deemed a nuisance.

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Prompt Two: Revise and Edit

What standard do homeowners need to meet to sue HOAs over noise disturbances from pickleball courts?



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Prompt Two: Revise and Edit

To sue Homeowners Associations (HOAs) over noise disturbances from pickleball courts, homeowners or the HOA, as representatives of the homeowners, must satisfy several criteria.

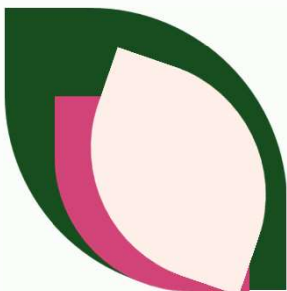
First, the HOA or individual homeowners must have standing to sue, meaning they are directly affected by the issue at hand [2]. The HOA has standing to sue as a representative of the individual homeowners when the question is one of a common or general interest of many persons [2]. This standing extends to situations where it is impracticable to bring all affected parties before the court [1, 3]. The HOA also has the right to institute, defend, settle, or intervene in legal proceedings without having to join the members . . .

Third, the HOA or homeowners must be able to establish the violation of a right or a breach of duty by the party being sued. If the noise from the pickleball courts causes a nuisance that violates the homeowners' right to quiet enjoyment of their property, this could form the basis of a lawsuit . . .

Lastly, it's important to note that decisions of condominium association boards are subject to deferential review, which means courts will usually uphold their decisions unless they are unreasonable.

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Prompt Three: Legal Drafting



Draft a complaint in LA Superior Court for homeowner suing their HOA for nuisance from excessive noise caused by new pickleball court on communal property near their bedroom. Include causes of action for property value decreasing and financial concerns over maintenance fees increasing due to pickleball court.

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Prompt Three: Legal Drafting

COMPLAINT FOR NUISANCE, DECLARATORY RELIEF, AND INJUNCTIVE RELIEF

Plaintiff [name of homeowner], an individual, alleges as follows:

- Plaintiff is the owner of a single-family residence located at [address of property] within the [name of common interest development] (the "Development").
- Defendant [name of homeowners association] (the "HOA") is a nonprofit mutual benefit corporation organized and existing under the laws of the State of California, and is the governing body of the Development . . .

FIRST CAUSE OF ACTION (NUISANCE) . . .

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against the HOA as follows:

- For compensatory damages in an amount to be proven at trial . . .

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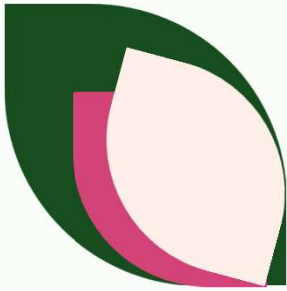
Prompt Three: Change Audience to Client

Write letter from attorney to client informing them nuisance complaint against HOA was filed and asking to meet.



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Prompt Three: Change Audience to Client



Dear [Client's Name],

I trust this letter finds you well. I am writing to inform you that earlier today, our firm filed the complaint on your behalf in the Los Angeles Superior Court against [Defendant's Name]. The causes of action in the complaint focus on nuisance and seek injunctive relief to address the ongoing issues you have been facing.

Key Details:

- **Case Number:** [Case Number]
- **Court:** Los Angeles Superior Court

This is a significant step in pursuing the resolution you seek, and we are committed to advocating vigorously on your behalf throughout the legal process.

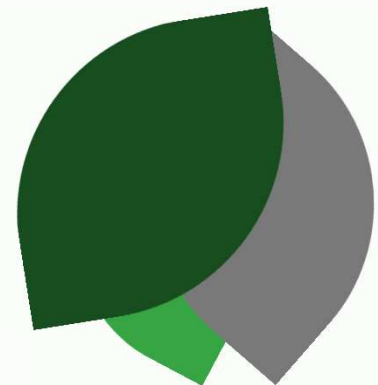
Next Steps:

I understand that this is a critical juncture in your case, and we would like to schedule a meeting next week to discuss the next steps in detail. During this meeting, we can provide you with an overview of the legal process, timelines, and expectations moving forward. Additionally, we will address any questions or concerns you may have at this stage.

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Prompt Four: Check for Weaknesses

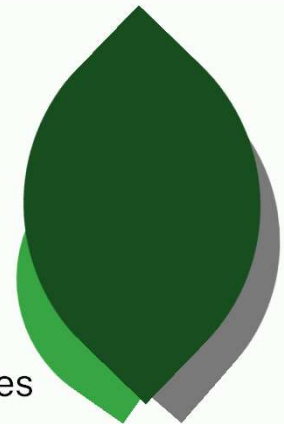
Draft a one-page memo to law firm partner from associate describing the weaknesses in this case of the homeowner against the HOA on nuisance from the loud noise from the pickleball court.



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Prompt Four: Check for Weaknesses

1. Lack of evidence of noise
2. No attempts shown to resolve the issue in mediation, arbitration, or admin agency remedies first
3. Did not garner support from other homeowners potentially similarly affected by the noise
4. HOA is usually entitled to deferential review unless unreasonable
5. Risk having to pay HOA costs and attorney fees if lawsuit deemed frivolous
6. HOA actions may be protected by anti-SLAPP statutes



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Prompt Four: Use AI to Improve Results

Draft a questionnaire of factual questions to ask the defendant

Extract and analyze all claims

Extract a timeline of facts

Propose defenses to each claim

Draft a letter to the client summarizing the complaint and explaining the legal strategy moving forward.

Prepare a list of potential witnesses and evidence that could support the homeowner's claims.

Find similar litigation in Docket Alarm

What are the legal standards for proving a nuisance claim related to noise disturbances in California?

Under California law, what remedies are available to homeowners in a common interest development who are adversely affected by changes to the common area that were made without proper homeowner consent?

Does California law provide for the recovery of diminished property value and increased maintenance fees as damages in a nuisance lawsuit against a homeowners association?

Ask any research question

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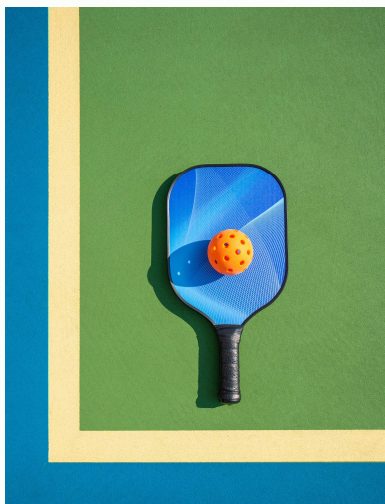
Prompt Four: Don't Forget Traditional Checks

- ✓ Use brief analyzer
- ✓ Cite check
- ✓ All normal, pre-AI checks



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Prompt Five: Change in Situation



HOA is acting at sole request of a board member – an avid pickleball player – does this change anything?

Compile all research, cases, drafts to database and query for comparable situations

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Prompt Five

C Review the materials for cases where an HOA board member acted for personal benefit and how that effects a nuisance case by homeowner

I understand you want to review the uploaded documents for cases where an HOA board member acted for personal benefit and how that affects a nuisance case by a homeowner. Extract Contract Data

Your questions

Question 1
Are there any instances where an HOA board member acted for personal benefit?

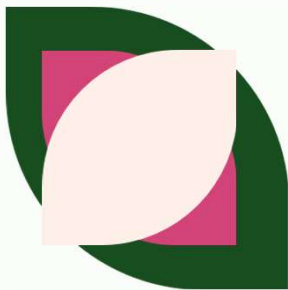
Question 2
How does a board member's action for personal benefit affect a nuisance case by a homeowner?

+ Add question Add from favorites Cancel **Submit request**

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Prompt Five: Change the Output

Find cases where HOA board member acted for personal benefit in nuisance case by homeowner in CA



- **Kashani v Rochman** - two HOA board members breached fiduciary duty, acted negligently, benefitted own interests at expense of HOA/members; but Plaintiff lacked evidence
- **Wave Crest Holdings v Wave Crest Owners Ass'n** - dispute within CA HOA, conflicts issue
- **Cohen v SS Construction Co** - duties, liability of developer re nuisance claim, developer can't make decisions for HOA

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More Use Cases

- **Litigation** – expert/witness background, depo prep
- **Corporate** - contract review, summarization
- **Client Development** – draft client alerts, press releases
- **Government** - congressional hearing prep
- **eDiscovery** – first pass review, privilege review
- **General** – translation, event planning

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Situation	Example Prompt
Deposition Prep	Create 10 depo questions on research methodology, PI experience for a bivalve mollusk expert
Contract Review	Are there any confidentiality clauses in any of these commercial real estate leases?
Client Development	Draft a one-paragraph press release on a personal injury trial victory for X firm where defendant not liable as plaintiff was dishonest about ski lift injury
International Arbitration	Translate letter in Italian to English
eDiscovery	Highlight all emails with negative sentiment about Y employer

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Takeaways

- ✓ Write your prompt with the platform, audience, and output in mind
- ✓ Use conversational queries, but use legal terms in legal tools
- ✓ Be comfortable trying again as needed
- ✓ Develop and improve your skills through practice and continuing education



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Learn More

- ✓ Take PLI, LinkedIn Learning, and your institution offered courses on Gen AI, prompt engineering, and more
- ✓ Attend vendor trainings on their AI offerings, accept demos, and run trials
- ✓ Read articles from AALL, SCALL, and their members on other platforms to keep up with the rapid changes



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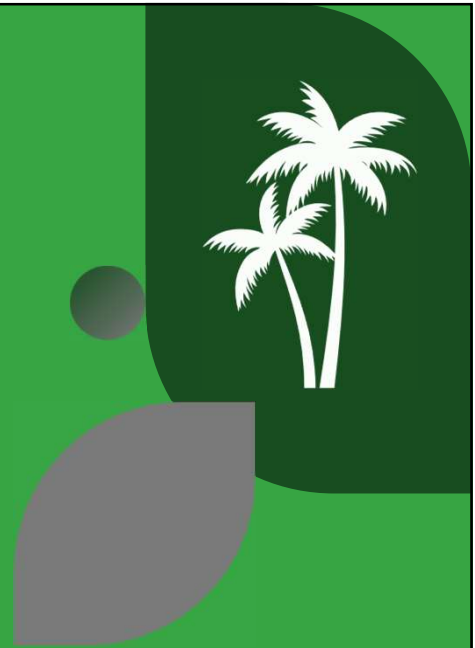


How confident do you
feel in your prompts
after this
presentation?

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Thank you!

Questions?



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