

BY PATRICK T. BARONE

Your Socratic Sidekick

Using generative artificial intelligence to mimic the Socratic method to foster deeper legal analysis, strategic thinking, and case preparation.

EVERY LAWYER VIVIDLY REMEMBERS THEIR FIRST YEAR IN LAW SCHOOL. Especially, the notorious cold calling and its adjunct, the Socratic method. Being called on—often without warning—and then standing while being grilled by the professor about the assigned readings, was, to make an understatement, anxiety provoking. Often, the professors would ask questions designed to help our “skulls full of mush”¹ think deeply about a legal concept or an underlying public policy. These exercises were not only challenging but retrospectively essential for building the critical thinking and analytical skills that remain fundamental to the practice of law.

The Socratic method,² introduced to legal education by Christopher Columbus Langdell during his tenure as dean of Harvard Law School from 1870 to 1895, remains a cornerstone of legal pedagogy.³ It challenges students to think quickly, articulate their reasoning, and defend their interpretations under scrutiny. This method not only prepares students to “think on their feet”⁴

1. Christine Perkins, *You Come in Here with a Skull Full of Mush. You Leave Thinking Like a Lawyer*, Harv. L. Today (Oct. 28, 2022), law.isba.org/4v3qNki.

2. Ilana Kowarski, *What Is the Socratic Method That Law Schools Use?*, U.S. News (Apr. 4, 2019), law.isba.org/4o2WxzZ.

3. Brian A. Kimball, *Warn Students That I Entertain Heretical Opinions, Which They Are Not To Take as Law: The Inception of Case Method Teaching in the Classrooms of the Early C. C. Langdell, 1870-1883*, 17 *Law & Hist. Rev.* 57, 57 (1999), law.isba.org/4odnKD6.

4. *What Is the Socratic Method in Law School?*, JD Advising, law.isba.org/4eZGUof (last accessed Feb. 13, 2025).



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ISBA RESOURCES >>

- ISBA CLE, Solo and Small Firm Conference 2025, *The Innovative Lawyer: Smart Strategies for Small Firms in the Age of AI*, Friday, Sept. 26, 2025. See isba.org/cle/ssf for registration information. See law.isba.org/4o3D6qB for preordering the On-Demand SSFC Bundle at a reduced price.
- Ed Finkel, *It's Time To Start Using It*, 113 Ill. B.J. 18 (Feb. 2025), law.isba.org/3Ur5xBj.
- Tatyana Ruderman, *7 Questions to Ask Before Giving a Vendor Access to Your Data Set in an Artificially Intelligent World*, Privacy and Information Security Law (Oct. 2024), law.isba.org/4riy2gG.

but also instills a disciplined approach to legal analysis.

Generative AI (GAI) powered by large language models and guided with carefully crafted prompts, enables lawyers to simulate the probing questions of a seasoned professor. By leveraging GAI in this manner, lawyers can utilize the technology to refine their analytical skills by engaging in virtual dialogues that challenge their understanding and application of legal concepts and allow them to think more deeply and reason more effectively.

Understanding the Socratic method in law

In its basic form, the Socratic method is a goal-directed conversation between the student and the teacher. In law schools, the objective of this active teaching method is to encourage understanding rather than rote memorization. It arises out of the aphorism “tell me, and I will forget. Show me, and I will remember. Involve me, and I will understand.”⁵

Classically, Socratic dialogue unfolds in four stages.⁶ First, the teacher asks a series of questions to uncover a student’s misconception. Next, the teacher uses pointed inquiries to guide the student toward recognizing the error and understanding why it is flawed. In the third stage, the student acknowledges their misconception. In the final stage, the teacher facilitates the discovery of a valid and accurate alternative.

The theory behind using this method to teach law students is that this structured inquiry mirrors the analytical demands of their future profession. GAI, when guided by

careful prompting, extends this paradigm by enabling practicing lawyers to engage in virtual dialogues that replicate the advantages of Socratic inquiry.

Bringing the Socratic method to AI

Because large language GAI models are trained on extensive textual data, they can engage in amazingly human-like conversations.⁷ This makes GAI perfectly suited for tasks like answering questions, brainstorming, and deeply exploring legal concepts. To illustrate how lawyers might use GAI for deeper thinking, consider this detailed prompt:

I am aiming to become a deep thinker. For this conversation, I want to explore the exclusionary rule and its exceptions using the Socratic method. Please take on the role of a Socratic questioner and ask me probing, iterative questions that test my assumptions, challenge my reasoning, and guide me toward a deeper understanding. Start by assessing my current knowledge, uncover any misconceptions, and then lead me step by step through more complex aspects of the rule and its real-world implications.

This type of prompt invites the GAI to engage in an intellectual dialogue, much like a professor guiding a student through a complex topic.

Providing essential context

To maximize the utility of GAI in a legal

5. Donald G. Marshall, *Socratic Method and the Irreducible Core of Legal Education*, 90 Minn. L. Rev. 1 (2005).

6. *Id.*

7. *What Are Large Language Models (LLMs)?*, IBM (Nov. 2, 2023), law.isba.org/3RJoEnO.

TAKEAWAYS >>

- Lawyers can use generative artificial intelligence (GAI) to simulate the Socratic method, engaging in structured questioning that sharpens critical thinking and legal reasoning.
- By tailoring GAI prompts to reflect the perspectives of judges, jurors, or opposing counsel, attorneys can refine their arguments to better align with decision-makers’ biases and priorities.
- Implementing safeguards such as anonymized data, reliability checks, and using GAI models that run only on local devices can help lawyers integrate GAI into their practice while maintaining confidentiality and accuracy.

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practice, it is necessary to provide the system with sufficient context about the case or issue being analyzed. Since GAI cannot access nonpublic domain external documents or understand case specifics without context, lawyers must first upload sanitized and anonymized information about their case to ensure the GAI has the necessary background. Uploaded information might include, for example, a redacted and anonymized statement of facts, police reports, mediation summaries, or motions. This structured approach not only ensures confidentiality but also enhances the precision and utility of the GAI's responses.

It is also important to recognize that the breadth of uploaded information can limit the depth of the GAI's analysis. To address this, lawyers should ensure that uploaded documents comprehensively summarize all relevant facts and legal principles. However, client confidences⁸ must never be compromised in the service of completeness.

Introductory root-prompting language can further improve interactions with GAI. A structured prompt like, *"Please review the information I've just uploaded, and then [specific command]"*, ensures the GAI maintains focus on the provided material. To enhance precision, attorneys can specify whether the GAI should base its output solely on the uploaded content or incorporate training data including general legal principles where relevant.

By providing clear context and precise instructions, lawyers can better leverage the GAI to simulate iterative questioning that is most useful and relevant to their inquiry.

Practical applications

Here are three examples illustrating how GAI can be used to refine case strategy, prepare for trial, or craft persuasive arguments in the context of criminal defense practice. While the prompts below are framed from a defense attorney's perspective, litigators and prosecutors easily can flip these prompts to argue on behalf of plaintiffs. (The prompts were entered into ChatGPT, but note that responses will vary based on the LLM and version used.)

1. Cross-examination and police training. In DUI trials, the credibility of an officer often hinges on whether they adhered to established protocols, such as the National Highway Traffic Safety Administration (NHTSA) guidelines for standardized field sobriety tests. When an officer deviates from these protocols, it can undermine the reliability of the evidence and cast doubt on their testimony.

Example prompt: "Please review the information I've just uploaded, including the officer's report and NHTSA training protocols. I want to think deeply about how an officer's failure to adhere to standardized police training for DUI investigations could influence a jury's perception of credibility and the reliability of the evidence. Using a Socratic questioning approach, challenge my understanding by asking one probing question at a time. Begin by identifying the fundamental assumptions jurors might make about police testimony, then guide me through potential jury reactions based on different case facts. Challenge my reasoning with counterarguments a prosecutor might raise and help me refine my approach to ensure the most persuasive argument."

ChatGPT's initial response: "Let's begin by considering the role of police training in a jury's evaluation of evidence. Why do

you think a jury might place importance on an officer's adherence to standardized protocols, and how could deviations from these protocols affect their perception of the evidence presented?"

2. The exclusionary rule in high-stakes cases. In the context of a criminal case, the exclusionary rule is a critical tool for protecting a client's constitutional rights, but its application can raise challenging public-policy questions. In cases involving high-stakes evidence, such as a blood draw in a DUI fatality case, courts may struggle with balancing the defendant's constitutional rights against protecting the public from the dangers posed by drunk driving.

Example prompt: "Please review the information I've just uploaded, including details of the DUI fatality case where the police conducted a blood draw without sufficient probable cause. I aim to explore the application of the exclusionary rule in this context, particularly concerning a motion to suppress evidence based on a Fourth Amendment violation. Using the Socratic method, ask me one probing question at a time to help me analyze how the court may view the long-term implications of excluding versus admitting this evidence, considering both public policy and caselaw precedent."

ChatGPT's initial response: "Let's start by examining the purposes of the exclusionary rule. Why do you think excluding evidence obtained in violation of the Fourth Amendment is essential for safeguarding constitutional rights? Conversely, what are the risks of excluding evidence that is critical to determining guilt or innocence?"

3. Arguing for lesser sentencing in mitigation hearings. Sentencing hearings offer an opportunity to humanize the client and present mitigating factors that may justify a lesser sentence. Crafting a compelling narrative can significantly impact the court's perception of the defendant's intent, character, and rehabilitation potential.

Example prompt: "I want to think

8. See Ill. R. Pro. Conduct R. 1.6 (eff. Jan. 1, 2016).

deeply about crafting a sentencing argument for a client who has shown significant rehabilitation. I aim to develop a compelling sentencing narrative that humanizes my client, evinces empathy, and presents mitigating factors effectively. Using the Socratic method, ask me one probing question at a time to help uncover impactful elements of my client's personal story, guide the structuring of a persuasive narrative, and anticipate potential objections from the prosecution."

ChatGPT's initial response: "Let's begin by identifying the most compelling aspects of your client's story. What steps has the client taken to address the underlying issues that contributed to their offense, such as substance [use] treatment or community service? How might these actions demonstrate genuine rehabilitation?"

After the initial prompt and user response, the GAI will continue the dialogue by asking clarifying follow-up questions. These questions are designed to probe deeper into the implications of the legal issue, encourage the user to consider alternative perspectives, and identify potential counterarguments or weaknesses.

This iterative process mirrors the Socratic method, enabling attorneys to move beyond surface-level understanding. The GAI adjusts its focus and depth of inquiry based on the user's input, fostering a conversation that evolves toward a more sophisticated and well-rounded analysis. Whether examining procedural errors in cross-examination, weighing the implications of the exclusionary rule, or crafting compelling mitigation arguments, this approach capitalizes on the conversational nature of large language models and ensures that legal strategies are well-thought out and, where necessary, refined.

Audience-persona prompting

In real-life legal practice, a circumspect understanding of the decision-maker's perspective is often as crucial as the

substantive merits of a case. Jurors bring their unique life experiences, biases, and values into the courtroom. The same is true for judges who also apply their life experiences, judicial philosophies, and prior rulings as lenses through which they view cases. Audience persona prompting incorporates these variables to simulate how different arguments might resonate with specific decision-makers.

For instance, a juror who works in law enforcement might view police testimony with inherent credibility, while a judge known for valuing procedural correctness might scrutinize even minor deviations from established protocols. The audience-persona prompt involves incorporating these details into the prompt, thereby creating an "audience persona."⁹

This advanced technique allows GAI to simulate how a particular decision-maker, whether a juror, judge, or opposing counsel, might perceive and react to specific arguments. By crafting prompts that include detailed descriptions of the audience's characteristics, GAI can provide tailored feedback and insights, helping lawyers refine their case strategies with unparalleled precision. What follows is an example of combining the Socratic method and audience persona into a single prompt:

Please review the uploaded materials, including the officer's report and the motion to suppress. I seek to develop compelling arguments for the motion to suppress, focusing on how a judge with the following attributes might view the case: a strong belief in upholding Fourth Amendment protections, a history of prioritizing procedural correctness over outcome-driven decisions, and an aversion to police overreach. Using the Socratic method, ask me one probing question at a time to examine how these judicial attributes relate to the officer's deviation from NHTSA protocols during the DUI investigation. Challenge my reasoning with potential counterarguments this judge might consider and guide me in refining my responses to align with their judicial philosophy.

This prompt incorporates the judge's likely priorities of procedural correctness and Fourth Amendment protections and prompts the GAI to analyze and critique

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the lawyer's approach from the perspective of the decision-maker. The iterative process of presenting arguments, receiving counterarguments, and refining the strategy mimics the rigorous dialogue of the Socratic method, while tailoring it to the audience's lens. Through this iterative process, the GAI not only challenges the lawyer's reasoning but also helps refine the arguments to better align with the decision-maker's likely perspective.

Audience-persona prompting isn't limited to judges. Audience-persona prompting can be especially valuable during *voir dire*, where the lawyer engages potential jurors to uncover biases and assesses their suitability for the case. This process requires not just asking initial questions but also responding effectively to jurors' answers, particularly when they express views that may conflict with the defense's strategy. Here is a suggested prompt:

I am a defense attorney preparing for *voir dire* in a [insert case type, e.g., DUI] trial. Please assume the role of a potential juror with the following persona: [insert detailed juror characteristics—e.g., a middle-aged accountant who has a strong belief in law and order, has had a negative personal experience related to [case type], and tends to trust authority figures]. I will ask you a series of questions to uncover any biases or beliefs that might affect your impartiality.

9. Patrick T. Barone, *AI Powered Advocacy: Transforming Criminal Defense Through Prompt Engineering*, The Champion, Jan.-Feb. 2025, at 16.

After each response, provide feedback as a jury consultant trained in psychology and motivational interviewing techniques, explaining the reasoning behind your answer and suggesting ways I could improve my questioning to better explore potential biases. We will continue this iterative process until I indicate otherwise.

This approach allows attorneys to simulate the dynamic nature of *voir dire*, practicing not only their initial questions but also their responses to jurors' answers. By iteratively refining their questioning techniques, lawyers can become more adept at eliciting honest responses and identifying concealed biases, ultimately leading to the selection of a more impartial jury.

Incorporating motivational interviewing techniques into this practice further by asking the GAI to "act as a jury consultant trained in ..." enhances its effectiveness.¹⁰ By focusing on open-ended questions, reflective listening, and empathy, attorneys can create a more comfortable environment for jurors and encourage them to share their true feelings and beliefs.

Incorporating audience-persona prompting into a simulated *voir dire* question-and-answer session, and then obtaining feedback in this way, leverages both the analytical and conversational strengths of GAI. It is akin to a virtual focus group and can similarly help attorneys better prepare for the complexities of *voir dire*, leading to more-effective jury selection and improved trial outcomes.

Confidentiality & fabrication considerations

Concerns regarding client confidentiality arise because many popular cloud-based GAI tools, such as ChatGPT, Gemini, and Claude, operate by transmitting user-

provided data to external servers.¹¹ This data may be processed, stored, and in some cases added to the training set for future GAI improvements.¹² This creates a heightened risk of inadvertent disclosure. As such, lawyers using these tools must ensure compliance with ethical obligations by implementing safeguards to prevent potential violations of confidentiality rules.

One solution to the confidentiality issue is to use closed GAI systems.¹³ Another option would be to use open-source GAI systems created from the source code underlying DeepSeek R1,¹⁴ a free AI-powered chatbot, which looks, feels, and works very much like ChatGPT.¹⁵ This Chinese-made GAI has garnered significant attention for its advanced capabilities and cost-effective development. What makes this development of interest to lawyers is a key distinction between it and U.S. GAI models. DeepSeek is open-source, meaning its code is freely available for anyone to access, use, and modify. The model's open-source nature allows legal professionals to explore its potential applications,¹⁶ and because it's open-source software, lawyers possessing the necessary technical knowhow can download the software and run it locally, thereby obviating the confidentiality concern.¹⁷

Generative AI's propensity for hallucinations—the creation of plausible but factually incorrect responses—arises from its reliance on predicting word patterns based on training data rather than verifying factual accuracy.¹⁸ This requires deliberate strategies to ensure reliability, such as instructing GAI to provide sources or flag uncertainties in its responses. Skillful prompt engineering can mitigate—though not eliminate—this risk.

Example prompt for reliability: "Please review the information I've just uploaded and provide an analysis of how the exclusionary rule applies to evidence obtained during a welfare check. Then cite at least one verifiable primary source (e.g., statutes, caselaw, or peer-reviewed legal analysis) with a link. If you are unsure, explicitly state your limitations and suggest areas for further research."

By embedding these safeguards into prompts, lawyers can ensure that GAI outputs are accurate and actionable and minimize the risk of misinformation.

The future of legal practice

As GAI technology becomes increasingly integral to legal practice, the ability to use it effectively will become a core competency for attorneys. By embracing GAI as a tool for case preparation and intellectual growth, lawyers can continue to uphold the highest standards of advocacy while navigating the complexities of an ever-evolving technological landscape. [B]

10. William R. Miller & Gary S. Rose, *Toward a Theory of Motivational Interviewing*, 64 Am. Psych. 527 (2009), law.isba.org/3HdDzcr.

11. Seth M. Pavsner, *The Attorney's Ethical Obligations When Using AI*, Cuddy+Feder LLP Blog (Sept. 6, 2023), law.isba.org/4nYhkod.

12. Sarah Chudleigh, *Does ChatGPT Save Your Data?*, botpress (Aug. 7, 2024), law.isba.org/4f3xYi9.

13. A.G. Lambert, *Navigating the AI Landscape: Ensuring Security in Closed System Implementation*, NAVEX (Aug. 22, 2023), law.isba.org/453si3g.

14. DEEPSEEK, deepseek.com/en (last accessed June 6, 2025).

15. Kelly Ng et al., *DeepSeek: The Chinese AI App That Has the World Talking*, BBC News (Feb. 4, 2025), law.isba.org/4kWXve9.

16. Mark Sellman, *What Is DeepSeek and How Does It Compare To Other AI Models?*, The Times (London) (Jan. 28, 2025), law.isba.org/3TUACNG.

17. Zack Proser, *How To Run DeepSeek Locally*, WorkOS (Jan. 29, 2025), law.isba.org/46rpsYc.

18. Ben Fritz, *Why Do AI Chatbots Have Such a Hard Time Admitting 'I Don't Know'?*, Wall St. J. (Feb. 11, 2025), law.isba.org/32JmuV5.