

Rapper Pras' lawyer used AI to defend him in criminal case—it did not go well



Enlarge / Pras Michel performs during the Roots Picnic at The Mann on June 3, 2023, in Philadelphia.

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After being convicted of federal crimes related to a foreign influence campaign, rapper Prakazrel “Pras” Michel says he should get a new trial because his lawyer “used an experimental AI program to write his closing argument.” In a motion for a new trial filed Monday, the Fugees rapper’s new lawyers say Michel’s previous representation used “an

experimental AI program in which they had a financial stake to write the closing argument, resulting in a frivolous and ineffectual closing argument.”

Michel was represented at trial by defense counsel David Kenner, who is accused of failing to provide a cogent defense and misattributing two songs to the Fugees. The allegations about Kenner’s use of AI are reminiscent of a previous incident in which a lawyer admitted using ChatGPT to help write court filings that cited six nonexistent cases invented by the artificial intelligence tool.

According to the motion for a new trial, “Kenner failed to familiarize himself with the charged statutes, causing him to overlook critical weaknesses in the Government’s case,” and he “did not understand the facts or allegations.”

Kenner “outsourced trial preparations to inexperienced contract attorneys who worked for an e-discovery vendor, Business Intelligence Associates, Inc. (BIA),” the motion said. His trial team included BIA co-founder Alon Israely, “a non-practicing attorney with no white collar or even litigation experience.” The motion said that Kenner generated his closing argument “using a proprietary prototype AI program in which he and Alon Israely appear to have had an undisclosed financial stake.”

“Far from hiding this fact, Kenner boasted about it after Michel was convicted, stating; ‘The system turned hours or days of legal work into seconds,’” the motion said. “The AI company touted it as the first use of ‘generative AI in a federal trial.’ It showed. Kenner’s closing argument made frivolous arguments, misapprehended the required elements, conflated the schemes, and ignored critical weaknesses in the Government’s case. The closing was *damaging* to the defense.”

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EyeLevel.AI said it “made history”

The court filing points to a May 2023 press release from EyeLevel.AI, which boasted that its Lit Assist “litigation assistance technology made history” when it was used by the defense in the Michel trial. “EyeLevel’s Lit Assist offers critical insights faster than human efforts and conventional technologies alone,” the press release said. “From motion drafting and early case assessment to M&A due diligence and appeals work, EyeLevel’s legal intelligence system is engineered to excel in the legal domain.”

Kenner was quoted in the press release as saying the tool “is an absolute game changer for complex litigation... This is a look into the future of how cases will be conducted.”

Michel’s current legal team alleges that Kenner and Israely “wanted to use Michel’s trial as a test case to promote the program and their financial interests... even though this experiment adversely affected Michel’s defense at trial, creating an extraordinary conflict of interest.”

EyeLevel’s press release said its Lit Assist tool was “launched with technology partner CaseFile Connect,” which Michel’s new lawyers believe is tied to Kenner’s law firm.

“The CaseFile Connect website does not identify its owners, but it lists its principal office address as 16633 Ventura Blvd., Suite 735, which the California Bar website indicates is the office address for Kenner’s law firm,” the motion for a new trial said. Another office address listed on the CaseFile Connect site “is associated with Kenner’s co-counsel and friend, Israely,” the brief said.

Michel faces a maximum of 20 years in prison after a jury convicted him in April of conspiracy, concealment of material facts, making false entries in records, witness tampering, and serving as an unregistered agent of a foreign power. Three

alleged conspirators pleaded guilty in 2018 and 2020. A fourth, Jho Low of Malaysia, was indicted and is a fugitive.

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