

ARTIFICIAL INTELLIGENCE AND LAW

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ABSTRACT

Law and innovation as an investigation outstandingly ahead of schedule inside the standard establishment in India, despite the acknowledgement of the significance of innovation in forming, creating and understanding law by the seventies. Robotics is an arrangement of laws, tenets, or standards which are planned as a key structure to support the conduct of robots intended to have a level of self-rule. Robots of this level of multifaceted nature don't yet exist, yet there have been broadly foreseen in scientific, films and are a theme of dynamic innovative work in the fields of mechanical autonomy and manmade brain power. Another complete phrased codification for the lawful evaluation of the innovative advancements in the mechanical autonomy industry has just started basically in Asian countries. This advanced speaks to a contemporary reinterpretation of the law and morals in the field of apply autonomy, an elucidation that expect a reconsidering of customary legitimate groups of stars. These incorporate essentially legitimate risk issues in common and criminal law. Artificial intelligence computer that was able to look at legal evidence as well as considering ethical questions to decide how a case should be decided. Around 114,000 jobs in the legal sector are likely to become automated in the next 20 years as technology transforms the profession, a new study as found, Robotization changes in the requests from customers and, as per the new examination Deloitte which predicts a tipping point for law officers by 2020. Yet other lawyer's tasks, like advising clients, writing legal briefs, negotiating and appearing in court, seem beyond the reach of computerization.¹

¹ Christopher T Marsden, Internet Co-Regulation

INTRODUCTION

Technology can be considered as an assortment of information committed to creating tools, processing actions and information. The term “technology” is wide and everybody has their own particular manner of understanding the significance of technology. We utilize technology to expand our capacities, and this can be considered as one of the most essential parts of technological systems. Technology is also applied to tackle scientific issues in the world. With progress in world the part and effect of technology in both our own and the working life. Understanding how the people shape technology and how technology shapes individuals’ life and their communication with each other and the natural world plays an important role technological development and adaptation for the same. Technology is about taking action to need the human needs. *“Law is a system of rules which a particular country or community recognizes as regulating the actions of its members and which it may enforce by the imposition of penalties.”* As the field of technology has progress and developed over the years, the field of law as well has seen substantive growth. This growth in law can be seen in bringing more complex laws governing and regulating almost all the transactions and human interactions. From privacy agreements, sales of goods, and everything under the sun.

One of the hottest subjects in the legal profession is the influence and impact of technological advancements in the legal profession. The Artificial Intelligence has been creeping into almost all the fields in the world, legal profession is no exception. With these advancements in the world. Law and technology has a very special blend which has been aiding the legal profession in becoming more efficient in working. Data and information plays a very important role in law, as law is all about facts, witnesses, statutes, legislations and so on. Efficient processing, organising and sorting out these information are very important and this is aided and enhanced by the use of technology. Where the new and exciting technology of *“law in science and science in law”*² explains the transformation and development of the legal profession.

The core understanding of technology and its impact worldwide draws our attention on how the material efficiency is increased and the broad network of business with the use of new processes and change that has led to the new modern structure and automation. The client

² Donald Elliott, Yale law school, *Holmes and Evolution: legal process as artificial intelligence.*

demands and the technological changes are at an accelerating rate in the firms. Thus, the firms to maintain a client-centric relationship it is important for the individuals in the legal profession to adapt and embrace the new technologies available. The use of artificial intelligence in law firms and the challenges faced to persuade the clients is a task based on the skill and knowledge of a person. The conservative thought about the legal profession must be changed and the potential opportunities must be adapted and embraced.

As advances in law technology revolutionize the present legal landscape, the part of legal professional has developed. The automation of legal procedures has incited legal counsellors, paralegals, legal secretaries out of their jobs.

The responsibility is on the lawyers as to how they render the services and also to ensure that such services do not lead to a breach of duty.³ The increase in the trend of artificial intelligence and robotics will drive to do the roles of the lawyers such as communication and collaboration tools, document automation, legal research tools in order for better and efficient progress in the field and also to build a strong client relationship. This trend perhaps will lead to a non-lawyer in firms and also help to earn dollars with the exclusive technologies used, and the rich application of the concept of the client satisfaction in order to increase the performances of legal firms. The risk of lawyer's increases if there are a boom and success of non-lawyer legal service providers such as Rocket Lawyer and Legal Zoom, these service providers have the ability to provide legal services such as the creation of their own legal documents and forms. To the fact that these services providers are emerging in the world business economy, there are also significant limitations to the value and guarantee of these service providers.

ARTIFICIAL INTELLIGENCE AND LAW – A GAME CHANGE IN THE LEGAL PROFESSION

The use of technology in law firms must be considered as a strategic tool and not an administrative aide. As one of the subfields of computer science, Artificial intelligence had its

³ Blair Janis, Brigham Young University Law School, how technology is changing the law school.

beginnings in the early fifties, Marvin Minsky was one of the founders. Artificial intelligence can be defined as the “*study of cognitive processes using the conceptual framework and tools of computer science*”⁴, with regards to law, the objectives of understanding certain key parts of legal thinking and building computational apparatuses valuable for lawful practice, teaching, or examine a case the improvement of a manmade brainpower is a point of reference. The way towards building up an Artificial intelligence shows one to find out about legitimate thinking. Displaying includes clarifying key elements of point of reference - based thinking, for example, making evaluations of the significance of points of reference to new circumstances, recognizing opposite cases, and drawing association between pertinent cases at that point depicting them in detail and building a program to execute them.

The observations of how the legal field work and law always does not give the right answer it depends on the reasoning and analytical skills also, this could be one of the main cruxes of the AI to focus on the research of artificial intelligence and law as it is an exceedingly challenging domain. Artificial intelligence is an imminent technology which involves robotic thinking and performs tasks such as contract examination, document generation and smart knowledge management. The use of technology-assisted review (TAR) is used widely to conduct document review in litigations and firms. The expert logic software is used to perform multi-jurisdictional analyses which are performed by junior associates.

The transition from lawyers to AI (artificial intelligence) is necessary as the routine of work of reviewing and creating documents is a drudge work and also mechanical. This binding work can be reduced with the use of automation, the software tools can perform better and reduce the rate of cost and time consumed when compared to humans. One of the companies in Chicago raised an argument on the advantages of using AI and how these software tools can perform better than humans. Significant point to remember is that humans are not very good at keyword searches as there is a lot of data generated and identification of the right data is essential, this data collection or identification can be done by a software tool or any computerised engines as it is formulated in such manner in order to perform tasks quickly and efficiently. An example provided by one of the international firms Reed Smith states that the

⁴ Edwina L Rissland, *Artificial Intelligence and law: Stepping stones to a model of legal reasoning*, Yale Law Journal, Vol 99 page no 1957-1959.

AI technology of RAVN Systems was being used and conducted a review of hundreds of pages of documents, which was also a task assigned to humans when the overall average and comparison was done the company stated that the software tool had done a better performance than individuals. The software was able to add information which was not done by lawyers who could not find out the missing content but only help in improving the results. The company concluded that the system was performing better than its counterpart and had high levels of accuracy.

A report by Deloitte that was released in 2016 stated that reforms will occur in the legal structure and nearly 40% of jobs might end up being automated. The world's first artificial intelligence "ROSS" was used in mid-2016 in the United States with the law firm Baker Hostetler, where the software tool was used to work in the firm's bankruptcy practice and conduct legal research, at present this tool is also being used in various other firms.⁵ The process used by this software to increase the accuracy and speed is because these software tools use NLP (natural language processing) and other machine learning capabilities to understand the human language and codes to raise questions and also to conduct research and also to determine if the information and data collected is helpful and relevant, by asking to follow up questions in order to increase the level of accuracy. This ongoing process favours the software to perform better and which helps to generate sources and keywords within a short span of time, comparatively better than humans. On stating these examples of practical life scenario, it can be stated that the new technology which would benefit law firms and other organisations by increasing efficiency and productivity also has few criticisms.

DIAGNOSTIC SYSTEMS AND THE LAW

The most complicated developments of the expert systems in the recent systems:

The Legal Reasoning Process-

⁵ Catherine Nunez. J.D, Tulane Journal of Technology and Intellectual Property, Tulane University law school, volume 20.

Even though is increased efficiency and productivity in law firms by use of Artificial intelligence or the above mentioned software “ROSS”. But, what we have to take into consideration here is, legal profession is not all about documentation, or frame questions for a certain case. The very essence of legal profession is art of legal reasoning. Oliver Wendall Holmes, one of the American Legal realists, stated “the life of the law has not been logic; it has been experience”.⁶ They would contend that legal counsellors make predictions of legal and official behaviour and judges to anticipate regardless of whether laws work for society and it is hard to formalize such forecasts. The legal knowledge engineering reaches into the very core of jurisprudence and philosophy. There mere fact that the debate is so intense in the academic field is that there are different and numerous ways in which lawyers deals and solves different problems, depending on the circumstances. So, a mere use and application of law in the cases or problems won’t win cases. Even though we can’t dispute the fact that Artificial Intelligence is an aide to increase the efficiency in the legal field. But, this cannot be used to take over the legal profession, neither can it replace the lawyers.

ARTIFICIAL INTELLIGENCE: INHERITED DRAWBACKS

The latest software “ROSS” which is used in many firms also has few disadvantages in spite of its increased efficacy in work which helped in legal research, to identify keywords etc. The software often did not get a positive response from the questions raised and it was also feared by Andrew Arruda founder of Ross whether it will be a complete failure and breakdown of this software. Arruda also stated that the fear in everyone that lawyers would be replaced by AI and software such as Ross is just a mere fancy. These software tools will not replace but will help lawyers to enhance and improve their skills.

The research paper is focused on how can artificial intelligence be sensitive and ethical which is the greatest advantage which a lawyer has. A lawyer’s profession is enhanced with the moral values and sensitivity involved which is an underlining fact that is at most necessary to this profession. Professional judgment refers to the "process of bringing coherence to conflicting values within the framework of general rules and with sensitivity to highly contextualized facts

⁶ Vicky Harris, Artificial Intelligence and the law – Innovation in a Laggard Market, 3 J.L & Inf.Sci.287 (1992).

and circumstances."⁷ This statement holds true as the judgement was given must abide by the laws and rules but also in consideration of the morality and ethics of society. This would help the lawyers and judges to be professional as the three core points are necessary: moral activism, contextual justice and fidelity to the law. But in comparison with Ross, this is highly unattainable justice and rules can be followed by Ross but the analytics of whether the question of morality and ethics to be considered cannot be attained by non-lawyers.⁸

With the use of robots or artificial intelligence, the client relationship will also be broken as the business is just a routine of task managed by robots. As it is stated by the companies the technology is leading in a task such as structuring or discovering data but cannot do the task of humans which requires understanding and sensitivity. Remus and Levy's Empirical and Normative Claims state that it is hard to depend on the data provided by the software as there is no recourse if the technology is wrong.⁹ Thus, professional regulation is required in order to monitor this software and technologies in order to prevent and protect the rights of individuals so that the vouch for reliability on legal system remains the same with the use of technologies.

CONCLUSION

The emergence and evolution of legal technologies will not replace lawyers in corporate fields but it will help them to enhance their skill and ability even though it is proved that artificial intelligence is helpful for scanning and identifying documents that are necessary for the relevance of related cases, yet the other lawyer's task such as advising clients, writing legal briefs, negotiating, appearing in courts is beyond the level of computerization. The fine lens of AI can be used to the process of legal reasoning and creation of arguments. The conceptual framework of AI can be used to educate students in law school to develop their own understanding of technology and legal knowledge.

⁷ Catherine Nunez. J.D, Tulane Journal of Technology and Intellectual Property, volume 20.

⁸ Legal Monitor Worldwide, journal code-1258, 5th January 2015.

⁹ Tanina Rostain, Robots vs Lawyers: A User-Centered Approach, 30 Geo.J.Legal Ethics 559 (2017).

*“Perhaps the biggest obstacle to providing legal advice via digital means is the level of trust both clients and partner organisations place in technology”*¹⁰, certain barriers such as online booking and administration will also be one of the main reasons for breach of duty or trust. The client and firm relationship will also be affected as to how the clients can access the technologies and adapt to the new reforms and changes by the firms. Professionals must educate the clients on how to go about with the use of technology and the firms must take initiatives to bear the cost consumed on awareness provided to the clients. Clients are most interested in the outcomes and do not interfere with the use of AI, the accuracy and efficacy of the software must be advised so that the cost incurred can be reduced.¹¹

Thus, artificial intelligence and use of software must be used as an ability to increase efficiency and accuracy instead of fearing that it will be a threat to the job of lawyers and would soon replace them with non-lawyers or robots. The use of technology will only help to make sound decisions and judgements and at a pace that is difficult in today’s scenario.

¹⁰ Nicola Laver, Jenny Rayner, Julian Sayerer and Duncan wood, *Lawyers and Robots*, Lexis Nexis.

¹¹ Ryan Calo, *Robotics and the lessons of Cyberlaw*, 103 Cal.L.Rev.513 (2015).