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WHEN ALGORITHMS BECOME LAWYERS: THE FUTURE OF AI IN THE LEGAL PROFESSION

- Tishaa Nag¹

ABSTRACT

The legal profession, traditionally reliant on human expertise and meticulous analysis, is undergoing a paradigm shift due to the integration of Artificial Intelligence. This paper investigates the transformative potential of AI in automating repetitive tasks like legal research and document review, thereby enhancing efficiency and potentially increasing access to justice. We analyze how AI-powered legal technology can streamline workflows, improve accuracy, and free up lawyer time for strategic tasks. However, the paper acknowledges the challenges associated with AI adoption, including the potential for job displacement within the legal sector and the risk of algorithmic bias embedded in AI systems. To mitigate these concerns, the paper proposes strategies for fostering responsible AI development and implementation within the legal domain. We conclude by discussing the need for a human-centric approach that leverages the complementary strengths of AI and human lawyers to create a more efficient, equitable, and ethical legal future.

Keywords: Artificial intelligence, legal practice, legal technology, access to justice, algorithmic bias

INTRODUCTION

The legal profession, for centuries, has been a domain of human intellect and meticulous analysis. However, the relentless tide of technological innovation is reshaping this landscape. Artificial intelligence, a branch of computer science² concerned with creating intelligent machines

¹ First Year, KIIT Law School, KIIT (Deemed) University, Bhubaneswar

² Jerry Kaplan, *Artificial Intelligence, What Everyone Needs to Know* (Oxford University Press, 2016)

that can perform tasks typically requiring human intelligence, is rapidly making inroads into the legal sphere. AI offers unprecedented capabilities to automate tasks, streamline workflows, and augment human expertise. This paper delves into the multifaceted impact of AI on legal practice, examining its potential to revolutionize how legal services are delivered.

THE AUTOMATION REVOLUTION: AI'S IMPACT ON LEGAL TASKS

The legal profession is experiencing a significant transformation driven by Artificial Intelligence. AI is revolutionizing the way legal tasks³ are performed, with a particular focus on automating repetitive and time-consuming processes. This shift offers several advantages, including increased efficiency, improved accuracy, and the potential for cost savings. Here's a closer look at some key areas where AI is impacting legal tasks:

LEGAL RESEARCH

- Traditionally, legal research involved manually sifting through vast amounts of legal materials like case law, statutes, and regulations. This was a slow and laborious process.
- AI-powered legal research platforms can now analyze vast legal databases with incredible speed and accuracy.
- Using advanced algorithms and natural language processing (NLP), these platforms can identify relevant legal precedents based on a user's query, saving lawyers significant time and effort.
- Examples include LexisNexis and Westlaw, which incorporate AI functionalities to enhance search capabilities and provide more targeted results.

DOCUMENT REVIEW

- Contract review, due diligence processes, and discovery often involve reviewing mountains of legal documents. This can be a tedious task prone to human error.
- AI-powered document review platforms can automate significant portions of this process.

³ Thomas H Davenport, *The AI Advantage: How to Put the Artificial Intelligence Revolution to Work* (MIT Press, 2018)

- These platforms use machine learning to recognize patterns in legal documents and identify key provisions, such as clauses, inconsistencies, and potential risks.
- This allows lawyers to focus on the more nuanced aspects of the documents, such as strategic considerations and potential legal implications.
- ContractPodAi and eBrevia are examples of such platforms that streamline document review for legal teams.

DUE DILIGENCE:

- Mergers and acquisitions involve extensive due diligence processes to verify a target company's financial health, legal standing, and potential liabilities.
- AI can significantly expedite these processes by automating tasks like company registration verification, contract analysis, and risk assessment.
- Platforms like Kira Systems and Dealpath utilize AI to analyze contracts and identify key terms and conditions relevant to the specific transaction.
- AI can also automate data collection and analysis during due diligence, allowing lawyers to focus on the strategic aspects of the deal.

Beyond these core areas, AI is also making inroads into other legal tasks, such as:

- **Legal Drafting:** AI-powered tools can assist lawyers with drafting legal documents by providing templates and ensuring consistency with legal precedents.
- **E-discovery:** AI can help identify relevant electronically stored information (ESI) during the discovery phase of litigation.
- **Compliance Management:** AI can automate tasks related to regulatory compliance, helping legal teams stay updated on changing regulations.

The automation revolution driven by AI is transforming the legal landscape⁴. While some routine legal tasks are becoming automated, AI is not replacing lawyers. Instead, it is augmenting human

⁴ Russell and Norvig Stuart J Russell and Peter Norvig, *Artificial Intelligence: A Modern Approach* (Pearson, 3rd ed, 2016) 27

capabilities by freeing up lawyers' time to focus on higher-level tasks that require human judgment, creativity, and strategic thinking⁵.

BEYOND EFFICIENCY: AI AND ACCESS TO JUSTICE

The potential of AI in the legal profession extends beyond mere efficiency gains.⁶ AI-powered legal technology can play a major role in democratizing access to justice⁷. Traditionally, legal services have been expensive and inaccessible to many individuals and small businesses. By automating routine tasks and making legal information more readily available, AI can bridge the gap between those who can afford legal counsel and those who cannot.

This is particularly relevant in areas such as estate planning, where legal assistance can be essential for ensuring the proper distribution of assets after death. AI-powered platforms like LegalZoom and Rocket Lawyer can guide individuals through the process of creating wills and trusts at a significantly lower cost than traditional legal services. These platforms utilize AI to guide users through a series of questions and generate customized legal documents tailored to their specific needs.

CHALLENGES AND CONSIDERATIONS: THE ETHICAL LANDSCAPE OF AI IN LAW

While the potential benefits of AI in the legal profession are undeniable, some challenges need to be addressed⁸. One primary concern is the potential for job displacement within the legal sector, particularly for lawyers who specialize in tasks that can be readily automated by AI⁹. A 2020 study by the Center on the Future of Work at Fordham University School of Law suggests that

⁵ Benjamin Alarie, Anthony Niblett and Albert Yoon, 'How Artificial Intelligence Will Affect the Practice of Law' (2018) 68 University of Toronto Law Journal 106, 114

⁶ Lisa Webley, 'Divorce Solicitors and Ethical Approaches – The Best Interests of the Client and/or the Best Interests of the Family' (2004) 7 Legal Ethics 231, 240–41

⁷ Angela Olivia Burton, 'Cultivating Ethical, Socially Responsible Lawyer Judgement: Introducing the Multiple Lawyering Intelligences into the Clinical Setting' (2004) 11 Clinical Law Review 15, 17–19

⁸ Michael Aikenhead, 'The Uses and Abuses of Neural Networks in Law' (1996) 12 Santa Clara Computer & High Technology Law Journal 31

⁹ Harry Surden, 'Artificial Intelligence and Law: An Overview' (2019) 35(4) Georgia State University Law Review 1305, 1309.

up to 23% of legal jobs could be automated by 2025. This raises concerns about the impact on employment opportunities for lawyers, particularly those in the early stages of their careers.

Another critical challenge is the issue of algorithmic bias¹⁰. AI systems can only be good at the data they have expertise on¹¹. If the training data used to develop an AI algorithm reflects existing societal biases, the algorithm itself could perpetuate those biases in legal processes. For instance, an AI system used for risk assessment in criminal justice settings could be biased against certain racial groups if the training data used to develop the algorithm reflects existing racial disparities in the criminal justice system.

To mitigate these challenges, it is crucial to develop AI systems that are transparent, accountable, and fair. The legal profession needs to establish ethical guidelines for the development and deployment of AI in legal practice¹². These guidelines should address issues such as data privacy, transparency in algorithmic decision-making, and the potential

THE FUTURE OF LEGAL PRACTICE: A HUMAN-AI SYMBIOSIS

The future of the legal profession lies not in AI replacing lawyers¹³, but rather in a collaborative approach that leverages the strengths of both humans and machines. AI can handle the rote and repetitive tasks, freeing up lawyers to focus on the nuanced aspects of legal practice that require human judgment, creativity, and emotional intelligence.¹⁴ This includes tasks such as client communication, negotiation, and strategic case development. By fostering a human-centric approach to legal technology, the legal profession can harness the power of AI to create a more efficient, equitable, and ethical legal future¹⁵.

¹⁰ Daniel Shapiro, 'Artificial Intelligence and Bad Data', Towards Data Science, (online, 6 November 2017)

¹¹ Kevin D Ashley, *Artificial Intelligence and Legal Analytics: New Tools for Law Practice in the Digital Age* (Cambridge University Press, 2017) 8–10

¹² Richard Susskind, *Tomorrow's Lawyers* (Oxford University Press, 2nd ed, 2017) 185–86

¹³ Michael Legg, 'New Skills for New Lawyers: Responding to Technology and Practice Developments' in Kevin Lindgren, Francois Kunc and Michael Coper (eds), *The Future of Australian Legal Education* (Thomson Reuters, 2018) 375–6

¹⁴ The Law Society of New South Wales, *The Future of Law and Innovation in the Profession* (2017) 77

¹⁵ Brian Simpson, 'Algorithms or Advocacy: Does the Legal Profession Have A Future in a Digital World?' (2016) 25(1) *Information & Communications Technology Law* 50

CONCLUSION

The integration of AI into the legal profession represents a transformative shift with far-reaching consequences. While challenges exist, the potential benefits of AI, from enhanced efficiency to increased access to justice¹⁶, are significant. By acknowledging both the opportunities and limitations of AI, and by fostering a human-centric approach to legal technology, the legal profession can ensure that AI serves as a powerful tool to improve the delivery of legal services and create a more just and efficient legal system.

¹⁶ Legg (n 23) 375–76; Mark Cohen, ‘How Will Legal Education and Training Keep Pace with Change?’, *Forbes* (online, 10 September 2018)