

OVERVIEW: A BLEND OF LEGAL FIELD AND ARTIFICIAL INTELLIGENCE

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ABSTRACT

The field of law has been evolving surprisingly over a past few years. The robotic systems and applications will play a vital role in the development of lawyers and law firms. Robotics will have an impact on core legal practice areas over a period. Artificial intelligence (AI) related technologies will surely transform the law and the legal field. In many areas of law, the efforts of inducing artificial intelligence have already been made by a few startups. The efforts include contract review, contract analysis, and legal research. The article aims at overviewing the aspects related to the Artificial intelligence in the field of law, how it is used in the current time and what will be its role in the coming ages. The legal market is a tradition bound and passive one, how will it be adaptable to these artificial intelligence technologies, would be magnificent to experience.

Keywords: Artificial Intelligence, Legal Field, Contracts, Lawyers, AI- assistance

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The field of law has been evolving surprisingly over a past few years. It has been encompassing roundabout every nook and cranny of the business world. Standing firm in the competition with other markets, Legal market is amongst the paramount ones, with close to \$1 Trillion globally, but except for the fact, it has remained profoundly under digitized. It is indisputable that the field of law is brassbound and passive in adopting new technologies and services.

The robotic systems and applications will play a pivotal role in the development of lawyers and law firms. Robotics will create an impact on core legal practice areas for instance data protection, intellectual property, consumer protection, and commercial contracting. The already prevailing framework must need to adapt and change so as to meet the demand of the artificial intelligence (AI) age. Robots are the technology of the future but the current legal system is going at a snail's pace in handling them. If we assume robots as a part of the legal market then there might arise a possibility of awarding them rights and so the liabilities, also the question whether to treat them as a legal person in the eyes of law or not will arise. On a more philosophical level, the lawyers need to understand that the decisions and conclusions built by AI-powered software oughts-to raise significant legal questions, encompassing those of tort liability and criminal guilt. For an instance a certain AI-controlled driverless car gets an individual killed in an accident, who's at fault?¹

Artificial Intelligence and related technologies will surely transform both the law and the legal profession. The advances will also give rise to new openings for legal professionals for creating productive and competent gains in the delivery of legal services. Indian tech-startups like 'CaseMine', 'NearLaw' are developing applications based on Natural Language processing (NLP) by introducing next-generation legal research platforms that assist law firms to go beyond simple, keyword-based research thereby making it less time-consuming. The "Natural language processing (NLP) is a branch of artificial intelligence that helps computers understand, interpret and manipulate human language. NLP draws from many disciplines, including computer science

¹ JOLT: Harvard law, A Primer on using artificial intelligence in the legal profession, <https://jolt.law.harvard.edu/digest/a-primer-on-using-artificial-intelligence-in-the-legal-profession> (January 30, 2021)

and computational linguistics, in its pursuit to fill the gap between human communication and computer understanding.”²

It is in the discipline of Artificial Intelligence to give machines the ability to read and understand. It involves interactions between computers and human language, particularly, a technique of programming computers for processing and analyzing bulk of natural language data. NLP gives the machines the strength to read, understand, and acquire meaning from human spoken languages. Amongst all other social sciences, law arrives closest to the system of formal logic, which is beneficial for the smooth usage of Artificial Intelligence in the Legal field. The legal system involves setting forth the legal assumptions/axioms derived from the precedents and then these axioms are applied to particular facts at hand resulting in landing at a conclusion accordingly. The logic-oriented methodology is precisely the type of activity to which the machine intelligence can fruitfully be implemented.³

In many areas of law, the efforts of inducing artificial intelligence have already been made by a few startups. The efforts include contract review, contract analysis, and legal research. Contracts are the vital fluid of economic systems and business transactions although the means of negotiating and wrapping up a contract is exhausting and enough to try the patience of a saint. In contract review, lawyers from both the sides have to manually review the contract for editing, exchanging the red-lined documents while searching for seemingly endless iterations. The process becomes very lengthy resulting in delayed deals, affecting the working ability of the lawyer. AI makes a massive opportunity available to automate these processes.

AI systems on its own catch the data from the proposed contracts and analyze them by using NLP, determining which piece of the contract is problematic and which is important. Startups like ‘Lawgeex’, ‘Klarity’, and ‘Clearlaw’ are currently working on this. Contract Analytics includes the process after the negotiation and signing of the contract. Lawyers and firms have to stay aloft of the decided terms and obligations. Assistance of AI allows to articulate this enigma. The NLP powered system garners and scrutinizes key data through the expanse of all the

² sas.com, Natural Language Processing (NLP): What is it and Why it matters, https://www.sas.com/en_in/insights/analytics/what-is-natural-language-processing-nlp.html, (February 7, 2021)

³ www.Forbes.com, Rob Toews, AI Will Transform The Field Of Law, <https://www.forbes.com/sites/robtoews/2019/12/19/ai-will-transform-the-field-of-law>, (April 28, 2020, 11:51 am)

contracts of a particular firm or company. LexisNexis, Westlaw or may it be Manupatra or SCC online, these applications are widely used for research purposes in Law schools, firms, and by lawyers individually making the research work less time consuming and effective.

Today, there are six major tasks performed by artificial intelligence in the legal market-

- A. Due-Diligence- “Is such a measure of prudence, activity, or assiduity, as is properly to be expected from, and ordinarily exercised by, a reasonable and prudent man under the particular circumstances; not measured by any absolute standard, but depending on the relative facts of the special case.”⁴ AI assists the lawyers to check due-diligence by analyzing a contract and conducting legal research of the same. AI here is committed to reviewing the contract, making it less arduous for the lawyer as it reduces the work burden.
- B. Prediction Technology-The prediction technology purely works on logic. The outcome of the case is foretold by the facts and the precedents entered in the software. It works as an Input-Output system. One has to enter the facts and then the AI analyzes the precedents, which again are the result of the legal research done with the ease of AI and then after analyzing the data, the output is received as the result of the suit.
- C. Legal Analytics- is nothing but an analysis of the precedents, case laws and the data points of the case, one wants to get the result of.
- D. Many law firms use 'Automation of the documents', the technology of drafting the documents. The drafting that demands multiple days to get completed if done manually, becomes a matter of minutes now with the utilization of the application.
- E. Intellectual Property- Search and registration of trademarks, patents, and copyrights are done using AI, which helps in providing insights to the Intellectual property portfolios of the creators.
- F. Electronic Billing-Using the AI-based application, the preparation of invoices of the law firms are getting easier. One gets accurate billing for the work done by the lawyers and thus helps both the clients as well as the lawyers.

⁴ Due-Diligence, Black's Law Dictionary, (4th Edition)

International Business Machines Corporation, an American multinational technology corporation, has developed AI-Ross which has been adopted by many law firms across the globe, particularly in the USA, primarily focused on using it for vet legal contracts, conducting legal research and a brief summarizing of case laws, etc. Similarly, Linkaters LLP, a multinational law firm, is also developing an AI program 'Nakhoda' aiming to provide an effective contract management and structured legal data.⁵

What comes into mind when we think of a robot lawyer is a four-feet tall machine wearing formal attire with a briefcase and some documents. Many lawyers have a concern about machines replacing them in the work field; the current artificial intelligence applications that are used have been designed for assisting lawyers and which could be operated by humans as per their use. Yet, according to me the nature of the legal field is such that there has to be a perception of meanings, interpretation of situations and transfer of knowledge. All of this is not possible for a machine, as these tasks demand the help of human senses, and so the room for manual work will always prevail. AI and assisted technologies work in a rational manner, it doesn't matter how accurate and smart they are, they can never take place of a human, and it can never be a replica of human mind and brain. Sentiments tend to help a lawyer to think properly, a rational lawyer might win as many cases, but being a lawyer demands a proper understanding of the society, which is only possible when the lawyer views the society setting aside the rational thinking. That's what the main distinguishing point between a human and a machine is. Within a considerable period of evolution in the legal field, roles, resources and skills will reallocate as the technology will impact on the law. The skills like advanced negotiation, client handling and forming judgments cannot be performed properly by the machines and require a lawyer in flesh and blood to perform them. A machine how advanced it may be, can't justify the answers and the steps taken in the matter to the grumpy clients, which only human lawyers can do. Mr. Kenneth A. Grady a renowned professor at the Michigan State University observes that "Ambitious students are no longer just looking at how they can get into a top-tier firm, they are exploring how they can transform the legal industry with technology." The advancements in AI and robotics can be a threat to the position of lawyers more than the benefit of it, if not used in a

⁵ [www.BarandBench.com](https://www.barandbench.com/columns/artificial-intelligence-and-legal-profession-an-intelligent-way-ahead), Artificial Intelligence and Legal profession an intelligent way ahead, <https://www.barandbench.com/columns/artificial-intelligence-and-legal-profession-an-intelligent-way-ahead> (January 31,2021)

limit. Carl Benedikt Frey and Michael A. Osborne, researchers from University of Oxford, argue that 47% of the professions and businesses in the USA are at a high risk of being replaced by intelligent machines, raising concerns that paralegals and legal assistants are in the high-risk camp.⁶

One of the reports of NITI Aayog titled 'National Strategy on Artificial Intelligence', exhaustively discusses the challenges, focus areas and global development of AI. The said report contemplates concerns of privacy of data, an unattractive Intellectual property regime, low intensity of AI research and low awareness for adopting AI in business processes; which are some of major impediments in successful deployment of AI in India.⁷

The Former Chief Justice of India Dipak Misra in a certain conference delivered his thoughts on Artificial Intelligence in the field of law saying that-

"The future of any new-age technology lies in the regulations that govern them. Artificial Intelligence (AI) promises a high growth potential in a number of sectors. AI needs a strong legal framework around it to explore maximum benefits. AI today is growing multifold and we still do not know all the advantages or pitfalls...India have the right talent and technological resources. With a powerful legal directive, the country can set many milestones with a strong command over AI. But India currently does not have specific regulations that govern AI."

The use of artificial intelligence will create a sense of spirit amongst the firms resulting in peer-pressure for its operation. Even if AI seems to be almost magical, it is not! The CEO of SpaceX Mr. Elon Musk says that "Artificial Intelligence is a bigger threat to humanity than nuclear weapons. AI is created to heal human limitations." Drawing the line for the usage of AI is what we need to be alert for. There are two sides to everything and same is with ARTIFICIAL INTELLIGENCE. If we use it proportionally it will cause no harm but, if used excessively then in no time most of the markets would be taken over by AI and will create nihility for manual work. AI is used to produce intelligent results without intelligence of its own but of its creator!

⁶ Carl Benedikt Frey & Michael Osborne, *The Future of Employment: How susceptible are jobs to computerisation*, Oxford Martin Programme on Technology & Employment, <https://www.oxfordmartin.ox.ac.uk/publications/the-future-of-employment/>

⁷ (ibid., 5.)

Not only in law firms or personal usage by lawyers, artificial intelligence is now being used for conducting online exams too. In this period of pandemic, the AI assisted the Law School Admission Council (LSAC) making LSAT (Law School Admission Test)-India the first and only law entrance exam to be entirely online and ARTIFICIAL INTELLIGENCE-enabled remote-proctored. The future of Indian legal platform seems to be developing.

The AI and robotic applications used currently in the Indian legal field are suitable and beneficial for the lawyers in India. Due to the prediction technology, lawyers are able to decide what kind of research they need to do to win the suit, due to this prediction many cases could be resolved without even going to the courts. Justice DY Chandrachud's idea of the artificial intelligence can be referred through his opinion about AI, he says-

"The idea of Artificial Intelligence is not to supplant the human brain or the human mind or the presence of judges but to provide a facilitative tool to judges to reassess the processes which they follow, to reassess the work which they do and to ensure that their outcome is more predictable and consistent and ultimately provide wider access to justice to the common citizens."

The number of legal tech-startups is also increasing nowadays, but Indian lawyers seem to be reluctant towards it. According to statistics, barely 4% of Indian advocates/paralegals are accustomed in usage of AI applications in their line of work despite that 95% of the Indian courts have adopted the use of new services and technologies. The lawyers are comfortable with the methods that were designed years ago and hesitant towards getting acquainted with the new applications. Almost all the middle-aged lawyers are seen using law journals for research and precedents instead of the legal databases available. If the applications are used by the majority of people in a limit, artificial intelligence will be a game-changer in the life of lawyers and it will change the perspective of how the law is perceived in India. The world-famous theoretical physicist Mr. Stephen Hawking expressed that-

"The primitive forms of artificial intelligence we already have proved very useful. But I fear the development of full artificial intelligence could spell the end of the human race. Once humans develop artificial intelligence, it would take off on its own, and re-design itself at an ever-increasing rate. Humans, who are limited by slow biological evolution, couldn't compete and would be superseded."