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From Data to Verdict: Navigating AI's Growth & Blemish in the Legal System

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ABSTRACT

The legal industry is experiencing a surge in the use of artificial intelligence. AI has the potential to automate and improve efficiency through automation, but the rapid growth of AI is raising important ethical questions, such as those of job placement or the disruption of academic experience. The legal industry is experiencing a surge in the use of AI, with large language models such as ChatGPT making a huge impact. These models are able to generate text that mimics human writing, allowing them to be used for summarizing legal docs and predicting case outcomes. AI is being employed for contract composition, predicting legal outcomes and even providing judges with advice regarding sentencing and bail decisions. This article focuses on the unprecedented growth of AI in legal sector and how AI systems are used when dealing with policy questions, ethical dilemmas, or legal requirements.

Keywords: *legal industry, artificial intelligence, automation, experience, language model, ChatGPT, ethical dilemmas.*

I. INTRODUCTION

Advancement in artificial intelligence has been rapidly picking up steam lately. Just over the past few months alone, the release of chatbots seems to have shaken up the world on many levels, offering exciting new opportunities while also raising some potential red flags. So, while the potential to automate and improve efficiency through AI is undeniable, the rapid growth of artificial intelligence is raising important ethical questions, such as those of job placement or the disruption of academic experience.

The legal industry is experiencing a surge in the use of AI, with large language models such as GPT-3 making a huge impact. These models are able to generate text that mimics human writing, allowing them to be used for summarizing legal documents and predicting case outcomes. This trend is expected to continue in the future.

Several factors are contributing to this increase in the utilization of big language models in the legal sector. These include regular advancements and enhancements of these models, making

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them more accurate and complex over time. Furthermore, there's a growing industrial demand for automation and efficiency which has made these language models even more beneficial for legal professionals. Additionally, the need for expedited service is increasing with legal practitioners looking for ways to speed up their workflows. The use of large language models can help by automating certain processes while also improving research and analysis.

(A) Machine Learning Progress & ChatGPT

Machine learning is the ability of a computer to adjust its operations when new data is fed in. In order to anticipate future behaviour, predictive models are run on computers, which use historical data. Therefore, data is essential for machine learning; the more data available to it, the better it functions. However, the accuracy and usefulness of the outcomes can be affected by how high quality the data is, how it is inputted into the system, and how it has been trained to analyze that data. Additionally, even if the data was correct to begin with, any biases introduced during its "education" by humans might not have been intentional.

Consequently, an algorithm's accuracy relies on both its programming and its data inputs. This leads us to a legally complex conclusion: the programming behind an algorithm may be examined and looked into if questions arise about its outcomes. Unfortunately, it might not be possible to completely identify and analyze all the data used by the algorithm due to the vast amount of information available online.

ChatGPT is a computer program from OpenAI which launched in November 2022. You can think of it as having a conversation with a robot that knows all information prior to 2021. GPT stands for Generative Pre-trained Transformer, meaning it was trained on a massive text dataset and can generate new responses based on what it has learned. One great thing about GPT is that it can summarize and reinterpret text so that even a 10-year-old could understand.

(B) Unprecedented Growth

The base of technological improvement is notoriously unprecedented for years. Economists said industrial workers could be reduced to a set of rules that could be computerized. They assumed that professionals like lawyers are safe because their work was wrapped in language. But advancement in AI has proven that wrong. Technology has unlocked the routine task of shifting through documents & looking for relevant pages. Now many law firms have taken initiatives to understand and use this emerging technology.

India's legal tech start-ups have raised \$57 million in the last decade with more than 650 start-ups and the sector worth \$1.3 billion, less than 1% of the US market. It's considered the second biggest in the world and is on the rise due to digital code, proceedings and legal costs that take

up about 0.48% of GDP. Funding for this sector began in the year 2013 with 32 start-ups receiving 70 rounds of investment until June 2022. The year 2021 saw the most investment yet with nearly \$20 million allocated to this sector. Although at least stage funding dominated these operations until recently, growth stage investments have been increasing as the market becomes more profitable.²

These start-ups focus on specific areas of law and their software is trained by human experts in order for it to learn and advance. When Alexander Hudek, a computer scientist and chief technological officer of Kira Systems, started his project of automating contract reviews back in 2011, he expected it would take him 4 months to tweak standard algorithms. But to his surprise it took him two and a half years instead to refine the software so that it could readily identify legal concepts.³ Kira Systems is a Canadian machine learning program which has been reported by its clients about the reduction in lawyer time required for contract review between 20 to 60% due to the efficiency of the program. Despite this, however, human scrutiny is still required to finesse the job said Noah Waisberg, Chief executive of Kira.⁴

(C) Courtroom Influence

Blue-collar occupations are increasingly being optimized by AI, but it is now also transforming white-collar vocations that were once thought to be safe from automation. These superhuman capabilities are leading to complete workplace overhauls, with human co-workers often being supplemented or even replaced by AI.

Even in more established justice systems, access to legal assistance remains a significant challenge, with only 46% of the population having access to the court system and backlogs can be overwhelming. To resolve this issue, technology is being used to move judicial proceedings online and create an accessible service rather than a physical destination.⁵

AI can currently be utilized for contract review, document discovery in litigation cases, and legal research; however, it is more likely to support lawyers instead of replacing them in the short run. Furthermore, AI is being employed for contract composition, predicting legal

² Aryaman Gupta, Legal tech start-ups have raised \$57 mn in funding since 2013, Business Standard (Dec. 22, 2022), https://www.business-standard.com/article/companies/legal-tech-start-ups-raised-57-million-in-funding-since-2013-says-report-122122100918_1.html.

³ Steve Lohr, A.I. Is Doing Legal Work. But It Won't Replace Lawyers, Yet., The New York Times (Mar. 19, 2017), <https://www.nytimes.com/2017/03/19/technology/lawyers-artificial-intelligence.html>.

⁴ Kathryn D. Betts And Kyle R Jaep, The Dawn of Fully Automated Contract Drafting: Machine Learning Breathes New Life Into a Decades-Old Promise, 15 DUKE LAW & TECHNOLOGY REVIEW 9-12 (2017), <https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1306&context=dltr>

⁵ Bernard Marr, The Future of Lawyers: Legal Tech, AI, Big Data And Online Courts, Forbes (Jan. 17, 2020), <https://www.forbes.com/sites/bernardmarr/2020/01/17/the-future-of-lawyers-legal-tech-ai-big-data-and-online-courts/?sh=69484622f8c4>.

outcomes and even providing judges with advice regarding sentencing and bail decisions.

The Covid-19 pandemic shed light on the necessity for the digitalization of India's legal system and greatly accelerated the process. This began with the initiation of the 'eCourt Project', a project under the National e-Governance Plan that was announced in 2007. Artificial Intelligence (AI) is currently being utilized by India's Supreme Court to transcribe its proceedings in real time, using a natural language processing technology known as 'Teres' developed by Bangalore-based Nomology Technologies Private Limited.⁶ The transcribed text will be published every evening on their website, and this is a big step towards making judicial proceedings more transparent. Moreover, last year saw the introduction of live streaming for proceedings held before a Constitution bench.

The Indian judiciary has additionally developed an AI-driven portal called 'SUPACE', Supreme Court Portal for Assistance in Courts Efficiency, as well as launched an AI translation tool called 'SUVAS', Supreme Court Vidhik Anuvaad Software, to facilitate translations from English to Marathi, Hindi, Bengali, Punjabi, Kannada, Tamil, Telugu, Gujarati and Malayalam.⁷

Recently, the Punjab & Haryana High Court became the first court to use Chat GPT technology to decide a bail plea of an accused and eventually rejected the petition. Justice Anoop Chitkara requested a response from Chat GPT while hearing the bail application of an accused arrested in June 2020 for alleged rioting, criminal intimidation, murder and criminal conspiracy. The judge assessed the reply from Chat GPT and denied the bail plea using his previous experiences and decisions as grounds. He said that "To inflict death is cruel in itself, but if cruelty leads to death, then the situation changes. When a physical assault is committed in a brutal manner, the parameters of bail also shift", stressing that any reference or observation to Chat GPT was only intended to provide further insight into bail jurisprudence related to cruelty.⁸

Commenting on this judgment's use of chat GPT, many high court lawyers were of the opinion that it can have both positive and negative effects, which will be determined in time. Some regarded the use of AI as a tool rather than a threat, stating that it is too early to declare that AI could threaten lawyers' jobs due to its initial stage. For example, when computers arrived, people feared they would lose their jobs, yet now these machines are part of IT, creating more

^{5 & 7} Abhinav Singh, INNOVATIVE! Indian Supreme Court uses AI for the first time to transcribe proceedings, Wionews (Feb. 22, 2023), <https://www.wionews.com/india-news/innovative-indian-supreme-court-uses-ai-for-the-first-time-to-transcribe-proceedings-564632>.

⁸ Jagpreet Singh Sandhu, In a first, Punjab and Haryana HC turns to ChatGPT for view on bail in murder case, The Indian Express (Mar. 28, 2023), <https://indianexpress.com/article/cities/chandigarh/in-a-first-hc-turns-to-chatgpt-for-view-on-bail-in-murder-case-8522544/oceedings-564632>.

employment opportunities than before.

II. AI & LEGAL PROFESSIONALS: COLLABORATION OR COMPETITION

Artificial Intelligence has disrupted a variety of industries, including the legal field. While some in the legal profession view AI with concern for their job security, others view it as a way to improve their work. In practice, partnering with AI tools and lawyers can lead to better client results, but this requires learning to use new technologies.

Advocates of AI point out it can take on large and complex data sets more quickly than humans, which help attorneys make accurate judgements. Machines are now capable of completing tasks previously thought of as the job of a lawyer analyzing large amounts of documents related to dispute resolution and even drafting documents. We're even beginning to see machines predict the outcomes of disputes!

The lawyers of tomorrow will be those who build systems able to solve clients' problems. They'll include experts in legal knowledge engineering, legal risk management, system development and design thinking. The legal sector is going through a transition similar to what other industries have experienced which makes sense because it is highly reliant on documentation, thus making it very well-suited for technology's benefits.

An example of this is India's Cyril Amarchand Mangaldas, which licensed Kira to carry out multiple tasks simultaneously and also to analyze legal papers, pin-point important points and extract regulations from various documents, ultimately saving considerable time and resources.⁹

On the flip side, some legal professionals are concerned that AI could eventually take over the profession. There is fear that as AI technology progresses, it will be able to manage more intricate legal duties, such as creating legal documents and arguing in court. If this happens, lawyers and paralegals could find themselves without jobs.

Nevertheless, AI cannot substitute for the human opinion, resourcefulness, and empathy that are key parts of the legal profession. Lawyers must interpret the law and apply it to each particular case with an understanding of the law and the capacity to examine complex conditions. AI can help attorneys carry out these tasks, but not replace them.¹⁰ Plus, the legal industry is heavily regulated, with many legal tasks requiring a license to practice law; this

⁹ Shreeja Sen, Cyril Amarchand Mangaldas in pact with software solutions firm Kira Systems, Live Mint (Jan. 31, 2017), <https://www.livemint.com/Companies/nJErDQk632tBn4MBENb9aM/Cyiril-Amarchand-Mangaldas-in-pact-with-software-solutions-fi.html>.

¹⁰ Rohit Narain, AI for Law: Can AI Replace Lawyers?, DataToBiz (Oct. 29, 2021), <https://www.datatobiz.com/blog/ai-for-law/>.

something AI cannot acquire.

But eventually, how AI and legal professionals collaborate will depend on how technology is developed and employed. If AI is employed as an instrument to enhance human skillset and improve quality of legal services then it might be beneficial for the profession. But if AI replaces human professionals entirely then it could result in substantial job losses and a decrease in quality of legal services.

III. POTENTIAL PITFALLS

AI could potentially streamline the legal process, including research and decision-making. However, this technology is not capable of replacing human judgment entirely within the legal field. AI has the potential to contain embedded bias within its data and presents difficulties in terms of comprehending its decisions in a format understandable to humans. Therefore, these issues must be addressed before AI can be reliably used in a legal context.

AI has been called a potential revolution across all human affairs, with some believing it could be the most influential invention in history. It is essential to consider the implications of how AI systems are used when dealing with policy questions, ethical dilemmas, or legal requirements. Many experts in this area have spoken out against using AI in court proceedings as they do not possess the intellect needed to solve complex legal issues, let alone any moral or ethical considerations.

For instance, using AI to create legal contracts requires a developer to collect labelled data on different versions of contract texts, enabling the AI to learn how to construct an acceptable contract. However, the implementation of a contract is usually specific to its context, varies by jurisdiction, and is subject to an ever-changing body of law. Furthermore, because most contracts are never litigated or enforced in court, their specific terms remain confidential between the parties. This raises the concern that AI-generated contracts could amplify both good and bad legal work.¹¹ Therefore, it's uncertain how much better AI contract writers can become in the near future since they lack the domain experience and linguistic accuracy for autonomous operation. Despite this, these tools can still be useful when drafting language; however, it is necessary for a human professional to review the output before it is employed.

Similar to any new technology, there are regulatory issues too that need to be addressed in order for it to be safely and ethically used. Of the many challenges presented by AI in this industry,

¹¹ Heiko Hotz, How to Set up a Machine Learning Model for Legal Contract Review, Towards Data Science (June 4, 2021), <https://towardsdatascience.com/how-to-set-up-a-machine-learning-model-for-legal-contract-review-fe3b48b05a0e>.

transparency and explainability are two of the most important. Many AI systems don't make it clear how they arrive at their decisions, which doesn't work well for the legal profession where judgements need to be supported and explained. Without this clarity, there is a risk of making decisions which can appear biased or hard to understand, raising questions about justice and due process.¹² To avoid this issue, legal practitioners must ensure that their AI systems are transparent and able to detail the system's function, its data sources, as well as the reasoning behind its decisions.

Vidhi Center for Legal Policy, an independent think-tank, has recently highlighted the need for a comprehensive legal, regulatory and ethical framework to be implemented before AI can be integrated into the justice system.¹³ This is due to concerning bias found in AI technologies over the past few years. Moreover, data security and privacy must also be taken into consideration. Legal professionals must make sure that AI systems meet regulations like the GDPR in Europe and that only authorized personnel can access the data. Under GDPR, people have the right to know what kind of personal data is being used, the right to get their data erased, and the right to object to automated decision-making which might be utilized in AI systems.¹⁴ So that means AI systems need to be transparent and easily explained. Additionally, existing anti-discrimination laws should be transferred onto digital platforms so as to protect consumers from any potential unfairness and to ensure trust in these systems.

In case of Chat GPT, while it may accomplish a lot, it still has a few of restrictions. You can request it to generate any kind of content, but it's your responsibility to take the output and rephrase, correct, and arrange it. This chatbot is like an attentive personal assistant who will do as you ask, but you must know how to phrase the request and make use of the output. Experts seem to agree that AI will not be able to generate entirely original ideas on its own anytime soon. The best way to stay competitive is to nurture creativity; keeping a creative mindset while using AI technology to increase productivity will make you invaluable.

James Yoon, a seasoned attorney from Palo Alto, California, reflects on the time in 1999 when a significant patent matter required three partners, five associates, and four paralegals. Due to limited legal resources and technology that performs essential work, a similar case today only requires one partner, two associates, and one paralegal. To plan for patent litigation, Mr. Yoon

¹² Nagadivya Balasubramaniam, *Transparency and Explainability of AI Systems: From Ethical Guidelines to Requirements*, 159 *Information and Software Technology* 1-3 (2023).

¹³ Pritam Bordoloi, *The Power & Pitfalls of AI in Indian Justice system*, *Analytics India Magazine* (July 25, 2022), <https://analyticsindiamag.com/the-power-pitfalls-of-ai-in-indian-justice-system/>.

¹⁴ Avantika Bhandari, *The Impact of the GDPR on Artificial Intelligence*, *Montreal Ethics* (Feb. 20, 2022), <https://montrealethics.ai/the-impact-of-the-gdpr-on-artificial-intelligence/>.

has been using software programmes like Lex Machina and Ravel Law. To create profiles of attorneys and forecast results, these programmes comb through court judgements and filing data. Similar to how analysts of baseball and football examine the tendencies of players on various teams, similar analysis is done for the legal profession.¹⁵

However, modern technology still only complements human labour; it has not yet fully supplanted it. Mr. Yoon spends the majority of his time using his judgement, creativity, and strategy, which are tasks that machines cannot currently perform. His billing rate, which was \$400 per hour in 1999 when he was 49 years old, has significantly climbed to \$1,100 per hour now, demonstrating the value of expertise. He thinks that technology is turning more and more labour into routine chores, but for the time being, clients are still willing to pay more for human experience than for routine jobs.

IV. CONCLUSION

AI is a reflection of us and can show us the flaws in our own human reasoning. It's possible that when algorithms make predictions, it could be because of our own bias, as the codes and algorithms that power AI may be built with certain values in mind. That's why it might be morally wrong to let machines decide on matters of personal liberty.

However, AI has already been used in due diligence and case management, although they are still far from reliable - it could be dangerous to put too much trust in machines due to something called automation bias - the idea that we might overestimate the capabilities of AI simply because it is automated. So even though AI can be powerful, it would be wise to remember that it is still not as advanced as we may think.

¹⁵ Steve Lohr, A.I. Is Doing Legal Work. But It Won't Replace Lawyers, Yet., *The New York Times* (Mar. 19, 2017), <https://www.nytimes.com/2017/03/19/technology/lawyers-artificial-intelligence.html>.