



NEWSLETTER # 13 – MAY 2023

–AI AND LAW–

We look here at the unique **legal** and **ethical challenges** that both the **legal profession** and their **regulators** need to address.

As AI plays an **increasing role** in **decision-making processes**, the profession will need to address issues of **bias**, **accountability**, and **transparency** to ensure that AI systems produce **pertinent** and **equitable**.

The use of AI in the legal profession can be divided into three main areas:

- Legal research;
- Contract analysis;
- Predicting case outcomes.

To begin with, **AI-powered legal research tools** are becoming more widely used by law firms, lawyers, and legal researchers. These tools enable them to **search** and **analyze** vast amounts of legal documents and case law both more quickly and more accurately than humans.

AI's **natural language processing** (NLP) capabilities allow applications to **understand** and **extract** relevant information **from** legal documents that can become the basis for legal arguments and litigation strategies.

On a different level, AI is already being leveraged contract analysis in reviewing contracts to identify legal issues, inconsistencies, and errors.

Finally, AI is also being used to predict the outcomes of litigation. **Machine learning algorithms** can **analyze data** from past cases to **identify patterns** and **make predictions** about how similar cases are likely to be decided.

This can help both **lawyers** and their **clients** better **understand** the **strengths** and **weaknesses** of their case and make more informed decisions about litigation strategy.

However, the articles reviewed here also pinpoint the potential challenges using AI in litigation.

Several authors **argue** that **AI systems** could **introduce** or **reinforce** biases or inaccuracies in the legal process if they are not designed and implemented properly.

Additionally, they raise legitimate concerns about leveraging AI in sensitive cases, for example in criminal justice or national security, where the stakes are particularly high.

Overall, they conclude that the foreseeable impact of AI on the legal process will depend both on how it is implemented and regulated in practice and the degree to which it enhances human agency.

We remind you that [AI Muse™ Grenoble](#) discussion [group](#). In this [group](#) you will be able to post, comment and discuss articles.

We would like to **remind** you that our **website** is available at the following address: [Muse™: Listen to your muse](#).

Don't hesitate to **leave us a comment**, to **share** our newsletter.

Enjoy reading!

- [How AI will revolutionize the practice of law](#) — [The Brookings Institution](#)

In this commentary for the Brookings Institute, John Villasenor argues that law firms that leverage AI technologies will be able to offer services at lower cost, higher efficiency, and with more favorable outcomes in litigation.

He suggests that such technological innovation will spur the creation of new legal tech companies, as well as new opportunities to use AI for more fully automated provision of legal services.

He concludes, however, that while AI will fundamentally reshape the landscape of legal services, by leveling the playing field, it will underscore the importance of the human element in the practice of law.

- [Law bots: How AI is reshaping the legal profession](#)—**Business Law Today**

Matthew Stepka's recent lecture at UC Berkeley provides the basis for this Business Law Today article that explores how AI is being used to automate routine legal tasks, such as contract review and due diligence, which can save lawyers time and increase efficiency.

The article reviews AI-based services including Lageex, CS Disco, Westlake Edge, Quick Check, Lex Machina, and COMPAS as examples of how AI is being used to help lawyers make more informed decisions by analyzing large volumes of data and identifying patterns and trends.

Nevertheless, the article also highlights some of the challenges and risks associated with the use of AI in the legal profession, such as the potential for bias and the need to ensure that AI systems are transparent and accountable.

- [AI in Law: transforming legal practices](#)—**Clio Blog**

Josh Kern, in his article for CLIO blog, argues that AI can deliver significant efficiency and cost-saving benefits to legal practice, helping automate routine tasks such as legal research and analysis, document management, and billing.

He reviews five AI-driven tools that can help the profession practice law more efficiently and become more client-centric in areas ranging from E-Discovery, legal research, document management and automation, due diligence, to litigation analysis.

He concludes that while AI can save lawyers time, support automation, improve legal writing, it's not here to steal billable hours from its human counterparts.

- [Grégoire Mangeat: “Artificial intelligence will finally allow real access to justice” – Heidi.news](#)

On the "heads" side, generative AI will potentially be a source of destruction in the intellectual professions (e.g., [IBM to Pause Hiring for Jobs That AI Could Do, Bloomberg](#), 05/2023).

On the other hand, generative AI will be a source of information to make legal knowledge accessible to a wider range of people. Grégoire Mangeat, former president of the Geneva Lawyers' Association, takes this view.

In this interview, Grégoire Mangeat believes that tools such as ChatGPT will make it easier for ordinary citizens to access legal advice.

However, this revolution in the field of law needs the help of both sides. On the one hand, the public needs to rethink their preconceptions about lawyers. On the other hand, lawyers need to make themselves more accessible to users.

- [Can an Artificial Intelligence Judge? – iPhilo](#)

With the technical advances of machine learning (ML) and deep learning (DL) algorithms, artificial intelligence (AI) is capable of learning, making decisions, or creating artistic or literary works (image, text, code...). Artificial intelligence (AI) is capable of surpassing human intelligence (HI). So much so that in the United States, in some cases of predictive justice, pre-trial detention is ordered by an AI and no longer by a judge.

While the use of a program in the field of justice is an advantage in the sense that human emotions do not influence the verdict. However, there are biases in the source code of the programs. Biases identical to those of humans (e.g., COMPAS case, presence of racial bias in the algorithm of probability of recidivism, [Propublica](#), 2016). However, a simple correction of the program's algorithms would not be the solution to this problem.

For Associate Professor of Philosophy [Eric Delassus](#), judgment involves applying a general rule to an individual case. AI relies on statistics to make decisions. But human decision-making is in no way comparable to that of an algorithm; it is much more than a matter of statistics and binary language.

In addition to discussing the difference between AI and HI in the application of law, the author introduces the problem of the loss of control of the legal field by lawyers in favor of the companies that develop the programs.

- [Algorithms assistive decision-making in the criminal courts of the USA: examining procedural legitimacy – Academia.edu](#)

Since 2012, the US justice system has been using predictive justice algorithms to assess the risk of reoffending, pre-sentence deliberation, bail and bail applications. These algorithms were developed in the 1990s.

However, the use of this predictive justice in the United States since 2012 has raised serious concerns among many legal professionals and academics. These concerns relate to:

- A lack of **transparency** in the algorithms (Black laws, 2018; Brauneis & Goodman, 2018);

- A lack of **bias** in algorithms (Angwin et al., 2016; Kirkpatrick, 2016);
- An increase in **segregation** (Christin, Rosenblat & Boyd, 2015);
- An impairment of the **legitimacy, fairness** and **integrity** of justice (Citron, 2016).

In his article, author [Abdul Malek](#) (Judicial Officer Bangladesh Judicial Service) focuses on the procedural legitimacy of the use of predictive algorithms in the US judicial system.

- [Are we ready to be judged by a robot? – CScience](#)

In an article published by CScience (Quebec online media), [Patricia Gauthier](#) (AI ethics journalist and researcher at [Mila - Institut québécois d'intelligence artificielle](#)) discusses the various possibilities for automating the justice system.

This automation of justice begins with the digitization of files. From this database, artificial intelligence (AI) is used for predictive justice or in cases of remission requests.

According to a 2016 [McKinsey study](#) (updated to 2023), AI can automate about 23% of the tasks lawyers perform.

On the other hand, AI brings its share of benefits and time savings for lawyers and judges. AI also brings its share of disadvantages, such as the lack of transparency in the algorithms and their results, with a risk of bias in general.

Another disadvantage is the human relationship between judge, lawyer and defendant. Unlike a lawyer or a judge, an AI is not able to decipher a defendant's emotions.

- [How transformative will generative AI and other tools be before the legal industry? – Forbes](#)

Writing for Forbes, Mark A. Cohen predicts that generative AI will play a transformative role in how legal services are delivered.

In quoting ChatGPT, he argues further that as AI continues to advance, it has the potential to revolutionize the way lawyers work and fundamentally change the legal landscape.

After retracing the history and potential of generative AI, the author evokes the traditional barriers in private and corporate law that will temper adoption.

He concludes nonetheless that legal firms will be constrained by business, the Government, and social advocates to focus on leveraging AI to help create scalable solutions to a wide array of challenges.

- [Generative AI Is Coming to the Lawyers – WIRED](#)

The use of generative artificial intelligence (AI) such as ChatGPT or OpenAI's DALL-E is causing panic in the arts ([As Writers Strike, AI Could Covertly Cross the Picket Line](#), Hollywood Reporter, 03/05/2023) and literary communities.

However, with this new wave arriving in late 2022 and early 2023, some lawyers, such as London law firm Allen & Overy, are trying to use ChatGPT as an assistant.

“I think it is the beginning of a paradigm shift,” says Wakeling. “I think this technology is very suitable for the legal industry.” (Generative AI Is Coming to the Lawyers, Wired, 2023).

To achieve this, Allen & Overy's Head of Innovation, David Wakeling, have approached OpenAI to launch a proof of concept (POC) project with a group of volunteer lawyers who will use ChatGPT.

The activities that ChatGPT will carry out are

- Answering simple legal questions;
- Drafting official documents;
- Taking messages from clients.

Despite the capabilities of ChatGPT, there are OpenAI issues with ChatGPT that need to be addressed. These issues are legal, particularly in relation to the management of personal data. Legislation varies from country to country, especially if the country is not a member of the European Community.

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