

The role of a future lawyer in an Artificial intelligence environment

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Abstract: Around the world, companies, governments and universities are inventing Artificial Intelligence without thinking about its legal and regulatory threats. As its impact becomes increasingly ubiquitous, opening a portal to new opportunities, efficiency and connectivity for lawyers, judges and litigants Artificial Intelligence related data analytics has also unleashed a labyrinth of growing concerns which affect the justice system and rule of law. Therefore, this research Paper intends to examine potential of Artificial intelligence in enhancing access to justice and the difficulties associated with its implementation. In such a context the objective of this research is to analyze How can artificial intelligence be used to improve the access to justice based on the role of a future lawyer in an Artificial intelligence environment.

Keywords: *Artificial intelligence; access to justice; chat GPT; legal technology*

1. Introduction

Artificial Intelligence is already being used before our eyes, although most people don't know it. face book, Instagram, Twitter and most of the other social media We work on today use Artificial intelligence to capture user behavior in order to predict our wants and needs. It is rapidly developing beyond the technological domain and into other sectors that are predominantly determined by human intelligence. One such application that is being increasingly discussed is the use of Artificial intelligence based system in the justice sector. Legal Artificial Intelligence can be visualized as the exercise of technology in terms of machine learning, natural language processing, speech recognition, legal robotics, natural image understanding, rule based expert systems, neural networks, logic programming and artificial vision in relation to legal issues.

Artificial Intelligence in the legal and justice sector is being lauded for its potential to eliminate biases from the decision –making process and make sentencing more predictable and efficient. According to World Justice Project More than 2/3 of the world's population does not have access to justice. The United Nations has indicated that providing access to justice for all is a sustainable development goal. Due to digitalize development of economy and social communication, the role of digital technologies is also increasing day by day. The emergence of new technologies led to the transformation of economic and social relations and therefore technologies were often attributed to subject capabilities for the reconstruction of the world.

Professor Herbert Alexander Simon, Mervin Misky, John McCarthy are frequently considered as the founding fathers of Artificial intelligence. John

McCarthy says, “Artificial Intelligence is the Science of making machines to do things that would require intelligence if done by men.” However with the development of Artificial intelligence in regard to various industries including legal technology many technological issues were arise. Therefore since there was no exact mechanism to regulate the process of Artificial intelligence the European Commission unveiled a new proposal to regulate the frame work on Artificial intelligence in April 2021. This Artificial intelligence Act is the first ever attempt to enact a horizontal regulation of Artificial intelligence. The European Union Artificial intelligence Act sets out horizontal rules for the development, commodification and use of Artificial intelligence –driven products, services and systems within the territory of European union. This Act provides core Artificial intelligence rules that apply to all industries. As above said the usage of Artificial intelligence in several areas, including legal sector, has greatly increased in recent years. Artificial intelligence can be used, to automate monotonous operations, evaluate vast volumes of data, and offer tailored recommendations.

Artificial intelligence has a variety of applications in the legal sector, including case management, document analysis, legal research, and language translation services [1]. Although the use of Artificial intelligence in the legal sector is still in its infancy, a collection of research shows that Artificial intelligence may increase access to justice. For instance, Artificial

intelligence can offer language translation services for non – native speakers, lowering barriers to legal services and minimizing language problems. The results of this study can influence legal industry policy and practice, helping to provide more effective and efficient legal services in Sri Lanka.

The usage of Artificial intelligence in legal sector was examined in a paper by Klarian and Kostic (2020). The study discovered that Artificial intelligence could shorten the time and expense of legal services by increasing the accuracy and efficiency of legal operations. It held that Artificial intelligence can help with legal research, contract analysis, and case law analysis, cutting down on the time and expense involved in these operations. It also emphasized how Artificial intelligence may increase access to legal services, particularly for those who cannot afford them. There are several laws and rules in Sri Lanka related to the use of Artificial intelligence. For instance, The Intellectual Property Act offers protection for intellectual property rights, whereas the Computer Crimes Act prohibits the unlawful access to computer systems and data. As a result legal system offers a strong framework for the application of Artificial intelligence in the legal sector.

However, the use of Artificial intelligence in the legal sector has received little attention in Sri Lanka. It was proposed that Artificial intelligence can help with legal research, document analysis, and decision-making, enhancing access to justice for

underserved areas, in a report by the United Nations Development Program (2019). In addition, it was indicated in a study by Hettiarachchi and Coauthors (2018) [2] that AI can help with legal translation, particularly in a multilingual nation like Sri Lanka. The study discovered that language issues are a significant obstacle for those attempting to obtain legal services in Sri Lanka, and Artificial intelligence can help to overcome this obstacle.

There have been several initiatives in Sri Lanka to investigate the application of Artificial intelligence in the legal sector. For instance, The Legal Aid Commission of Sri Lanka has developed a chatbot to aid those in need of legal counsel. The “NALA” Chatbot combines machine learning and natural language processing to give people individualized legal service. This program aims to increase access to justice for underprivileged populations in Sri Lanka who do not have the financial means to use conventional legal services (Kodithuwakku, 2020) Artificial intelligence has the potential to increase productivity and save costs in the legal sector, opening access to legal services for Sri Lanka’s neglected communities. Yet, there are drawbacks to using Artificial intelligence, particularly in terms of cost and accessibility to technology. Smaller law firms or individuals may not have the means or infrastructure to invest in Artificial intelligence, which needs major investment. There are also worries regarding the possibility of bias in Artificial intelligence systems, particularly regarding the algorithms

employed in predictive modeling. These attitudes can increase access to justice difficulties and continue systemic problems that already exist in the legal sector (paliwal et al., 2020) [3].

The application of Artificial intelligence in the legal industry was evaluated by the (Karunanayake and Wickramanayake 2020) [4] and the study found various possible advantages, including increased productivity, improved accuracy, and lower costs. Although there are some difficulties, the use of Artificial intelligence in the legal sector has tremendous potential for enhancing Sri Lankan citizen’s access to justice. More investigation is required to determine whether implementing Artificial intelligence systems in Sri Lanka’s legal sector is feasible as well as to create ethical frameworks and rules for the application for Artificial intelligence in legal decision making. Artificial intelligence can be utilized to support the fulfillment of the fundamental human rights to access to justice for every one by addressing these issues and problems.

2. Analysis and Findings

There are a number of advantages associated with the use of legal Artificial Intelligence. Such as Artificial intelligence can improve the efficiency of legal process by automating routine tasks like document review, case management, and legal research, leading to cost savings and faster resolution of cases as a result of that confidence in the judicial process will be established. E.g. ChatGPT can be introduced as a latest trend in Artificial

intelligence. It was created in November 2022. “ChatGPT technology can be used to build access to justice in the judicial process in the future. For Instance, when a case comes before the court, by submitting the questionable issues to ChatGPT judges and lawyers can easily find the legislations, judgments and relevant authorities needed to solve the problem. Therefore access to justice will be more efficient.

Artificial Intelligence can help increase access to justice by providing legal information and assist judges and lawyers in making more informed and legal accurate decisions by providing access to vast amounts of legal data and analytics leading to more consistent and fair outcomes. It has been noted that Artificial intelligence provides a number of opportunities which can be exploited in favour of enhancing the efficacy of judicial processes. These opportunities are being taken advantage of in several jurisdictions. For instance, in Mexico, judges and clerks are presently being advised by the Mexican Expertus system as to whether a plaintiff is eligible for the grant of a pension or not.

However, it also discovered that there are challenges, such as currently lacks complete legal data, which could restrict the usefulness of Artificial intelligence. Also the legal sector is notoriously slow to accept new technologies.

The question of bias has been approached in an interesting manner in the context of Artificial intelligence-based system. For Instance, In *State vs Loomis* United States courts once an

Artificial intelligence tool was used which connected in helping to make bail and sentencing decisions. This was based on an Algorithm called “COMPAS”. This was use in Nationwide to decide whether the defendants awaiting the trial are too dangerous to be released on bail. But this tool was not a success. The reason is according to this system only the richest people for the same offence getting out quite easily but it were poor who were really losing a lot. Therefore it was found that COMPAS is biased against the black defendants. The reason is the data that has been entered in to the Artificial intelligence tool dated back in 50’s 60’s 70’s. Therefore the decision was labeled biased against blacks.

The analysis revealed that black defendants were twice as likely to be tagged as repeat offenders than white defendants, indicating the likelihood that the algorithm may be biased. This is especially problematic given that the assessments were utilized by the courts in order to determine matters such as bail and release dates. Therefore, such Artificial Intelligence based systems and their coded algorithms must be examined carefully in order to ensure that bias is minimized and that if bias does arise in some form, it is assessed formally.

It has been noted that the use of Artificial Intelligence based systems appears to eliminate human bias, for example, “In a high crime city, a judge might start to hand out harsher sentences towards the upper end of the sentencing guidelines. In court, if a judge does not like one of the lawyers

that can affect the judge's opinion". Observations such as these can be extended to the interaction between the justice system and minorities as well : minority groups across the world in various jurisdictions are limited in their access to justice through a number of different systemic and non systemic barriers , the latter of which includes subconscious or conscious bias as well as poor quality of representation. Bias can also operate against such minorities during the trial as well as when the judge delivers his or her decision. Therefore, Artificial Intelligence based systems appear to provide ample opportunity to enhance the quality and delivery of justice.

However it will be important to carefully analyze the challenges and potential dangers if Artificial intelligence is to be implemented successfully. The challenge of Co-Robotics in the judiciary is facilitating functioning communication between human and machine. There are two approaches to the challenge of Co-Robotics in the judiciary. In order to retain human control, one has to either enable functioning communication between human and machine (addressing the Co-Robotics problem) or strictly separate them from each other (avoiding the Co-Robotics problem).

The main challenge is lack of transparency in how those tools are operating. To solve issues with data access, privacy, bias, and reluctance to change, policy makers and legal experts should collaborate. Article 6 of the ECHR, and the Ethics Guidelines, set the standard for a proper procedure. It

highlights the need for transparent procedure, equality of the parties to the proceedings and a well- founded judgement.

3. Implications

The Potential and difficulties of using Artificial intelligence to increase Sri Lankans access to justice have been examined in this research article. Although using Artificial intelligence may have certain advantages, there are also several difficulties that need to be resolved, according to analysis of the research. Sri Lanka is still Silent about giving legal status to Artificial Intelligence. There is no legislation to be recognized in Sri Lanka Hence policy makers and legal experts should collaborate to carefully evaluate the benefits and drawbacks of Artificial intelligence and create a plan for this implementation in Sri Lanka's legal sector. The absence of sufficient legal data is one of the biggest obstacles to the use of Artificial intelligence in Sri Lanka's legal sector. The legal sector in Sri Lanka currently lacks access to the large amounts of legal data necessary for the successful adoption of Artificial intelligence. Therefore in order to create a system for gathering and distributing legal data that may be used to train Artificial intelligence systems, policymakers and legal experts must collaborate. The refusal of legal experts to change is another major obstacle. Legal professionals who worry about losing their autonomy or jobs may reject the use of Artificial intelligence. Due to their understanding of the potential advantages and willingness to adopt new technology, legal professionals

must be included in the development and deployment of Artificial intelligence systems. Concerns have also been raised regarding the risk that poorly developed and executed Artificial intelligence systems will reinforce current biases in the legal system.

In 2018, the European commission for the Efficiency of justice (CEPEJ) adopted the European Ethical Charter on the Use of Artificial Intelligence in judicial System and their Environments [5]. It discusses the accountability of public and private stakeholders responsible for the design and deployment of artificial intelligence tools and services that involve the processing of judicial decisions and data. Article 5 also suggests - “Professionals in the justice system should, at any moment, be able to review judicial decisions and the data used to produce a result and continue not to be necessarily bound by it in the light of the specific features of that particular case.”

Several national and international bodies have developed ethical principles for the use of Artificial Intelligence in the administration of justice [6]. Artificial Intelligence will fundamentally affect the legal profession and legal activities, including judicial decision making. It is therefore important to study further how best to use Artificial Intelligence, even with the limitations, barriers, and issues highlighted in this research [7].

As far as technology has advanced today. However, this ideology has not been realised, due to the fact that

Artificial intelligence systems are believed to encompass biases that may affect decision-making and output results. Therefore I argue that Artificial Intelligence reduces arbitrariness by treating similarly placed individuals uniformly, based on sample sets and data correlations, can be dismissed due to existence of underlying biases that may lead an algorithm to dispel an indirectly discriminatory judgement or to an overly-general outcome as a result of a limited dataset. Artificial intelligence cannot effectively sidetrack from its path, which is built on input data and guidelines; thus, it does not necessarily accommodate appropriate modifications. Human judges, however, have the capacity to interpret cases and elaborate on judgments at their discretion, allowing individualised justice and circumstantial factors to be taken into consideration.

The Design of Artificial Intelligence systems must be transparent and auditable in order to guarantee their neutrality and fairness. However this research does not discourage legal professionals from using legal technology but to merely state certain risks for them not to overlay rely on the technology. It also should be noted that Artificial intelligence is a valuable tool but must be used cautiously. One main reason is a human judge is always better than a piece of software because in every day we see very sensitive matters are brought before the court. Such as adoption, maintenance of a child, child rape cases, these cases can't really do away with human element. Here

Artificial intelligence developer Kathy Baxter quote is important “Artificial intelligence truly does not have the potential to be a great democratize or it could potentially magnify social injustice. Therefore in Sri Lanka it is up to legal professionals to make sure that these Artificial intelligence tools are doing in a way that is ethical responsible and in line with our moral and legal obligations.

4. Conclusion

Artificial Intelligence which is a specialized area of Information Technology, focuses on the stimulation of human intelligence processes by machines and has become an important area in the ongoing global fourth industrial revolution. Also Artificial Intelligence the use of technology and the law are recent hot topics. In the near future, we would be faced with new legal issues related to Artificial Intelligence that require immediate attention.

Lawyers should pay close attention to cybersecurity when working in an artificial intelligence world in the future. Need to be aware of in order to protect their clients’ data and maintain confidentiality. May need to use encryption to protect confidential client information or employ multi –factor authentication to ensure that only authorized users can access sensitive data. Also antivirus software is designed to detect, prevent and remove malware from computer system.

However, Artificial Intelligence is completely dependent on the data it receives. But what if the data is biased ?

who will be liable? if said Artificial intelligence commits an offence, from whom can we claim damages ? can we claim damages directly from the artificial intelligence device ? Is it practically possible?

Vietnam has also set up several Artificial intelligence Centers of Excellence in universities and research institutions to encourage the development of Artificial intelligence technology. The above problems should also be considered when applying Artificial Intelligence to the Vietnam judicial system & other countries. Therefore, the role of the lawyer should be to adapt his knowledge to the existing world, he should make sure that he matures with the knowledge needed to adapt to the world that work with artificial intelligence environment.

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Ngày nhận bài: 25/4/2023

Ngày hoàn thành sửa bài: 05/7/2023

Ngày chấp nhận đăng: 06/7/2023