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(Artificially) Intelligent Lawyers: Oxymoron or Potential Reality

IDC HERZLIYA
Zvi Meitar Institute for Legal Implications of Emerging Technologies

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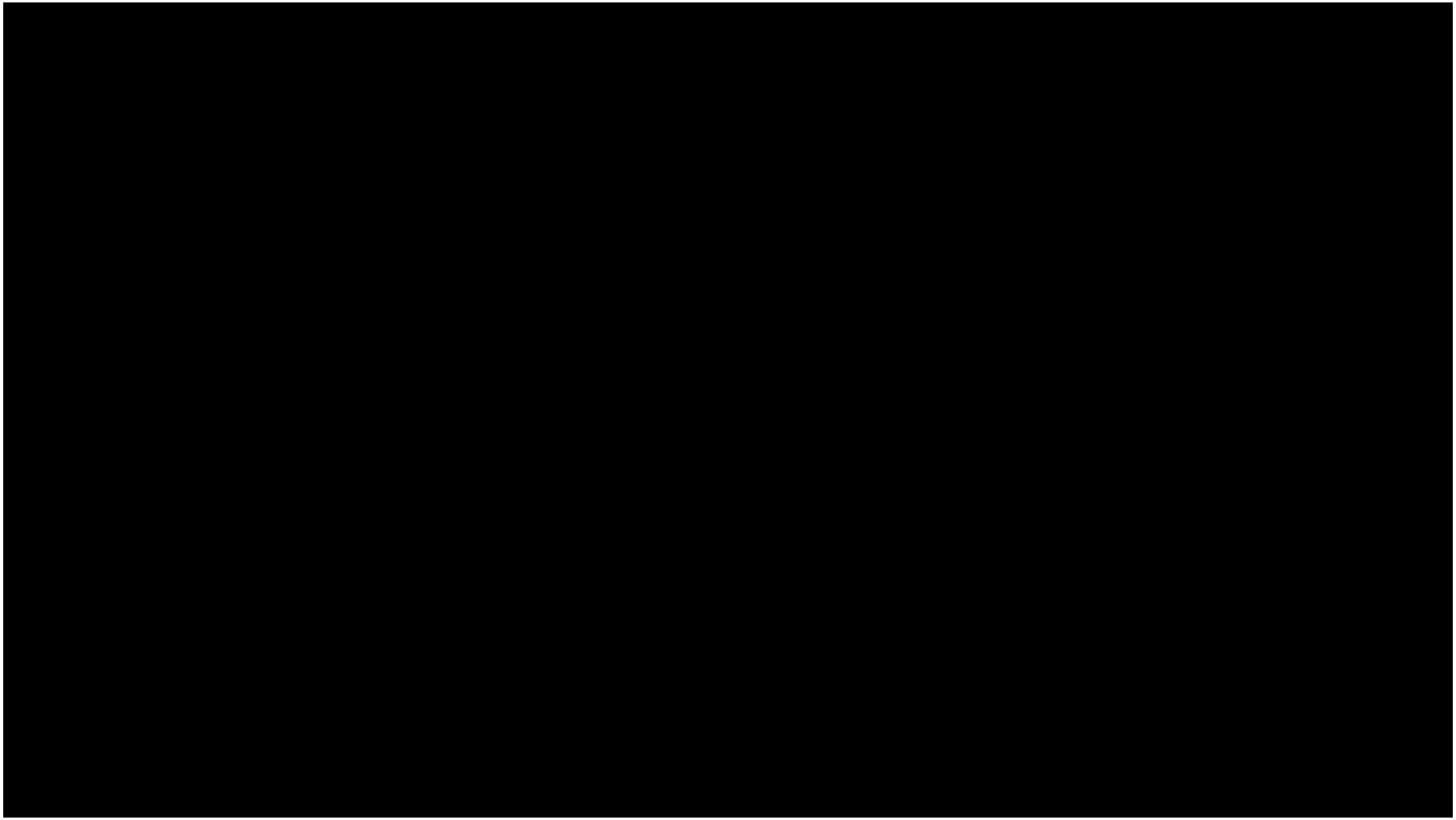
Zvi Meitar Institute

The Institute **aims** to **examine** the **Legal Ethical** and **Social Implications** of **New and Emerging Technologies** with a focus on issues relating to **Disruptive Technology**.



The impact of machines and AI on the job market

Not only on blue collar jobs!

The impact of machines and AI on the job market

White collar jobs and occupations that we used to think that are “safe” are in harms way as well

Lawyers

Doctors

Journalists

Artificial Intelligence in the world of LAW

"The first thing we do, let's kill all the lawyers"

(King Henry the Sixth, Act 4, Scene 2 – By William Shakespeare)

- I will show you 5 areas of the Law that are already changing due to machines and AI

Artificial Intelligence in the world of LAW

1. Discovery;
2. Document generation;
3. Prediction of case outcomes and legal analytics;
4. Arbitration and disputes resolution; and
5. Legal research.

Legal research

- In the 1970's companies like Lexis and Westlaw entered the market and changed it completely
- Replacing research from casebooks
- Using "key words" search

4. Legal research

IBM Watson's ROSS

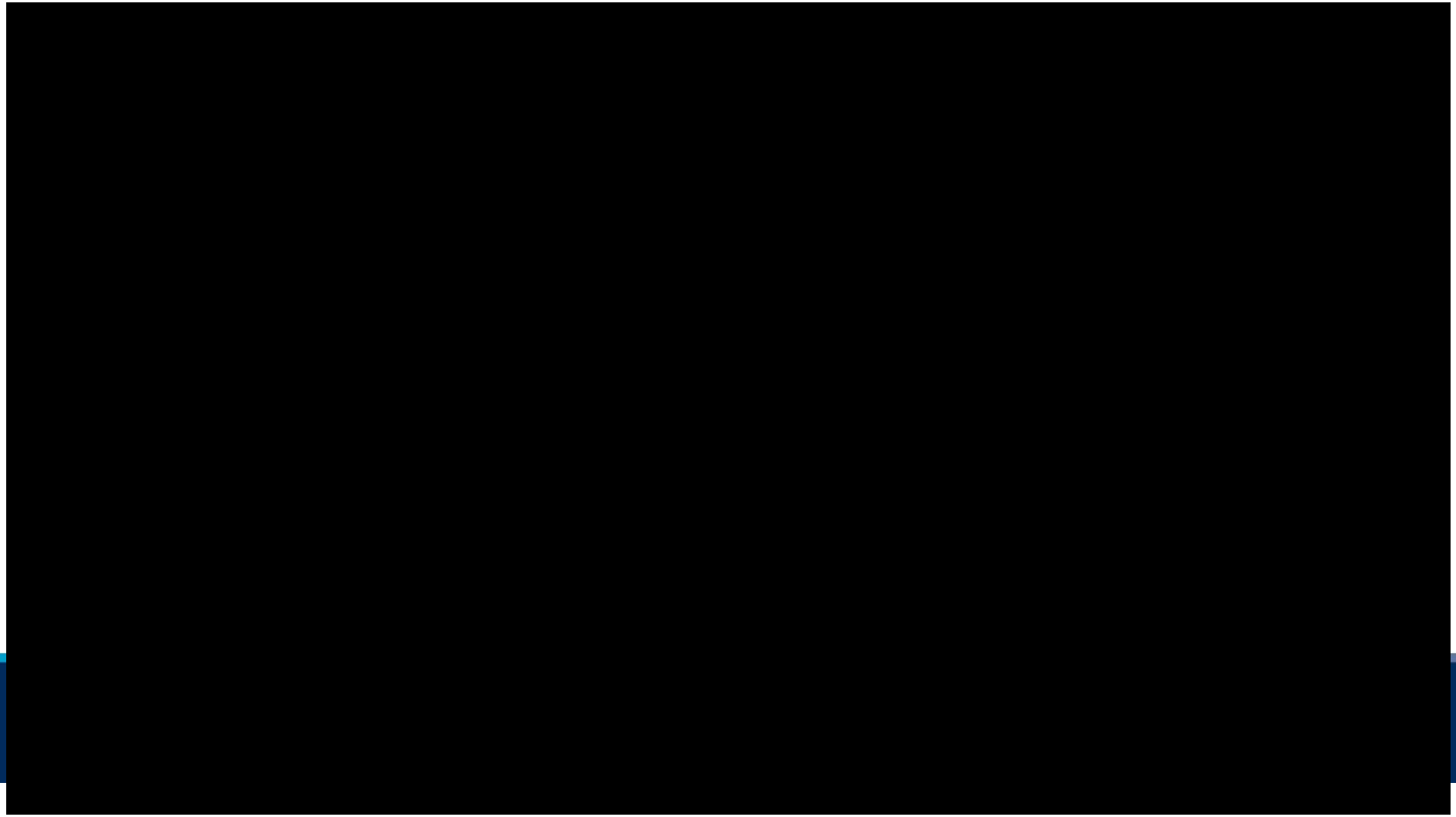
1. Quarries in **natural language**, not keywords.
2. Monitor the law for changes that affect on your case.
3. Learn the more you and other lawyers use it.

4. Legal research

Law firm Baker & Hostetler has announced that they are employing IBM's AI.

According to CEO and co-founder Andrew Arruda, other firms have also signed licenses with Ross, and they will also be making announcements shortly.

Project inspiration



Litigation – Our Project

- Creating an AI lawyer that will suggest which arguments one should present to the court
- We choose to focus on the Fair use doctrine in the copyright act
- Analyzed 500 court opinions

Social Implications

- Lawyers wont vanish so quickly:

- Lawyers still need to argue in courts

- AI Lawyers can’t work in rapidly changing legal fields

- Machines are unlikely to bond with their clients

- Young and low level lawyers are in trouble

Social Implications

- The price of most traditional legal services will go down
- Legal services will be much more accessible
- It would become much easier to compare lawyers - the “superstars” will flourish

Legal Implications: Regulation

- The ABA has categorized Machine intelligence as either an inanimate tool (like a computer) or as a non-lawyer assistant.

Legal and Ethical Implications:

Professional conduct

ABA's model rule of professional conduct 1.1 comment 8 :

"Maintaining Competence

- [8] **To maintain the requisite knowledge** and skill, a **lawyer should keep abreast of changes in** the law and its practice, including **the benefits and risks associated with relevant technology**, engage in continuing study and education and comply with all continuing legal education requirements to which the lawyer is subject."

Legal implications: nonlawyer responsibility

- ABA's model rule of professional conduct 5.3 **Responsibilities Regarding Nonlawyer Assistance** With respect to a nonlawyer employed or retained by or associated with a lawyer:

(a) a partner, and a lawyer who individually or together with other lawyers possesses comparable managerial authority in a law firm shall make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that the person's conduct is compatible with the professional obligations of the lawyer;

(b) a lawyer having direct supervisory authority over the nonlawyer shall make reasonable efforts to ensure that the person's conduct is compatible with the professional obligations of the lawyer;

Legal Implications: Non-lawyer responsibilities

ABA's model rule of professional conduct 5.3, comment:

- "[4] **Where the client directs the selection of a particular nonlawyer service provider** outside the firm, the lawyer ordinarily should agree with the client concerning the **allocation of the responsibility for monitoring as between the client and the lawyer**"

Legal Implications: Unauthorized practice of law

- Unauthorized practice laws prohibit nonlawyers from providing personalized legal assistance

- Thus, employing machine intelligence to give legal assistance is an unauthorized practice of law

Legal implications: Unauthorized practice of law

- Nevertheless, it became **de facto deregulated**
- Although there have been some lawsuits against companies like “LegalZoom”; **there services didn’t change significantly**

- **It is legal in other countries like England and China**

Conclusions

- The use of these services in the U.S. just keeps on growing
- AI and machines are already changing the work of lawyers
- We cant fight it, we must embrace it!!!
- We can benefit from it and there is no need the fear the changes

Thank you!