

# ARTIFICIAL INTELLIGENCE

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## BENEFITS AND CHALLENGES

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# INTRODUCTION

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- An examination of the benefits and challenges of AI for the legal sector informs us that lawyers need to adapt and to put AI to best use.
- Legal services provision is not accessible to all, especially the poor, and many find legal services expensive, even if they can afford to pay.
- The legal profession must develop ways to enable access to law and justice as a top goal of research into legal AI.
- Need a social justice purpose to the use of AI to develop ways to help people understand and access their legal rights.

# BENEFITS - CORPORATE SECTOR : SOME EXAMPLES.

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- **Brainspace** is a machine learning and data visualisation technology used by City firm CMS to accelerate data analysis and review in litigation, arbitration and investigations.
- **Luminance** has developed AI which is 'trained to think like a lawyer', used by **Slaughter and May** on merger and acquisition matters, and claims to be able to automatically read and understand hundreds of pages of detailed and complex legal documents every minute.
- Luminance is designing the system to understand how lawyers think, and to draw out key findings without the need to be told what to look for.
- **Reed Smith** tested a 'cognitive computing platform' developed by software provider **RAVN Systems**, used to read, interpret and extract key provisions from a client's leases.
- It then produced a review identifying higher-risk leases that required further inspection by lawyers.

# AI TO REPLACE LAWYERS?

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- AI technology is unlikely to replace lawyers. The reviewing lawyer is a piece of the technology. The machine has no capacity to see nuance, which the lawyer will see.
- A poll of more than 300 attendees at the Law Society's Robots and Lawyers conference in June 2017 found that 48% of respondents' firms already use some form of AI.
- Though only 4% agreed that lawyers will eventually be replaced by robots.

# JUDICIAL DECISION MAKING

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- Research conducted by the University of Liverpool suggests a decision-making algorithm could be as effective at dispensing justice as a judge.
- The university had researched a body of case law covering 32 cases.
- The programs had a 96% success rate and got only one case wrong. The technique is a 'decision support tool' to help make reasoning 'faster, more efficient and consistent', assimilating data over time.

# ACCESS TO JUSTICE FOR THE POOR

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- Putting AI to the service of justice.
- IUK Law Centres provide free legal advice, casework and representation to people who do not have the means to pay. In modern society, people use their phones to access information on the internet. Using this premise, tools have been developed to enable free legal services alongside community lawyers.

Currently, there are 4 categories of enablement suitable for free legal services:

- 1. Productivity tools, helping lawyers work faster.
- 2. Client self-service – without advice – releasing advisers for other more complex cases.
- 3. Appropriate referrals to other providers.
- 4. Remoulded services using virtual offices – video advice

# CHALLENGES

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- Regulation; UK data protection legislation will give individuals a right to opt out of having automated decisions made about them when they would have a significant effect.
- Impossible to enforce unless people have a right to know how the decision was taken. There should be a right to audit the 'training data' from which the algorithm learns to spot patterns.
- On 25th May 2018 regulation by which the European Parliament, the Council of the European Union and the European Commission will come into effect with the aim of unifying data protection for all individuals within the European Union. The General Data Protection Regulations (GDPR) will simplify the regulatory environment for international business.

# AUTOMATED PROCESS DECISIONS USING SENSITIVE DATA

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- There are potential harms of analysing data, especially when using automated-decision making and sensitive data, such as race, family status and gender.
- Concerns have been raised about the legal and ethical use of such sensitive data, when used for hiring, marketing, benefits determinations, and policing.
- Article 22 of the GDPR Regulations states that individuals shall have the right not to be subject to a decision based solely on automated processing which has significant (including legal) affects.

# MORE CHALLENGES

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- **Intellectual property:** critics believe that a small number of commercial organisations owning the data, IS unhealthy, and anti-competition.
- **Speed v risk:** increased pressures on developers and companies to make new forms of technology available rapidly in order to maximise commercial opportunities inevitably brings risks that need to be identified and mitigated.
- **Predicted loss of jobs:** Law Society of England & Wales estimates that by 2038, total employment in the sector will be 20% less, this equates to 67,000 full-time equivalent jobs lost. However, there will be new roles: legal technologists, process analysts, knowledge engineers and developers to design and implement systems.
- **Bias:** computer software can replicate human bias, because the data from which it draws information reflects human bias. An AI program is a process, in which the program's decisions are continually refined by testing against real-world data. These decisions should be probed for bias and for flaws in the data.

# CASE STUDY THE LAWYER CHALLENGE

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- The Lawyer Challenge in the UK pitted 112 lawyers against software produced by a start-up company, **CaseCrunch**.
- According to CaseCrunch, the computer predicted outcomes of litigation with an accuracy of 86%, while the lawyers' average was 62.3%.
- The lawyers and Casecrunch were presented with 775 factual scenarios, and were asked to predict 'yes or no' as to whether the claim would succeed. If the question is defined precisely, machines are able to compete with and sometimes outperform human lawyers.
- Researchers at Universities in London, Sheffield and Pennsylvania have predicted judicial decisions of the European Court of Human Rights with 79% accuracy.

# CONCLUSION

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- In order to succeed in the AI landscape, there needs to be a revolution in lawyers' training, organisation and mindset.
- **Richard Susskind** states: "Lawyers should plan to compete with machines by focusing on legal work that favours human capabilities over artificial intelligence, or to build the machines, which would mean being directly involved in the development and sale of the new systems."
- In my university, we are adapting **training** for law students which introduces the opportunities that AI brings for them. As President of the FBE, I will continue to be involved in ensuring that our members are able to develop the required **mindset** to benefit from AI for their professional practice and for their clients.

# GRAZIE MILLE

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- Thank you for your welcome,.
- I will end by extending an invitation from the Ordini Forense degli Bologna to attend the FBE Congress in Bologna from 17 to 19 May 2018.
- Topic: New families and new family law
- I look forward to seeing you there.
- Grazie Mille.