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FUTURE ASPECTS OF LEGAL AUTOMATION

SUBMITTED BY: MS. ANUPREET KAUR

YEAR- 2022

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LAW AND TECHNOLOGY

UNDER GUIDANCE OF

PROF. NEHA RATHORE

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INTRODUCTION

Automating legal tasks that are straightforward (like document coding) is a prime concern. Routines cannot be used for more tough issues. The argument about the potential breadth and extent of legal automation has thus far centered on how easy or difficult legal responsibilities are. The level of regulation or deregulation that is anticipated to occur in the future, however, is equally significant to the legal profession. It will take a very long time to optimize situations with conflicting rights, particular fact patterns, and open-ended legislation. Deregulation, however, may inadvertently deprive many people of their rights, simplifying previously complex situations.[1] Like this, new regulations that grant previously disadvantaged parties additional rights may make conflicts that currently appear simple to automate since one party is so obviously in the right. This Essay combines technological and societal studies of the advent of legal automation by outlining how each one of these discrepancies may occur.

More than most analysts have seemed to think, the future of law and computing is unpredictable. One may anticipate that automation will eventually completely replace attorneys if one mechanically extrapolates current patterns in document analysis into the future, for instance.[2] However, two of the world's top specialists in automation claim that rather than replacing attorneys, computerization of legal research would support their job.

This research paper outlines a study agenda for more accurate forecasts of Legal automation's future development.

CHAPTERISATION

Since the development of the typewriter, structural transformation in the legal sector has been anticipated.[3] Despite this, lawyers have benefited from the emergence and adoption of new technologies and mechanisms of work, including word processing, citation software, electronic document storage, and file records, automated document compared, electronic record searching, e-mail, printing, desktop publishing, standardized legal forms, and software for creating wills and taxes.[4] Automated and up-gradable legal research is also possible through Lexis and West law.

We recognize the social and political aspects of the argument while also extending and developing current arguments on the level of automatability of legal work. Extralegal advances will be essential in establishing how computation and cognitive intelligence will be balanced in the legal system in the future. No career is isolated free from the power, prestige, influence, and reputation trends that are prevalent in the society within which it is ingrained. Major projects can be delayed or stopped by courts that are frequently antagonistic to enforcement action. Most importantly, when corporatist businesses and people accumulate enough wealth, they can sway public opinion in a way that continues to marginalize and even trivialize the kind of legal work that is customarily seen as crucial to the legitimate and

[1] http://www.oxfordmartin.ox.ac.uk/downloads/academic/The_Future_of_Employment .pdf.
[2] See ANDREW ABBOTT, THE SYSTEM OF PROFESSIONS 315 (1988); ELIOT FREIDSON, PROFESSIONALISM: THE THIRD LOGIC (2001).
[3] Floyd Norris, Under Obama, a Record Decline in Government Jobs, N.Y. TIMES (Jan. 6, 2012, 12:53 PM), http://economix.blogs.nytimes.com/2012/01/06/under-obama-a-record-decline-ingovernment-jobs.
[4] Id. at 37, 41.

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efficient operation of markets, government policies, and society at large.[5] Some forward-thinking innovators even consider the rule of law as an antiquated tool that should be replaced by a network of marketplaces, reputational facilitators, blockchain-based- based, and distributed autonomous organizations. We use important factors that are both intrinsic to the legal profession and extrinsic to it as major determinants to forecast the future of legal automation. Various legal tasks are amenable to automation. A society may be regulated and more or less receptive to legal safeguards.

In legal areas of practice that already provide services to sectors that continue to deregulate, the first scenario—a primitive legal profession be anticipated. That is a gladly for proponents of radical technologies like Professor Clayton Christensen of Harvard Business School. The legal academy's followers of Christensen often see most of the law as nothing more than a transaction cost placed on firms that generate jobs. From their viewpoint, tendencies toward laissez-faire deregulation are reflected and reinforced by automation. Automating clear, concise legal norms is simple. The social standing of attorneys falls when their responsibilities are progressively filled by robots, which undermines their capacity to suggest more intricate or comprehensive regulatory frameworks.[6]

I. HIGH AUTOMATION, LOW REGULATION SCENARIO FOR THE CALCIFIED LEGAL PROFESSION:

Laissez-faire or corporatist philosophies are strongly connected. It is predicted that artificial intelligence would eventually take the place of legal knowledge, lowering the salaries of many attorneys. A fall in the power of law schools and attorneys might have possibly larger political repercussions. For the past half-century, several law professors and attorneys have urged more government interference in the economy. This is not shocking. Lawyers in the contemporary regulatory state benefit from the large government since their knowledge is required to comprehend and abide by (or abuse) complex and constantly evolving laws A steady regulatory environment and restricted bureaucracy, on the other hand, are more advantageous for the inventors and entrepreneurs driving our computing renaissance. Lawyers with power are likely to create systems that are more favorable to regulation has a lesser impact on markets.

A. High-Automation/Low-Regulation Legal Fields Innovations:

Decentralization may be favored by those at the pinnacle of tech firms since it might directly benefit themselves or their shareholders if their legal expenses are reduced. Additionally, most attorneys who work in white-shoe law firms below the levels of collaboration have a vested desire to safeguard the legal and regulatory frameworks that serve as the foundation of such organizations. How many innovators and venture capital firms finally finance and create the tools required to replace lawyers? Numerous technologies have previously been created in fields with great automation and little regulation, and they have had both beneficial and harmful effects on the legal profession. These lawyers get hefty fees not just for negotiating complicated legal requirements but also for persuasive court judgments (such as broad

[5] See, e.g., Mark Wilson, The Latest in 'Technology Will Make Lawyers Obsolete!', FINDLAW (Jan. 6, 2015, 11:39 AM), http://blogs.findlaw.com/technologist/2015/01/the-latest-in-technology-willmake-lawyers-obsolete.html

[6] Riccardo Campa, Technological Growth and Unemployment: A Global Scenario Analysis, 24 J. EVOLUTION & TECH. 86, 89 (2014).

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condemnation decisions) that stop the implementation of extensive bodies of legislation on important aspects of commercial behaviours. A case in point is the astonishing restriction of the application of antitrust law, which was brought about by the extraordinarily effective campaigning of lawyers from major businesses and their collaborators in the legal profession.

1. ***eDiscovery:***

Some technologies, such as Relativity, HP Autonomy, Merrill, and Stratify, have recently been created, at least in the domain of exploration. Very few employees now scour through stacks of paperwork looking for references to a search keyword. eDiscovery is in charge now. eDiscovery is "the method that involves identifying, conserving, gathering, analyzing, examining, and disseminating digitally stored material," as defined by the Sedona Colloquium.[7] In predictive coding, a document examiner gives measurements to a case based on how helpful certain documents and key phrases are. Predictive coding software searches a database for other articles that could potentially be relevant as evidence in a situation based on these sources. Therefore, anticipatory coding reduces the number of documents that require human inspection and may cut down on discovery costs by up to 75%.

2. Publishers of e-research and Forms:

Likewise, the era of "Shephardizing" a case by hand is long gone. Citing materials may be located through internet-based resources like Westlaw or Lexis, as well as a thorough search on google. Now, simple wills, incorporation paperwork, and expungements may all be automated via applications. Legal Zoom long could produce documents that resemble legal "forms." Artificial intelligence (AI) software has been utilized by several LLCs to incorporate their enterprises. Automated legal solution businesses with a consumer focus have been sued on occasion. They may be capable of assisting individuals who just require basic support, but they should constantly be aware of the many complications that could surface when matters get more complicated.

B. Effect on Law Firm Profitability:

Wider economic tendencies toward disparity would be reflected by a legacy of the legal profession. Those at the apex would discover software complimenting their skills and contacts, expanding their reach and influence, while those at the bottom of the profession would continue to be supplanted by computers.[8] Similarly, when numerous implicit and explicit regulations restrict legal action against them or divert it into expedited, low-stakes adjudication venues, the richest corporations and individuals would consider their acts more impenetrable. However, additional information is needed to measure the effect of autonomous form supply on income, such as, for instance, the amount of money these businesses generate from this job. However, the financial loss might be significant; the absence of concrete evidence to support a specific degree of dependency on such employment does not immediately imply that there is no such reliance.

[7] Danielle Keats Citron, Technological Due Process, 85 WASH.U.L.REV. 1249, 1252 (2008).
[8] Solum, supra note 10, at 75.

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II. SCENARIO OF SOCIETY OF CONTROL: HIGH AUTOMATION, HIGH REGULATION:

It is predicted that the deregulation of huge firms would proceed thanks to a highly automated judicial system. Decentralization for small businesses or people does not necessarily have to go in conjunction with the mechanization of supervision and law enforcement. In several domains, the technology of law enforcement has already been extensively studied. For instance, various levels of information restriction have been layered into networks, files, CDs, and surveillance equipment by rights holders.

III. STATUS QUO SCENARIO: LOW AUTOMATION, LOW REGULATION-

Numerous attorneys spend a great deal of time performing mundane work, which is frequently not the greatest or most effective use of a lawyer's skills. Machines might be able to take care of it. However, there are several reasons why the speed of automation outside its current level seems improbable.

Why is it possible for the Status Quo to continue with little automation?

It is simple to exaggerate the potential for technological advancement. Although some LLCs utilize Fillable forms to prepare their legal paperwork, using Legal Zoom for important commercial transactions might be unnecessarily dangerous. Pessimism could prevail over the technology's spread.

A. E-Discovery Legal Costs:

The long-term effects of eDiscovery are still unknown. Some legal stances have already experienced a decreased demand due to automation, and this trend might keep on going. However, a proponent of legal automated processes also points out that increased profits for top law firms and participating legal companies could result from further automation of revelation.[9] This is due in part to the fact that top law firms can charge more for these offerings owing to the extensive training needed to use the operating systems and the price of the skill and ability product on its own. Additionally, even if automatic vehicle eDiscovery reduces the size of the legal sector overall, some clients may find it prohibitively expensive and provide details in that format, particularly if significant amounts of disclaimers are needed, according to business.com/the-e-discovery-market-is-growing-fast.

B. The Close Cases Issue:

In simple circumstances, artificial intelligence would be the most effective for rule-based legislation. An additional discovery punitive measures case based on an IT department's regulations and the failure to locate digitally stored evidence within a reasonable time frame

[9] e Clay Michael Gillespie, Legal Consulting Firm Believes Artificial Intelligence Could Replace Layers by 2030, HACKED (Jan. 2, 2015).

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are examples of simple instances.[10] Liability may be simply assessed in cases like this as well.

One of the main problems with widely using artificial intelligence in policy legislation would be extreme or edge circumstances when the behavior first seems to be illegal.

These are the usual complex situations where unique circumstances place the case apart from established law. A situation where the contractual terms are unclear for the sort of violation that took place would be one example. Another example would be emergencies that might warrant specific actions or a developing and mostly unresolved legal topic like cyber security.

It may be difficult to determine what law applies, even in areas of law where it seems on the surface that commandment law is unbreakable.[11] The profession of law is in many respects the art of traversing between complex forms of communication and concrete legal conclusions or forecasts, thus the human factor is inescapable (and perhaps even desired) and utilizes previous court information to anticipate the conclusions of patent lawsuits).

Failure to Recreate Human Creativity:

Furthermore, because creativity is a discretionary quality that is hard to quantify, artificial intelligence will have a difficult time replicating it. The rigorous rule must not extend to a certain set of information for purposes of administrability, effectiveness, or justice, for example, and artificial intelligence is likely to overlook this important policy matter as well.[12] These concerns are highlighted by the fact that computers are unlikely to recognize when the implementation of the law should be restricted and that artificial intelligence has particular difficulty with manipulative, creative, and interpersonal intelligence tasks. Leading proponents of legal automation also ignore the proportion of total attorney revenue that is derived from tasks like legal search, discovery, document preparation, and case result prediction.[13] Providing legal counsel, gathering information, collecting documents, and putting facts into practice are all key sources of income for attorneys. Many of these tasks have no obvious computing replacements shortly, especially in the complicated and rapidly evolving sectors of law, regulation, and policymaking.

CONCLUSION

Automating straightforward legal tasks that are uncomplicated (like document coding) is a top priority. The argument about the potential breadth and severity of legal automation has so far centered on how easy or difficult legal duties are. The amount of regulation or liberalization that is expected to occur in the future, nevertheless, is equally crucial to the future of the legal profession.[14]

[10] John O. McGinnis, Machines v. Lawyers, CITY J., http://www.city-journal.org/2014/24_2_ machines-vs-lawyers.html (last visited Apr. 12, 2015).
[11] Id.
[12] John O. McGinnis & Steven Wasik, Law's Algorithm, 66 FLA. L. REV. 991, 993–94 (2014), available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2130085.
[13] Anthony Ha, LegalZoom Files for $120M IPO, Saw $156M in Revenue Last Year, TECHCRUNCH (May 11, 2012),
[14] Janson v. LegalZoom.com, Inc., 802 F. Supp. 2d 1053 (W.D. Mo. 2011); In re Boettcher, 262 B.R. 94 (Bankr. N.D. Cal. 2001); Thomas v. State, 226 S.W.3d 697 (Tex. App. 2007).

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It will likely take a while before scenarios involving competing rights, particular fact structures, and open-ended legislation can be automated. However, deregulation may deprive many people of their rights and make matters that were formerly complex easy. Take the current trend in contract law, which allows people can waive their ability to participate in class lawsuits or even seek redress in court via conditions of service contracts that practically no consumer examines. If the only legal question crucial for most clients was whether they "accepted," a robot could resolve almost all problems occurring in the aftermath of such contracts. Once the legality and actuality of consent under these circumstances are established, the results are wholly foreseeable.

On the other hand, new regulations that provide underprivileged parties additional rights may make it difficult to automate issues that now seem straightforward since one side is so obviously proper under the law. Additionally, it gives lawyers and policy advisers additional work to do as they attempt to find a middle ground between the public's right to be informed and individuals' rights to privacy and personal dignity. As a result, legal and social change may make conflicts that were formerly contestable practically automatable as well as make issues that were before mechanically decided subject to new degrees of contestation.

SUGGESTIONS

As an advocate, you desiderate to work in a field of law that is so professional that you can offer your patron a service that technology cannot. Robots are less effective when there is a dearth. Robots are neither good nor bad. They lack a moral disposition of what constitutes a felicitous answer, adequate behaviours, or befitting behaviours. Lawyers can become consultants in the sense that they effectively become legal consultants in terms of advising clients on what to do, why to do it, how to frame the issues, and how to provide a quality pickup and return service. Client demand more from lawyers than mere legal analysis; they want more help and added value, such as suggestions on how to deal with difficult situations and a lack of confidence in the results of the research process. They expect lawyers to consider, interpret and make suggestions relevant to their needs and those of the client.

JP Morgan Chase used a resolution assessment automation software, it is a good example. Additionally, they anticipated having 360,000 payrolls of agreement review work saved from the previous year. It was over in, maybe, a few seconds. You may not have a robot legal counsel perched next to you, but businesses and law firms use these tools to perform monotonous tasks, communicate with you while you work on boring tasks, review massive amounts of paperwork, seek out information, establish contacts, and reach conclusions. This is what machines are undoubtedly good at. They'll do it quickly, more thoroughly, and with minimal mistakes.

23% of the work performed by the ordinary advocate may be automated, according to McKinsey & Company. Non-legal professionals, settlements review and administration, and operational efficiencies will replace partners, legal experts, and legal professionals as the primary workers in the law enforcement career. Some of these tasks may even be automated. Given that it's mechanized, this may also result in a decreased need for that type of legal service. To maintain and grow their professions, legal professionals must thus refine and integrate their skills and increase their optimum advanced services for their clients. That could be automated if our only goals were to produce more work, faster, and with more efficiency, while also trying to be more ecologically responsible and function at our best. As

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a lawyer, what you should do is enter the realm of professional legal services, where you can deliver your clients legal advice on things that technology can't.

Machines are not flawless when there is uncertainty when the facts are vague or fluctuating when there are right answers, and when it doesn't provide knowledge. They lack any ethical knowledge of what constitutes the suitable response, the proper course of action, or the erroneous course of action: there is no appropriate or erroneous for the machines.

Because that is what clients need, attorneys may develop into real counsellors in terms of knowing what they must do, why they must do it, how to frame the issues, and how to provide a higher level of valet service. Clients want more from lawyers than just legal and analytical solutions; they want advanced advice on how to resolve issues that go beyond trusting the conclusion of the investigation and going beyond just the analytical outcome and the projection. Legal practitioners are required to absorb the information, contextualize it, and provide recommendations according to their needs and the client's preferences.

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