

The Impact of Artificial Intelligence on the Legal Profession

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Abstract

Artificial Intelligence, in simple terms, is the machine that will work as humans but does not have any emotional or personal touch. Today, the technologies are so advanced that it is developing in every field. One is AI, which is commonly used in the legal field. Although AI has more capacity than humans in the field of law, Lawyers think that using AI will replace them in the Courts, reducing their source of income. The question arises whether it is replacing the lawyers in the Courts. During the pandemic, the Courts have realized that technological advancement has helped them to deliver justice to the people. The paperwork reduction has shifted to e-rooms, where all the legal documentation is filed online. The ways of legal research have shifted with time. In this paper, the researcher will look into the application of AI in law and whether it is a good or a boon for the legal profession. Also, how does AI maintain the balance between machines and human ideas in delivering justice in the country? Whether there is any wrong research that has been done, the AI will be responsible or not for their rights and obligations and through which law it will be governed? These questions arise during the implementation of AI in the Country. Thus, the researcher will find out the loopholes and the impact of AI on the legal profession in India. The researcher follows the doctrinal research. The main objective of this paper is to figure out how delivering justice through AI will be effective and to examine the legislation to govern AI in the country. Lastly, the researcher provides a Conclusion and Suggestions.

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Introduction

The rise of technologies and globalization has brought good and bad effects, making the world seem to be getting closer. Out of all these changes happening around the world, Artificial Intelligence (AI) may be the old, especially in the legal field. AI is changing quickly, from Alexa and other virtual assistants to self-driving cars. John McCarthy, an American computer scientist, coined the word "artificial intelligence" in 1956. According to Merriam-Webster, "artificial intelligence" is the part of computer science that deals with making machines act like they are smart. It looks like robots that can think like people.²

Every professional field, including law, has been changed by artificial intelligence. Paperwork and managing data can now be done through software. Legal business is increasing around the world, and technology is getting better. Technology can replace everything except for some services requiring knowledge and good judgment. In recent years, AI has been used on a small scale but with great success in several industries, such as hotels with robot concierges, automatic entertainment, and cell phones. Several businesses have changed because of how AI has changed them.³

In terms of technology, the Indian legal field hasn't changed much in recent years, and lawyers still use the same methods that were made years ago. AI can significantly impact how lawyers in India do their jobs and how people in India see the law.

In the field of law, legal study is one of the areas where AI has the most potential to change things. The Indian legal system is vast and constantly changing. With the help of AI, lawyers can

² John O. McGinnis, "Law's Algorithm" 66 Florida Law Review 1050 (2014)

³ *Ibid*

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have a better understanding.⁴ Today, they use manpower and investment, but AI can save time and cost. This development of AI will balance the quality of legal research available to everyone. Today, legal startups such as CaseMine are creating legal research platforms to save legal firm's time. Further, many legal firms are developing their own AI research labs for more efficiency and effectiveness in legal research. Thus, it will be an effective technology for the Advocates and help them give better advice to their clients.⁵

Statement of Problem

It seems possible that digitization will change how legal institutions work, especially the Court. The technologies in the online courts improve to take advantage of AI; much of the legal process could be done without people having to talk to each other in public. In Amazon and eBay arguments between sellers and buyers, machines already do the work of judges. Most people can't afford to hire a lawyer to defend them in Court, so it's possible that shortly, low-value claims will be decided by machines instead of judges. Rich people can afford legal services that people with average incomes can't afford. This gap could get even more significant if machines instead of human courts handle cases for the latter group, which is much bigger.

Moreover, the Courts have moral authority because they are seen to respect each person and take into account their moral outlook, beliefs, goals, feelings, and social situation. Since robots don't have a first-person point of view, they don't know anything about these things. Instead, algorithms are made up of statistical patterns and not much else. So, AI decision-making could

⁴ Purvi Pokhariyal, *Artificial Intelligence: Law and Policy implications* 887 (Eastern Book Company, New Delhi, 3rd edn., 2022)

⁵ Ashmita Mitra "Artificial Intelligence and the Future of Legal Profession" 1 *International Journal of Legal Science and innovation* 2-12 (2019)

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lead to a gap between machine law and human ideas of justice and morality that keeps getting bigger, to the point where legal systems no longer have people's loyalty and legitimacy.

Even though there are risks to the stability of our legal systems, the use of technology in legal services is only going to grow because it has so many benefits. Digitizing courts can save money and make them work better. Many people can't afford to hire lawyers but could still get justice through computer-based decisions. Machines don't have a personal touch, but machine adjudication takes out things that algorithms don't care about, like emotions, and gives standardized results faster and for less money.

Even if there are short-term benefits, the gap between what AI can do and what people want and expect from it could grow to the point where people stop trusting legal structures. This could violate the rule of law and make it less legitimate. To make AI less dangerous, there is a need to figure out how to get the most out of what it has to offer without putting our law and social systems at risk. Things cannot change entirely, but machines might prevent injustice, and cases can be dismissed faster.

Research Objectives

- To analyze the benefits of AI technologies in Courts.
- To examine the loopholes relating to AI for the implementation of technologies effectively.
- To implement such laws for AI so that there can be no violation of the rule of law and the right to privacy.
- To make some recommendations for AI technologies in the Country.

Journey of Typewriters to AI in India

There was a time when people were using typewriters, and then computers were being used by them. The researchers do legal research in libraries and online portals to find various case laws, judgments, law reports and so on. Also, there is a change in fax to emails. However, there is a change in every area. Today, AI has been developed in the legal field. This will help how Advocated will work with AI and how future law can be seen in India.⁶

The AI Task Force Report was the first step in India's strategy for artificial intelligence. Further, the Ministry of Commerce and Industry put together this task group, which the Chairman of Tata Sons, N. Chandrasekaran, leads and whose strategy is to look at the financial benefits of using AI and figure out how it will help India. The main objective behind this was to make India the world's leading AI-rich economy.⁷

In India, the legal field uses their manpower, which is still labour-intensive. Most legal companies think that AI should not be used in Courts. The Indian legal system is complicated. The changing world with AI will help improve the development of Courts and make quick and better decisions. As there is growing competition, the Country also needs a change with AI implementation in legal research.

Benefits of AI

With AI technology getting better, lawyers can spend less time going through paperwork that used to take a lot of time. AI technology can help the legal field in many ways. Some of them are as follows-

⁶ Dr. Indrapreet Kaur, "Impact of Artificial Intelligence on Legal Industry" 4 *International Journal of Law, Management and Humanities* 346-354 (2021)

⁷ *Ibid*

(i) **Legal Research Work**

Legal research takes a lot of time because it is complicated and time-consuming. Since most law firms have to meet tight schedules, they need quick and accurate legal research work. This problem is solved by using AI software, which can improve efficiency and accuracy. It also saves time because, with one click, AI can bring up relevant case laws that can help courts make quick decisions. Thus, for better efficiency, the Courts must adopt AI technologies.⁸

(ii) **Due Diligence**

The process of doing "due diligence" takes a lot of time because lawyers have to review many legal papers. Converting and organizing so many essential papers is a complex and time-consuming process. But now that AI options are out there, the tedious work of due diligence can be done much faster and more accurately. Thus, AI will be more advantageous to save time than labour-intensive work.⁹

(iii) **Costs**

It can be cut, and productivity can go up by using AI to automate tasks and processes in the legal area. In-house lawyers should start using AI software because it can be a helpful tool, help cut costs, help come up with new strategies, and find and reduce contract risks, making the service more efficient and better. Using the best AI contract review tools is essential.¹⁰

For example, with help from Columbia University, a company called eBrevia was made. Its goal is to use machine learning and tools like natural language processing and AI-powered software to reduce the time it takes to review contracts and speed up the study and review process.

⁸ Teng Hu, "Study on the Influence of Artificial Intelligence on Legal Profession" 110 *Advances in Economics, Business and Management Research* 964-966 (2019)

⁹ *Ibid*

¹⁰ *Supra* note 1 at 7

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(iv) **Analysis of Legal Documents**

AI software can find important document outlines and help determine their meaning. It can also help lawyers with their cases by giving them judgments and precedent law to use before the Courts. Thus, AI can look over a lot of contracts quickly and efficiently, much faster than people can.

(v) **Electronic billing**

Legal software based on AI technology is used to create bills for lawyers based on their work. This helps the legal firms and the lawyer determine how much the lawyer should be paid for the work they did in a day.

Also, the *NITI Aayog's report, "National Strategy on Artificial Intelligence,"* talks about AI's obstacles, areas of focus, and growth worldwide. It said that it could be problematic for data privacy infringement of IPRs and lack of knowledge for using AI technologies. Still, with the dynamic changes, stringent laws should be implemented to regulate AI technologies in India. ¹¹

AI and Indian Courts

AI is just starting to be used in the legal system, but it is being adopted slowly by many countries, law companies, and courts. It helps lawyers save money and time by finding the flaws in court decisions or any contract or legal research. It will reduce the burden of courts, especially on minor offences. ¹²

AI Ross was made by IBM and is used by many law companies worldwide, especially in the United States. It is mainly used to check legal contracts, research, case laws, etc. Linklaters LLP,

¹¹ *Supra* note 2 at 5

¹² Rodney D Ryder, *Law & Justice Artificial Intelligence and Laws challenged Demystified* 1121 (Aggrawal Law House, Allahabad, 1st edn., 2022)

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a multinational law company, is also making an AI program called Nakhoda. Its goal is to make managing contracts and organizing legal data easier. Thus, these developments of AI make the work easy and faster which is useful for legal professionals.¹³

If we compare the present scenario of Indian Courts, there are a lot of backlogs of cases before the Courts. The people are waiting for a long time to seek justice. The phrase, "*Justice delay is justice denied*," is accurate in the current scenario. People should get justice on time, which they should get. To improve such a situation, AI technologies are a better solution, and through this, the Judiciary needs data science and AI to help the judges by using predictive technology to give them essential information about ongoing cases based on similar cases from the past. The analysis done by AI can help judges make decisions more quickly. Studies show that AI can be beneficial at the evidence stage, which is an integral part of any case and takes up much of the Court's time. Multiple delays are expected at this stage for reasons like the delay of the person in charge of the investigation or the absence of witnesses, among other things. AI technologies will predict such delays before the Courts. This would again help the judges as they would already know that there was a delay in similar cases in the past because they would already know what caused delays in similar cases, like murder, in the past.¹⁴

AI's growth in recent years

(i) **SUVAS stands for Supreme Court Vidhik Anuvaad Software.**

The SC has released an official AI-powered app that was made with the help of AI-trained machine translation technology. The primary purpose of this app is to

¹³ Shivani, "Artificial Intelligence in Legal Profession" 18 *Supremo Amicus* 2-10 (2020)

¹⁴ Darshan Bhora, "Demystifying the role of Artificial Intelligence in legal practice" 2 *NULJ* 2-7 (2019)

translate legal papers and orders from English into nine local languages. This is the first step our legal system has taken to use AI in the legal field.¹⁵

(ii) **The SC has a multilingual official mobile app**

The SC with the help of the National Informatics Centre has released an app that gives citizens real-time access to the display board, cases, daily orders, judgments, important circulars, and many other important information with just one click.

(iii) **E-courts**

This is one of the most significant changes made by the judicial reforms. It has saved much time, energy, and money because all vital information about court decisions and judgments is available online for free.

(iv) **IIT-Kharagpur made a system that uses AI to read court orders**

Researchers at IIT Kharagpur have made a system that uses AI to read orders and judgments and can also show where laws are being breached. This is all done using machine learning technology.¹⁶

Technology in Covid-19

Many people have died in the pandemic caused by a virus that spreads quickly. In the field of law, during the pandemic, it has been realized by the Courts that technologies are advantageous to make better decisions. The isolation during the pandemic has been established using online courts for urgent matters through video conferencing and e-filing.¹⁷

¹⁵ *Ibid*

¹⁶ *Supra* note 3 at 12

¹⁷ Aditi Prabhu, “Artificial Intelligence in the context of the Indian Legal Profession and Judicial System” Bar and Bench (2023) available at: <https://www.google.com/amp/s/www.barandbench.com/amp/story/columns/artificial-intelligence-in-context-of-legal-profession-and-indian-judicial-system> (last visited on August 29, 2023)

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In *Swapnil Tripathi v. Supreme Court of India*,¹⁸ the Court observed that proceedings should be streamed live, except in situations of rape, marriage, etc.

Further, Justice Sikri said that “*the delivery of justice is important, and technologies have played an important role during the pandemic in delivering justice to the citizens of the Country.*” There was e-filing of legal documents, e-payment of fees and many other things related to the cases to be filed on the online mode. These changes have made Courts shift from paperwork to e-rooms. Thus, AI advances the area of the legal field, and it should be adopted for more progress in the development of the legal profession in India.¹⁹

AI balancing machines devices and the legal profession in India

AI's growth in India's legal area has slowed down. It has been observed that only 5% of lawyers in India are using the benefit of AI and the rest are ignoring such technologies. For example, *Cyril Amarchand Mangaldas* may be India's first law company to use AI to change legal contracts and documents.²⁰

Former CJI Dipak Misra spoke at a conference and gave a good description of how AI affects the law field and how it affects the profession's future. He said:

*“The future of any technology depends upon how it will govern the Country. AI can improve development in many fields. But this requires stringent laws and regulations to progress in the Country. Thus, today, the Country does not have any legislation through which it can be regulated, and hence, it has pros and cons.”*²¹

¹⁸ W.P. (Civil) No. 861 of 2018

¹⁹ *Supra* note 4 at 16

²⁰ Muskan Garg, “Unveiling the nexus: The Intersection of Artificial and Law” 3 *International Journal of Advanced Legal Research* 4-15 (2023)

²¹ *Ibid*

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Similarly, the Former CJI, SA Bobde, has also said similar things and said “*AI in the legal system will give quick and better decisions. For making efficient and effective decisions, include AI technologies in legal research, which will help Judges and Advocates.*”²²

For example, it would help us manage courts better, making it easier for courts to handle their caseloads. This would be an easy thing to do. On the other hand, it will let us move judicial time away from daily matters like minor offences and move toward more complex, intricate matters that require more human attention and participation. So, the next goal in India should be to find out about these things and create the right technology.

However, AI might only be used sometimes in emerging countries like India because people want to avoid adapting to this new change. People are also worried that AI could have significant effects in places like India, which has a lot of people but needs more jobs and where most people are uneducated and poor.

Loopholes in the Implementation of AI in India

(i) Acceptance

Today, legal professionals have yet to accept AI fully. Lawyers want to use something other than this technology because they think it will make it harder to find work. They are worried that technologies will take their work at Court and their source of income will be reduced. Most top lawyers want to keep their routines the same and keep doing things like they've always done without using AI.²³

(ii) Legal Personhood

²² Arghya Mondal, Impact of Artificial Intelligence on Indian Legal System, Legal Services India, available at: <https://www.legalservicesindia.com/legal/article-10548-impact-of-artificial-intelligence-on-indian-legal-system.html#text=with20%the%20vast%20amounts%20ofjust%20approach%20to%20the%20law> (last visited August 27, 2023)

²³ Prof. Vijendra Kumar, *Artificial Intelligence and Law* 1234 (Bharat law Publications, New Delhi, 1st end., 2021)

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Artificial intelligence's legal personhood isn't defined anywhere else in modern law, and robots are so complicated that it's hard to say if laws and rules would still apply to them. Thus, until and unless rights and obligations are clearly defined, there will be a lot of confusion and chaos about whether something goes wrong and whether AI technologies are responsible or not.²⁴

(iii) **Lack of Correct Machines**

Machine learning is built on algorithms fed into computer systems, which act on them. The biggest problem is that AI uses old technologies which cannot give good results or correct results.

AI machines are complex machines that can learn and act independently, costing much money. Most AI-powered machines are made by companies in other countries, which makes it even harder for small and medium-sized law firms to get them. Only big law firms can afford them. Thus, investing in AI technologies available to everyone is difficult in the legal field.²⁵

(iv) **Privacy and Protection of Personal Data**

AI-driven machine learning robots must be built so people's information stays secure and has data privacy. In India, there are no stringent laws to protect data privacy, but for the implementation of AI, strict rules and regulations are needed to govern AI and keep the data safe. Thus, if people's information is unsafe, it leads to a violation of the right to privacy.²⁶

(v) **Lack of Injustice**

²⁴ Gauri Govilkar, "Artificial Intelligence-A Game Changer in the Legal Profession" Mondaq (2021) available at: <https://www.mondaq.com/india/new-technology/1077030/artificial-intelligence-a-game-changer-in-the-legal-profession> (last visited August 28, 2023)

²⁵ *Supra* note 5 at 23

²⁶ Kaushiki Sanyal, *Artificial Intelligence and India* 667 (OUP, New Delhi, 1st edn., 2020)

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Today, some vulnerable sections of society cannot afford court proceedings. The implementation of AI will not reach every person, and the poor and backward people in the society cannot approach the Courts, which will result in injustice in the Country.

AI: The End of Lawyers

In the legal field, there have been a lot of new ideas that have made lawyers more productive. These include drafting contracts, legal analysis, trademark search software, legal study software, etc. But none of the AI-based software is meant to replace lawyers. Instead, it helps make study and analysis more accurate and reliable.

In India, the legal field is still changing, and more tools and apps that use AI and are automated are on the way. The profession of a lawyer, which requires analysis, decision-making, and strategizing, will continue with these AI-based automatic helper programs. Instead, they will make lawyers more efficient and skilled while automating many clerical tasks. Thus, AI will have good, effective results for the lawyers in the Country.²⁷

Conclusion

Technology has changed the way the legal industry works. AI in the field of law has many advantages. It has helped lawyers do quick research; it can help judges make decisions with its predictive technology, data collection, legal research, analysis of any judgments or cases, and much more work related to the legal field. AI has many advantages, but it can't replace lawyers. AI can help them in some of their jobs, but it can't think strategically and needs to be more creative than people.

²⁷ Nibedita Basu, "Analysing the relationship between Artificial Intelligence and Law in Indian Context" 9 *International Journal of Innovative Research in Technology* 6-10 (2023)

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Moreover, it is also a machine that can provide quick results but cannot interpret like a human mind. Robots don't have emotional intelligence, understanding, or the ability to make something up on the spot before a Judge. Adding AI to the legal business has many problems, including the fact that it is still vulnerable to several risks. This means that a thorough legal framework is needed to control AI and stop it from using its clients' data for its purposes. However, once it is fully implemented in the legal field and has a proper legal framework then it will reduce all its risks. Thus, there is a need for the implementation of AI before the Courts with regulations.

Suggestions

- i. There should be separate legislation governing the AI's legal framework before the Courts. And also, an amendment under the IT Act for AI guidelines.
- ii. There should be defined rights and obligations for the AI-driven machine. If something goes wrong, then to what extent are such technologies responsible?
- iii. There is a need to protect the right to privacy as people's information needs security and data protection.
- iv. There should be a proper forum that can look over the problems in AI software so that it cannot make wrong decisions.
- v. There should be the implantation of AI in the poor and backward people in society so that they can also avail of such technology, and this will ensure the duty of States to promote welfare and free legal aid services.
- vi. Advocates and legal firms should use AI in their work, which will help to find out and analyze legal research, cases, judgments, and other related drafting of legal documentation. Further, it can be used to solve queries asked by clients. Also, conversion

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of different regional languages used in the Courts. This will reduce their workload and help them to improve their work effectively and efficiently.

vii. The Courts should adopt technologies that will reduce the paperwork and pending cases. Also, to find out quickly the precedents that can be available for similar cases in a speedy manner.

viii. The Government shall promote legal awareness of AI to lawyers and legal firms, which will reduce the burden of Courts and provide better decisions, and there will be no backlogs of cases in the Country.

ix. Disputes arising from AI shall be settled through arbitration, which will resolve the matters quickly rather than through courts. Hence saving time by resolving disputes through arbitration in the country.

x. Proper punishment has to be defined clearly for the accused who are engaging in the malpractices of AI and suspension of the licence of that software.

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