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The Impact of Artificial Intelligence on Legal Practice and Ethics

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Abstract: ***Artificial intelligence (AI) is changing many sectors by upending traditional methods of task execution. This wave of technical innovation is not exclusive to the legal profession. Even while AI isn't quite ready to take the position of human attorneys, it is already revolutionizing the legal profession. This essay will examine the advantages, difficulties, and possible ramifications of artificial intelligence for the legal profession.***

The legal profession has been profoundly touched by artificial intelligence (AI), which has changed customs and brought out new ethical issues. Artificial Intelligence has the potential to improve job quality, increase productivity, and democratize access to justice. It can also be used for contract evaluation, legal research, and document analysis. However, there are ethical questions that are also raised by the use of AI in legal practice. Bias, transparency, and privacy concerns have surfaced, requiring a careful balance between capitalizing on AI's advantages and reducing its possible drawbacks. The ethical ramifications become especially apparent when AI supports legal work rather than takes it over. It becomes increasingly important to make sure that AI applications abide by ethical standards and regulations as the legal profession continues to navigate the AI landscape, especially to prevent the illegal practice of law.

I. INTRODUCTION

Artificial intelligence (AI) is changing many sectors by upending traditional methods of task execution. This wave of technical innovation is not exclusive to the legal profession. Even while AI isn't quite ready to take the position of human attorneys, it is already revolutionizing the legal profession. This essay will examine the advantages, difficulties, and possible ramifications of artificial intelligence for the legal profession. "In a civilized life, law exists within an ethical sea," as said by Earl Warren, a former Chief Justice of the United States. In a democratic society, the laws specify the desired or, at the very least, still permissible behavior, making deviations punishable. The constitution establishes the nation's values. The law always lags since society is always changing and is dependent on scientific and technological advancements. Ethics must guide society until regulations can keep up. In less democratic nations, moral behavior could be against the law, and the water becomes contaminated to the point of poisoning. Regarding the latter, Robin Hood was a thief yet a hero to the majority of people. The difficulty of changing the law to reflect new advances increases with water's transparency. This covers both outright corruption and disloyal lobbying. This article addresses the "nature" of artificial intelligence, the dangers it poses, and the accountability for systematic mistakes from both a legal and moral standpoint.

II. METHOD

This essay looks at how artificial intelligence impacts legal practice and ethics, a qualitative research methodology wherein one or more scenarios are thoroughly examined using data-gathering instruments including audiovisuals, papers, and reports with several sources. This research not only tells how artificial intelligence has helped lawyers and advocates in their legal practice but also tells us the challenges and shortcomings of its use.

III. ARTIFICIAL INTELLIGENCE'S ASCENT IN LEGAL PRACTICE

The application of artificial intelligence in the legal field has grown in popularity recently. Artificial Intelligence has made significant strides in machine learning and natural language processing, enabling it to execute intricate jobs that were previously exclusive to human lawyers. Contract evaluation is one area where AI is already having a significant influence. Artificial intelligence algorithms are being used by startups such as Law CS Disco to examine contracts more quickly and accurately than human lawyers. By spotting problems and mistakes that human reviewers would have missed, these algorithms can greatly increase productivity while cutting expenses. Legal research is another important area where AI is being used in the legal industry. AI-powered semantic search engines are used by services like Thomson Reuters' Westlaw Edge to help attorneys locate pertinent statutes and case law more quickly. Artificial intelligence can evaluate enormous volumes of legal material and offer insights that help lawyers develop their cases and find pertinent authority. AI systems such as Quick Check can also review written arguments and make modification suggestions, or they can find overlooked legal precedents.

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A. *Artificial Intelligence Advantages for the Legal Profession*

Artificial Intelligence improves the effectiveness and precision of legal services, providing the legal profession with many advantages. Enhanced productivity is one of the main benefits. AI systems can complete jobs far more swiftly than human lawyers, which makes it possible for them to examine contracts, look up legal precedents, and examine paperwork more rapidly. Due to their increased efficiency, attorneys can take on more cases and devote more time to complicated legal matters that need human experience.

AI also ensures consistency and minimizes errors, which can enhance legal work. Large dataset analyses by AI algorithms can be done with great accuracy and with decreased error-proneness. AI gives attorneys more time to concentrate on more strategically and intellectually challenging facets of their business by automating time-consuming and repetitive procedures. Better client happiness and service may result from this[1].

The potential of AI to improve access to justice is another benefit for the legal industry. The difficulty of offering numerous people access to reasonably priced legal services has long plagued the legal profession. Artificial intelligence (AI)-driven technologies can fill this gap by providing reasonably priced options for the creation and evaluation of legal documents. Basic legal services are now more affordable for clients who would not have been able to pay for legal counsel in the past. A more equal justice system may benefit from this improved accessibility.[2]

B. *Difficulties and Ethical Issues*

Although there are clear advantages of AI for the legal industry, there are also important obstacles and moral issues that must be resolved. An important worry is the possibility of biased decision-making. Since AI algorithms are educated on historical data, they could be naturally biased. AI systems have the potential to reinforce and magnify current disparities in the judicial system if these biases are not recognized and addressed. It is imperative to guarantee equity and lucidity in artificial intelligence decision-making procedures to avert the bias consequences of AI algorithms. The inability to transparently and explicitly understand AI-generated results is another problem. Artificial intelligence algorithms frequently function as "black boxes," making it challenging for human attorneys and clients to comprehend the logic behind choices made by AI. Concerns about accountability and the capacity to contest legal decisions made by AI are raised by this lack of transparency. AI systems that can clearly explain their conclusions should be developed so that clients and attorneys may evaluate the accuracy and fairness of the outcomes produced by AI.

C. *Artificial Intelligence Future and the Legal Profession*

Although artificial intelligence is already changing the legal industry, it's vital to remember that AI won't completely replace human attorneys. The optimal use of AI tools is to supplement human expertise, not to replace it, by enhancing the talent
set of lawyers. To fully utilize the advantages of AI technology, lawyers must adapt and acquire new skills as part of the integration of AI into legal practice. AI is probably going to keep developing and playing a bigger part in the legal industry in the future. AI algorithms may be able to help with more complicated legal duties, such as contract drafting and outcome prediction, as they grow more advanced and capable of comprehending intricate legal ideas. But human lawyers will always have the last say in matters of law and ethics. Lawmakers, IT developers, and legal experts must continue to communicate and work together to guarantee the ethical and appropriate application of AI in the legal sector. To address the moral, legal, and technological issues raised by AI in the legal industry, precise rules and regulations ought to be put in place. In the changing legal landscape, lawyers can use technology to improve their practices and better serve their clients by accepting AI as a useful tool and managing its possible risks.[3]

IV. LEGAL AND ETHICAL OBLIGATIONS REGARDING ARTIFICIAL INTELLIGENCE

A. *Legal Responsibility*

The majority of talks and lectures on artificial intelligence encourage their audience not to picture the technology as the well-known Terminator from popular culture. For the sake of our argument, let's make an exception and envision Arnold Schwarzenegger's iconic "T-800." Originally designed to destroy all people, the resistance could take one of these devices (in the second film), therefore the new mission was to defend a specific person. By doing this, the system was able to learn from and adjust to various circumstances while adhering to its basic programming.

[1] https://www.legalserviceindia.com/legal/article-12968-the-impact-of-artificial-intelligence-on-the-legal-profession.html#google_vignette
[2] Patrick Henz, *Ethical and Legal Responsibility for Artificial Intelligence*, 1 DISCOV. ARTIF. INTELL. 2 (2021).
[3] https://www.legalserviceindia.com/legal/article-12968-the-impact-of-artificial-intelligence-on-the-legal-profession.html#google_vignette

Legal action about AI is the deadly collision that involved Uber's self-driving car test. The pedestrian who was crossing the road and pulling a bike was not properly detected and classified by the car's sensors, and as a result, the algorithm was not triggered to apply the brakes. The human co-driver, tasked with keeping an eye on the vehicle, failed to respond quickly enough to stop the collision. The co-driver was found guilty of criminal negligence by the court because she was distracted by her phone at the time of the collision. Uber, on the other hand, was not charged. Based on the knowledge that, as of right now, there is no autonomous self-driving technology (or "Level 5 Full Autonomy," as defined by the Society of Automotive Engineers, meaning that humans must always be prepared to take control at any time[4].

B. System Thinking

Allowing Law to go, let's explore what W. Edwards Deming, a system-thinker, has to teach us. He saw an organization as a single, interconnected system, which applies to both businesses and society as a whole. linking people not only with one another but also with ideas, data, and expertise [9]. An effective and efficient system has four pillars, as outlined in his model of the "System of Profound Knowledge": Understanding variation, Theory of Knowledge, Psychology, and System Appreciation

"A bad system will beat a good person every time" is Deming's conclusion if the system is out of balance, such as if one pillar is not sufficiently handled. The impact of "over trust in robots" is one illustration of this. According to an experiment conducted at the Georgia Institute of Technology, humans may choose to follow a robot—even one that is recognizable—in circles during an emergency evacuation rather than using their familiarity with the facility to make a quick escape.

The participants thought the machine was knowledgeable and had official authority to take command in an emergency (similar to the well-known Milgram experiment. In addition, it's possible that their elevated stress levels prevented them from seeing the machine's limitations. Human vulnerabilities arise when humans collaborate with AI due to cognitive biases. Utilizing these technologies with workers or clients carries moral responsibilities for businesses. It is important to keep an eye on court decisions in the future because judges may apply behavioral science and system thinking to their rulings.

C. Behavioral Science

Humans perceive Artificial Intelligence on the rise, as they have to witness a continuous series of defeats:

- 1977: Chess
- 2016: Go
- 2017: Poker
- 2018: StarCraft II
- 2019: Quake III

While there are only a few options in the first two board games, poker is a game of strategy, psychology, and luck. The proprietors of the algorithm gained more from the win than the algorithm itself, since IBM could promote Big Blue's triumph over current world chess champion Garry Kasparov. some casinos in Macau, a part of China, installed covert cameras and facial recognition software in addition to technologically enabled baccarat tables and poker chips to watch human players and anticipate potential money losses. This is intended to guide people—consciously or unconsciously—to certain locations. Another possible trap, but one that will cost more than just a selfie. Because humans believe AI to be on a higher plane, akin to the effect of learned helplessness, humans tend to accept algorithmic recommendations without critically examining them[5]. Monotonous conditions, such as sharing a car for hours on end, exacerbate these effects. However, we cannot attribute this to feeling hopeless and giving up. According to a 2019 Oracle and Future Workplace poll, 64% of respondents said they would rather trust a robot than their manager. Algorithms are thought to be better at solving problems, keeping track of tasks, managing finances, and giving objective information, in particular[6]. Legislators are becoming more aware of the value of behavioral science and are calling for organizational structures that value the human worker[7]. In light of this, businesses may face legal repercussions in the future if the necessary human supervisor is not part of a "good system," or if internal business procedures (such as the defined interaction with intelligent algorithms) dehumanize staff members and prevent them from taking on greater accountability or responsibility for their work.

[4] https://link.springer.com/article/10.1007/s44163-021-00002-4#citeas

[5] Seligman M, Maier S. Failure to escape traumatic shock. J Exp Psychol. 1967;74(1):1–9. https://doi.org/10.1037/h0024514.

Oracle. New study: 64% of people trust a robot more than their manager; 2019. https://www.oracle.com/corporate/pressrelease/robots-at-work-101519.html. Accessed 31 Aug 2021.

[7] HM Government. United Kingdom anti-corruption strategy 2017–2022; 2017. p. 65. http://data.parliament.uk/DepositedPapers/Files/DEP2018-1255/Anti-Corruption_Strategy_Year1_Update.pdf.

The risk is by no means new; in his several novels and short tales, including "The Metamorphosis" (1915) and "The Process" (1915), author Franz Kafka highlighted bewildering and irrationally complex bureaucracy. Internal training and effective procedures must prevent "Kafkaesque" situations; instead of restricting the workers, they should provide a safe environment in which they can behave and remain human.

This is not to say that technology should be ignored; on the contrary, intelligent solutions like chatbots, internal knowledge bases, and nudging solutions should be included. To lessen the automation bias, as Linda J. Skitka put it:

Omission Error: A software malfunction is overlooked by a person.

Commission Error: When a human overlooks an inaccurate automated error notice, it attempts to substitute accurate data with inaccurate data[8].

D. Ethics

The goal of artificial intelligence's conquering was to automate more white-collar and blue-collar occupations. In summary, since sophisticated algorithms are unable to absolve humans of their responsibilities, they must embrace internal accountability. Within the framework of the four eyes principle, AI can replace one pair of eyes. AI and humans will collaborate. Many people employ the "four eyes" method to lower internal hazards. Each component needs to be capable and separate from the others to guarantee this. These two conditions can be met by intelligent algorithms.

Since the law hasn't yet established its bounds, ethics must help. The trolley issue, modified for autonomous vehicles, is a perfect example to talk about the boundaries of ethics, despite its extremely improbable nature. In the given scenario, a self-driving car can only choose which of two groups to sacrifice; it cannot prevent a collision. This might consist of its passengers in addition to the two externals. Because it is such an extreme example, it is perfect for discussion. The Massachusetts Institute of Technology has created an online “Moral Machine” where users can examine their own choices in similar situations[9].

Artificial intelligence has the potential to worsen human suffering in the healthcare industry. How about choosing to put five minutes of agony for four people against fifteen minutes of suffering for only one person? How about weighing the extreme anguish of two people against the little suffering of fifty?[10] According to the Stanford Encyclopedia of Philosophy, utilitarianism is the belief that the action that results in the greatest good is the ethically correct one, even though there are numerous variations on this viewpoint. An obvious mathematical explanation that is, in the first instance, ideal for algorithms to solve to move closer to a possible "theory of everything." Theories such as "effective altruism" use logic and facts to precisely address the question of what behavior results in the most good. The fundamental tenet of this idea is that everything has worth. Simple queries like "Which building—a library, a place of faith, or a server room guaranteeing the efficiency of the Cloud—has a higher value" already introduce the problem. And what about human life's worth? Every civilization will come up with a distinct explanation, one that varies from member to member and from subgroup to subgroup. Movements such as "Black Lives Matter" demonstrate that individuals believe their lives are less valuable than those of others, which is unacceptable. It takes more than a simple counting of individuals to have a nuanced philosophical conversation about what causes the most good (or, in the trolley example, the less evil). Although there may never be universal solutions, we must have courageous conversations within society about these issues rather than leaving them to the definition of businesses and organizations. Data and information can be supported by artificial intelligence, but only human knowledge and wisdom are capable of making decisions, even the decision not to make a decision.

The outcome would be laws and regulations, also referred to as "rule utilitarianism" or "rule consequentialism," in which the defined rule or process that foretells the most favorable conclusion is followed rather than the possible action that would provide the greatest benefit[11].

In contrast to utilitarianism, Immanuel Kant's Categorical Imperative[12] states that a moral choice must be accepted by all parties concerned. As such, a choice such as the one to sacrifice the person in the trolley scenario is unacceptable. Laws might be understood differently depending on the philosophers and values of the society. Germany's regulations for self-driving cars mandate that the machine's primary goal be the preservation of human life. In doing so, the system must not take into account characteristics like age, gender, or physical or mental constitution, like in the case of the dilemma scenario.

[8] Skitka L. Automation Bias; 2021. https://lskitka.people.uic.edu/styled-7/styled-14/#:~:text=Automation%20bias%20refers%20to%20a,to%20monitor%20on%2Dgoing%20tasks. Accessed 31 Aug 2021.
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Furthermore, "*parties involved in the generation of mobility risks must not sacrifice non-involved parties*"[13]. This could indicate a choice that goes against utilitarianism; for example, if the autonomous vehicle has to choose between sacrificing one pedestrian and the four people inside, it must choose the latter. In contrast to a pedestrian, a car's driver and passengers, whether autonomous or not, always present a risk and, as such, bear some liability, at least in cases where the technology's maker or the pedestrian in question did not act negligently and broke the law without the driver's knowledge.

V. DESPITE THE CHALLENGES, ARTIFICIAL INTELLIGENCE HOLDS IMMENSE POTENTIAL TO IMPROVE EFFICIENCY ACCURACY, AND ACCOUNTABILITY WITHIN LEGAL PRACTICE

Artificial intelligence (AI) has become a potent instrument that has revolutionized several industries in recent years, and the legal field is no exception. AI is transforming the practice of law, from research and document review to contract analysis and case outcome prediction. We shall examine the substantial influence of AI on the practice of law in this blog, as well as its advantages, disadvantages, and potential consequences. Enhanced Legal Research: AI-driven research instruments have significantly sped up the legal research process, giving lawyers access to a plethora of data in a much shorter amount of time. AI systems are capable of accurately analyzing and summarizing legal texts, precedents, and case laws thanks to advances in machine learning and natural language processing. This raises the caliber of legal arguments in addition to increasing the effectiveness of legal research[14].

Document Analysis and Review: The manual, traditional method of analyzing and reviewing documents takes a lot of time and is prone to mistakes. Large amounts of documents, contracts, and legal agreements can now be swiftly scanned and analyzed by AI-based algorithms to look for pertinent information, possible hazards, and compliance problems. For legal firms, this automation saves a significant amount of time and money, freeing up attorneys to work on more strategic and valuable projects.

Predictive Analytics and Case Outcome Prediction: By analyzing past data and trends, AI-driven predictive analytics algorithms are being used to forecast possible legal case outcomes. AI algorithms can give lawyers insights into the advantages and disadvantages of their cases by evaluating a plethora of case law, the rulings of judges, and other variables. This facilitates the development of better litigation tactics, more informed decision-making, and more precise client counsel for lawyers[15].

Legal Automation and Efficiency: Artificial Intelligence (AI) can be used to automate repetitive and routine legal operations, including due diligence, contract preparation and review, and compliance checks. Virtual legal assistants and intelligent chatbots can also address routine legal questions, freeing up attorneys' time for more intricate and specialized cases. Artificial intelligence (AI) streamlines these procedures, lowers expenses, and frees up legal professionals to concentrate on high-value work.

Difficulties and Ethical Issues: Although artificial intelligence (AI) has many advantages, there are certain difficulties and ethical issues with its application in the legal sector. To guarantee the ethical and responsible application of AI technology, concerns including data privacy, algorithmic bias, accountability, and transparency must be properly considered. Attorneys need to be on the lookout for ways to protect client privacy and make sure AI systems don't reinforce or magnify prejudices already present in the legal system. Future Repercussions: There will be a great deal of future ramifications from the ongoing process of integrating AI into legal practice. We may anticipate AI becoming more complicated and capable of managing challenging legal duties as technology develops. But it's crucial to understand that in the legal field, human judgment, empathy, and critical thinking abilities are indispensable, and AI cannot take their place. Rather, AI ought to be viewed as a potent instrument that enhances and supplements human knowledge, allowing attorneys to deliver better and more effective services.

VI. CONCLUSION

Artificial intelligence presents both opportunities and problems for lawyers as it transforms the legal profession. AI is transforming several areas of legal practice, including contract assessment, legal research, and outcome prediction. The application of AI poses questions regarding prejudice, transparency, and privacy even while it can boost productivity, accuracy, and access to justice.

Careful study of the ethical issues and the creation of suitable rules are necessary for the integration of AI into the legal profession. Lawyers may navigate the evolving legal profession and offer their clients better services by adopting AI as a tool and fusing it with human experience. To properly take advantage of this game-changing technology, legal practitioners must stay informed, adapt, and pick up new abilities as AI continues to advance.

[13] German Federal Ministry of Transport and Digital Infrastructure. Ethics Commission Report: automated and connected driving; 2017. p. 7. https://www.bmvi.de/SharedDocs/EN/publications/report-ethics-commission-automated-and-connected-driving.pdf?__blob=publicationFile. Accessed 9 Sept 2021.

[14] https://worldlitigationforum.org/articles/exploring-the-impact-of-artificial-intelligence-on-legal-practice/

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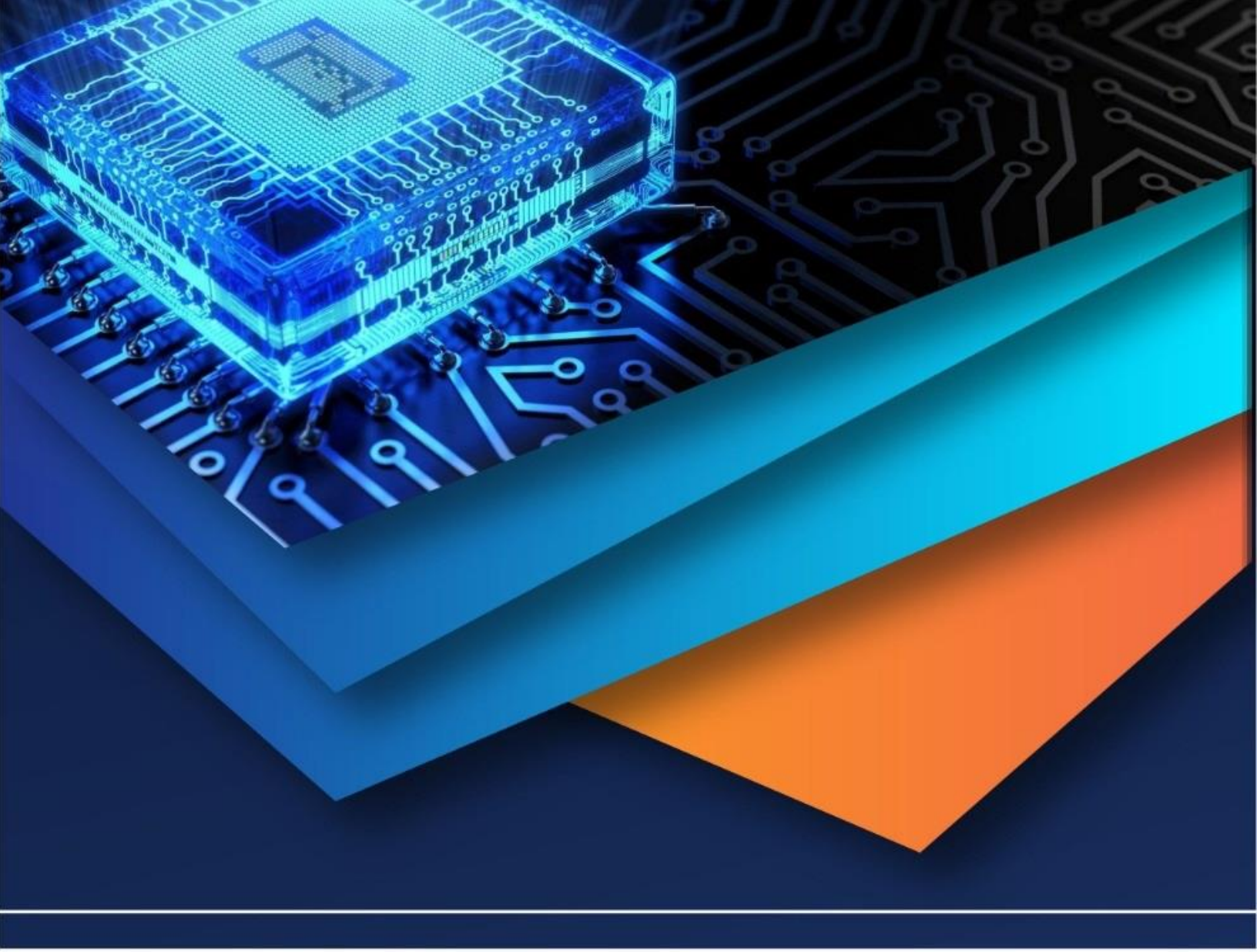
Legally speaking, rules are still lagging, and the first court rulings will be important in determining how the legal community understands current and future legislation. However, based on a request for information from US banking regulators, such as the Office of the Comptroller of the Currency, Federal Deposit Insurance Corporation, Board of Governors of the Federal Reserve System, Bureau of Consumer Financial Protection, National Credit Union Administration, and Bureau of Consumer Financial Protection, it can be assumed that governments view AI as a tool that entails ownership responsibilities: "With appropriate governance, risk management, and compliance management, financial institutions' use of innovative technologies and techniques, such as those involving AI, has the potential to augment business decision-making and enhance services available to consumers and businesses". The European Parliament had said as much in its procedure 2020/2013: "People must always have ultimate responsibility for decision-making processes so that the human responsible for the decision can be identified. Autonomous decision-making should not absolve humans from responsibility". The 2020 conclusion stated that current legislation lacks "clear requirements and the characteristics of AI technologies... make it difficult for persons having suffered harm to obtain compensation under the current EU and national liability legislations." This document serves as inspiration for implementing adequate legal requirements. Product responsibility rules are applicable regardless of AI's involvement; nevertheless, in the absence of more specific legislation, it may be challenging for potential victims of systematic errors to establish their case in court. Companies in nations like the US have resolved matters about AI's accountability before a court ruling, rendering them unfit to serve as the foundation for lawsuits in the future.

Unlike humans, all AI decisions—even the quickest ones—are methodical because algorithms are at play. In summary, deeds invariably result in accountability; if not in legal ramifications (as effective legal structures have not yet been developed), then at least in moral ones. Not by the machine per se, but by its designers and operators. The issue is not whether or not they were aware of the possible hazards and poor decision-making; rather, it is whether or not they had the opportunity to comprehend the risk and recognize such.

The legal industry is changing as a result of artificial intelligence, which is transforming how attorneys perform research, evaluate documents, forecast results, and automate repetitive operations. Artificial Intelligence (AI) has enormous potential to enhance legal practice's efficiency, accuracy, and accessibility, despite its limitations and ethical implications. Lawyers may make use of AI technology and better navigate the constantly changing legal world by adopting it ethically.

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