
ARTIFICIAL INTELLIGENCE AS AN ADVOCATE

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ABSTRACT

The gradual introduction of artificial intelligence in the legal field signifies an evolutionary change in legal roles, procedures, and expectations. This research paper seeks to critically assess the holistic impact of AI as an advocate covering various other topics such as implications of AI-powered legal research tools, statistical implications, and ethical repercussions. This research paper will attempt to explore the functionality and public perception of AI as a legal advocate. The introduction will briefly explain what artificial intelligence as an advocate means. It will give a conceptual understanding of AI as an advocate and will help us explore the different implications and applications of AI-powered legal research tools. AI is prominently used in legal research and legal document review. It assists advocates and legal researchers in analyzing current provisions in the legal system and provides relevant arguments for cases. Every country has a vast legislation for governing their society. It becomes difficult for advocates to go through the whole legislation to prepare their arguments. Legal databases and different legal chatbots, which are powered by natural language processing algorithms provide users with a basic conceptual understanding of complex legal provisions. Machine learning algorithms assess preceding legal data for trends, providing attorneys with insights into prospective case developments. This predictability facilitates decision-making, empowering legal professionals to design more informed and strategic litigation approaches. Artificial intelligence has evolved drastically in the past few decades. During the 1990s-2000s, the use of legal databases increased and became a crucial legal information retrieval system. This also led to the rise of electronic documents. In the 2000s-2010s, e-discovery became popular as it was hard to retrieve particular information from the vast legal content available. From the 2010s to the present, numerous legal research tools that are powered by A.I. They provide sophisticated research capabilities and summarize large volumes of legal content. Now, artificial intelligence is also used in forecasting case outcomes which helps the advocates to prepare their arguments accordingly. Further, natural language processing, one of the key components of AI, will provide

arguments depending on the case. The research paper will further delve into the public perception of AI as an advocate and its ethical implications. Lastly, the research paper will analyze the future role and potential challenges faced by AI as an advocate.

1. INTRODUCTION

In 1956, a conference was held at Dartmouth College. This conference was organized by John McCarthy, Marvin Minsky, Nathaniel Rochester, and Claude Shannon where the term “artificial intelligence” was coined. Researchers at the meeting were upbeat about the prospect of developing machines that could mimic human intelligence. This marked the beginning of the use of AI in the academic field. During the 1960s, researchers in various fields started to explore AI as a problem-solving tool with rule-based systems for which LISP (list processing) language was used. The 1980s was a special period as the practical application of expert systems was introduced in the legal field. RAP, which is, Stanford’s Research Institute Argument Processor, was also developed to provide legal reasoning and assistance to lawyers and legal researchers. In the 1990s, popular legal databases like Westlaw and Lexis Nexis began to combine AI and natural language processors to enhance their search capabilities and access to various legal documents. The 2000s-2020s saw the rise of legal chatbots and predictive legal analytics which assist advocates in argument preparations and decision predictions. Currently, the legal field is seeing a rise in AI as an advocate where it not only assists lawyers but is in incorporating the values of the same. Now, the question arises what does artificial intelligence as an advocate mean? AI has revolutionized the legal field as it is slowly replacing traditional legal research techniques and providing faster and more accurate methods of exercising legal research and argument construction. AI in the legal field as an advocate can be seen as it helps in legal research, document review, predictive analysis, contract management, etc. The ability to assist and provide information in legal research is a cornerstone of its role in advocacy. The ability of AI to conduct legal research is fundamental to its advocacy role. Advanced algorithms allow for the rapid study of massive legal datasets, giving legal experts timely access to a large diversity of case law, statutes, and precedents. This accelerated research phase improves advocates' capacity to create fully conversant assertions based on thoroughly comprehending the appropriate legal frameworks. Nowadays, AI is used in predictive analytics. This function has the power to change the legal field. AI algorithms gather historical case data and predict the likely outcome of future legal disputes. Through this function,

legal practitioners make well-informed decisions in disputes, settlements, and negotiations. This also helps lawyers indulge in strategic work. AI as an advocate, in the present context, means the usage of AI algorithms and tools for assistance in argument preparation and legal research. AI is not yet fully capable of being an independent entity that can practice law. This topic is discussed in detail in the following pages.

2. OPPORTUNITIES PROVIDED BY ARTIFICIAL INTELLIGENCE AS AN ADVOCATE

A. Meticulous Legal Research:

Legal research requires the study and analysis of various legal provisions, the prediction of future provisions, and different case analyses. AI-powered tools allow the user to complete all these necessary processes in less time and with more accuracy. AI algorithms help the user understand complex legal provisions in such a way that he/she can write and easily complete his/her research. If this is not enough, AI tools can compile the required data in a few minutes. AI algorithms can go through different legal databases, gathering case laws, statutes, etc, and provide concrete information according to the users' requirements. This helps the research to be precise, concise, and informative. Today, various legal databases have AI-powered algorithms that make it easy for the user to search and extract necessary data.

B. Predictive Analytics:

With rapid advancement in the realm of artificial intelligence, the legal landscape is going through a profound change. Another opportunity provided by AI-powered tools is to predict the outcomes of cases. This is called predictive analytics. AI algorithms analyze historical case data, their judgments, and different legal trends and provide advocates with an outcome that is accurate to a degree. Through this, lawyers can form their arguments in such a way that can be in their favor. Advocates can use this function to leverage and come up with the best legal strategy. The function of predictive analytics can also help clients to make informed decisions in settlement negotiations. Predictive analytics also contribute to facilitating data-driven analysis in legal decision-making.

C. Legal document generation:

Legal documents, such as agreements and contracts, were traditionally generated by humans. Generating these documents requires a lengthy process leading to delays in deals and mergers.

With the help of AI-powered tools, contracts can be generated quickly and with efficiency. There may be room for error but as there are advancements in real AI, the errors are automatically routed out. This helps lawyers generate legal documents with less effort and less time. Lawyers are now slowly but surely using AI contract tools to automate the process. AI-powered legal document generation tools have led to the process of whole legal document generation being more time-saving, less effort, and more efficient.

3. CHALLENGES BY ARTIFICIAL INTELLIGENCE AS AN ADVOCATE

A. Opaque decision-making process:

There is a rise in the use of AI in the decision-making process. This may reduce the efforts and time constraints but this also leads to a lack of transparency in the decision-making process. AI-powered tools use complex language due to which it is hard for legal professionals to comprehend the information. AI algorithms may give concrete information from the vast legal landscape but it becomes hard for the user to understand it, let alone explain it to their clients. This leads to opacity in the decision-making process. The judge or the lawyer cannot form a logical basis of reasoning in their decisions or arguments due to a lack of understanding of the content provided by AI algorithms. Also, it is hard for the advocates to explain the basis of reasoning of the decision provided by AI through predictive analytics to their clients or the judge. The use of predictive analytics will also confuse the user as the outcomes will be uncertain and it will become difficult for the user to prepare his/her arguments.

B. Breach of privacy:

Data protection and individual privacy are some of the most important debates that are ongoing in the public domain. To add more complication, the AI algorithm and AI-powered tools use personal and sensitive information to make legal decisions. There are many cases where there is a breach of privacy by AI. In the legal field, where clients share their information with their lawyers, using AI-powered tools can be risky as these tools do not have a limit for extracting information. The only goal of these tools is to provide information that will help the user. There are no ethical and moral boundaries set for AI algorithms. They can use personal information and make a biased decision. This also increases the chances of biased decisions. Breach of privacy can lead to a violation of the **Information Technology Act, Section 43 A** which states that “Where a body corporate, possessing, dealing or handling any sensitive personal data or information in a

computer resource which it owns, controls or operates, is negligent in implementing and maintaining reasonable security practices and procedures and thereby causes wrongful loss or wrongful gain to any person, such body corporate shall be liable to pay damages by way of compensation to the person so affected.”¹

C. Ethical Challenges:

This is the important challenge faced by AI as an advocate. AI-powered tools run on algorithms that analyze different datasets and statistics. If the source from which these tools extract information is biased, then the arguments or the outcomes provided by AI will also be most likely to be biased. This will lead to biased legal decision-making and therefore will also raise other ethical concerns. Another point to be noted is that AI is software, not a human. This means that in cases where human judgment is required, for example, a case where petty crime is committed, the AI algorithm will most likely give harsher punishment. AI may become human-like but it cannot become a real human being. It does not have any ethical boundary and therefore the punishment and remedies provided by AI will not take any ethical considerations. These punishments can be harsher than they are required to be. This can also lead to the public not trusting their legal system, which is a big problem. Ethics, morality, and sympathy are unknown territory for AI and the various tools that run on it, and therefore it is best to take as little help from AI as possible.

4. PUBLIC PERCEPTION:

The most important aspect of this topic is public perception. It is correctly said by *Abraham Lincoln, the 16th President of the United States of America*, “*Democracy is the government of the people, by the people and for the people.*” Democracy can be upheld when justice is rightly given to those who seek it. Artificial intelligence as an advocate will have a nationwide impact. Therefore, we must see what public perception is regarding this topic. In an article written by Gizem Yelsin, Erlis Themeli, Evert Stamhuis, Stefan Philipson and Stefano Pultoni on the perception of AI in justice, it is stated that “*Considering individuals’ trust towards algorithmic and human decision-makers, general finding in this line of research is that even though algorithms objectively outperform humans (Kaufmann and Wittmann 2016; Grove et al. 2000; Camerer 1981; Meehl 1954), individuals are often reluctant to rely on algorithms (Yeomans et*

¹ The Information Technology Act, 2000, §43A

*al. 2019; Dietvorst et al. 2015; Dzindolet et al. 2003; Dawes et al. 1989). For instance, individuals trust a human advisor (e.g., a doctor) more than an algorithmic advisor (Longoni et al. 2019; Promberger and Baron 2006). In the field of online dispute resolution (ODR), recent work by Sela (2018) documents individuals' positive perception of procedural justice when online software is used as a mediator, but a negative perception of procedural justice when online software is used as an arbitrator (Sela 2018)."*²

The article mentioned above tells us about the public perception of artificial intelligence in the legal system. It provides us with the information that the public trusts the judges to make unbiased and just decisions. People do not fully trust AI algorithms for justice; henceforth, minimum use of AI algorithms should be there in the legal field. Currently, people are not ready to rely on AI for their justice. Trust is needed to be built and then only AI can be used on a large scale in the legal landscape. According to the article provided above, people trust human judges and advisors in negotiations. The public is skeptical about trusting the suggestions provided by AI algorithms. This also tells us that people are not yet ready for the use of artificial intelligence in the legal system. Therefore, it is concluded based on public perception that the integration of artificial intelligence into the legal system should be slow and steady. First of all, people need to trust AI algorithms. Then only they would be able to rely on it and after some time artificial intelligence can be used more profoundly in the legal landscape. One thing is sure, the process of integration of artificial intelligence into the legal system will take time. People are becoming aware of the opportunities provided by AI as an advocate.

5. FUTURE IMPLICATIONS:

*"Most international law firms have already shifted resources from hiring/retaining associates to making stuff like their own ChatGPT version for law. AI could easily be powerful enough to replace both lawyers and judges in the coming few decades (maybe not as it exists today)."*³ Artificial Intelligence is rapidly developing in every profession. It may be possible that shortly, artificial intelligence may replace human lawyers and judges. This will result in large-scale unemployment in the legal field. In the past, mankind has adjusted and found a way to exist

² Yalcin, G., Themeli, E., Stamhuis, E. *et al.* Perceptions of Justice By Algorithms. *Artif Intell Law* **31**, 269–292 (2023). <https://doi.org/10.1007/s10506-022-09312-z>

³ <https://www.businesstoday.in/technology/news/story/can-chatgpt-replace-lawyers-ai-powered-robot-lawyer-is-already-winning-cases-and-even-sued-for-malpractice-379800-2023-05-03>

and work with machinery when industrialization occurred. Same way, when artificial intelligence is used vastly across the legal landscape, human lawyers and judges will adjust themselves and find a way to work with AI. It may be possible that both will complement each other. This means that AI will enhance lawyers' accuracy and speed in argument preparation and human lawyers will use AI in a way that will help in the growth of the legal system. There will be a symbiotic relationship between AI and human legal professionals.

6. CONCLUSION:

Law is a profession that is in a continuous evolution as time goes on. With the rise of artificial intelligence, it will evolve again. To conclude, AI is a tool that is used by lawyers and judges for a faster process of providing justice to the people. As the world evolves, legal professionals will continue to use AI-powered tools for legal research, document review, and predictive analytics. Rules and regulations must be established for this so that legal and ethical boundaries are not crossed. AI will rather complement and enhance the capabilities of legal professionals. It cannot replace their unique skill set, experience, and expertise. Therefore, it can be concluded that artificial intelligence and lawyers will have a symbiotic relationship where both entities will complement each other in a way that they both grow. This will also lead to the overall growth of the society. But for now, society cannot fully rely on artificial intelligence to uphold the law and ensure justice.