

AI in the Courtroom: Evolving Dynamics in the Legal Profession

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Abstract: Artificial Intelligence (AI) bringing significant transformation in various industries, and the legal profession is no exception. The inclusion of AI in law has raised expectations, with promises of easing court congestion, streamlining investigations, and ensuring more consistent and fair sentencing for certain offenses. While AI can indeed assist advocates, investigators and judges in tasks such as evidence discovery and legal summarization, the current landscape reveals challenges and ethical concerns that intersect with real-world usage, prompting critical questions about human rights. This research paper delves into the evolving dynamics of AI within the courtroom, analyzing its profound impact on the legal profession. Examining the applications of AI, its integration into legal processes, and the associated challenges and opportunities, the paper utilizes real-world examples to illustrate the practical implications of AI in legal settings, providing insights into its transformative potential. Additionally, the research explores the advantages of integrating AI technology into the legal field, scrutinizes its effects, examines the regulations governing its application, and considers potential obstacles that may arise.

Keywords: Artificial Intelligence, Court, Legal, Privacy.

1. INTRODUCTION

Artificial Intelligence refers to development of computer systems with the ability to perform tasks which traditionally associated with human intelligence, such as learning, reasoning, problem-solving, perception, language understanding, and decision-making. AI systems can be rule-based or machine learning-based, allowing them to adapt and improve with experience. Using AI in the legal field is like a big change, bringing new chances to make things work better, be more accurate, and easier to access. Traditionally, the image that comes to mind when thinking about lawyers is of a person in a suit, communicating in a specialized language, and surrounded by numerous papers. The legal profession has been perceived as conservative regarding technology and innovation. However, this perception is changing. The legal landscape is undergoing rapid transformation, with Artificial Intelligence revolutionizing the way attorneys

practice law. For lawyers, it's important to understand how AI affects court and legal processes because it's changing how things are done. AI is capable of generating work products, conducting legal analyses, and making predictions,

distinguishing itself from tasks like providing information, such as search results, which necessitate review and analysis to produce work products. While the potential use of AI in the legal field is significant, it carries inherent risks and should be approached with caution as the field evolves. AI can perform various legal tasks, aiding counsel in promptly and efficiently representing clients, but it should be seen as a tool rather than a substitute for attorney work products and diligence. In essence, AI can enhance efficiency and provide advice to clients, but counsel must continue to fulfill their roles, exercising care and judgment and ensuring that any reliance on AI-generated results is verified and reasonable.

What is an artificial intelligence?

The term Artificial Intelligence (AI) was introduced by John McCarthy, recognized as the pioneer of AI. Artificial Intelligence (AI) is a vast field of computer science focused on creating systems capable of doing tasks typically requiring human intelligence. It involves developing machines that can think, understand, and act independently, replicating certain aspects of human behaviour. AI systems can solve complex problems, analyse data, learn from experiences, and make decisions with efficiency and accuracy. As AI advances, it opens up new possibilities and challenges, shaping our interactions with intelligent machines in various aspects of life.¹

intersection of artificial intelligence and law, <https://ijalr.in/wp->

¹ Muskan Garg & Nandini Aggarwal, Unveiling the nexus: the Copyright © JURJ <http://jagannathuniversity.org/jurj>

Artificial intelligence has different forms, including narrow intelligence and general intelligence. Narrow intelligence is focused on specific tasks with limited capabilities, such as voice assistants, internet browsing, and reactive functions commonly employed in various applications like Siri, Alexa, and Netflix. On the contrary, general intelligence refers to programs that don't have a specific task but rather function more like humans. Gottfried Wilhelm Leibniz "*It is unworthy of excellent men to lose hours like slaves in the labor of calculation which could safely be regulated to anyone else if machines were used*"² This assertion makes sense because technology is advancing quickly these days. But when it comes to law, which is a practical field, it's not keeping up with using artificial intelligence, because studying law involves using your brain to understand and follow rules, and introducing artificial intelligence might not fit well with that. Currently, India does not have a specific law to regulate artificial intelligence (AI).

2. Pros of Artificial Intelligence in Field of Law

2.1. Drafting and Reviewing:

AI plays a role in the creation and examination of legal documents, including contracts, briefs, and demand letters. It can generate initial drafts and offer language suggestions for legal documentation. Additionally, AI can review agreements to detect and rectify issues like missing, inconsistent, or inaccurate terms.

2.2. Legal Research and Analysis:

AI tools, including natural language processing algorithms, have made legal analytics more efficient. These systems are capable of searching vast databases, considering case law, and providing relevant information to attorneys quickly and accurately. Platforms such as ROSS Intelligence and Westlaw are examples of how AI is being used to streamline the legal review process.

2.3. Beneficial for corporate firms:

Firms are busy all day with heavy work and meetings, with high-profile lawyers. Information, scheduling client meetings, documentation, company policies, managing case reports and many others are part of daily tasks. Artificial intelligence therefore helps companies reduce workload by creating a separate format for occasional documents and information in the form of softcopy and helping clients to organize meetings held at online which becomes convenient and less time-consuming design.

2.4. Predictive Analytics:

AI algorithms in predictive analytics analyze historical data to anticipate case outcomes, identify litigation trends, and foresee potential threats. This enables attorneys to make well-informed decisions, devise effective litigation strategies, and provide clients with sound counsel.

2.5. Documenting Mechanism:

A complex business case and related discoveries can involve the creation of large documents, sometimes tens of thousands of documents or more and AI must review each document individually. Human searches can be time-consuming and expensive and there is a risk that relevant documents will be inadvertently overlooked. AI has the capability to analyze unconventional materials, documents and case reports which helps attorneys identifying relevant material.

2.6. Artificial Intelligence identifies unknown threats:

Man cannot know all the threats a company faces. Hackers target millions of people each year for various reasons. Unknown threats can cause severe damage to the network. Even worse, they can have an impact before you, recognize them, and stop them. As attackers experiment with new tactics ranging from sophisticated social engineering to malware attacks, they need to deal with them using modern solutions. AI has proven to be one of the best technologies for mapping and preventing unknown threats from damaging a company.

content/uploads/2023/07/artificial_intelligence-and-law.pdf
(Last visited Nov 24, 2023).

² Shivani, Supremo Amicus, Artificial Intelligence in legal

3.1. Privacy Concerns:

With the ever-present threat of hacking, it is difficult to keep all data and information completely secure. Peoples are hesitant to trust online systems because of privacy, constantly raising concerns about protecting sensitive information. Consequently, because of these perceived risks to information and security, some argue against the use of artificial intelligence in law.

3.2. Job Displacement:

The automation of certain legal tasks with AI could result in some lawyers being dismissed, especially in fields such as document analysis and legal research. However, AI is also creating new business opportunities in the industry such as AI system development, data analytics and legal consulting.

3.3. Regulatory challenges:

The legal industry operates within a complex regulatory framework. Integrating AI technologies raises challenges related to compliance with data protection laws, intellectual property rights, and professional ethics. Developing appropriate regulations that address the unique aspects of AI in the legal context is essential³.

3.4. Limited Domain Expertise:

AI systems depend heavily on the quality and quantity of accessible data. In some special or niche legal areas, where available data is limited, the effectiveness of AI applications may be restricted. AI systems can face challenges in handling complex legal issues that require deep domain knowledge, making them more adept at handling nuanced aspects of the law in specific areas in some cases.

As per a recent news report⁴, a New York lawyer used ChatGPT for legal research and included six case citations in a brief filed with the court. However,

³ Cabral, Tiago Sérgio. "Ai and the Right to Explanation: Three Legal Bases under the GDPR." Data Protection and Privacy, 2021

⁴ Sara Merken, New York lawyers sanctioned for using fake ChatGPT cases in legal brief, available at:

opposing counsel could not find any of the cases, and the lawyer had to admit that he didn't independently confirm their legitimacy. The judge-imposed sanctions on the concerned lawyers and their law firm were fined to pay \$5,000 in total.

4. Global Applications of AI in Law

The usage of artificial intelligence varies from country to country. Developed nations have fully embraced AI in all the sectors including legal field, and used it extensively. Developing countries are in the process of adopting AI, focusing on efficient integration into key areas. However, underdeveloped countries faces challenges because less number of people are friendly with using technology and also because in under-developing countries, limited access was available towards advanced technology which making it difficult to adopt high-tech solutions.

5. How does law define artificial intelligence:

The Indian government recognizes the importance of AI and has introduced various policy measures to address legal and regulatory aspects. Currently, India lacks specific legislation governing AI. Sections 43A and 72A of the Information Technology Act of 2000, focusing on personal data protection, serve as relevant guidelines. The Constitution of India grants the right to freedom of expression under Article 19(1)(a), subject to reasonable restrictions outlined in Article 19(2) to protect public order and morality. The emergence of AI raises concern between freedom of expression and AI technologies, notably in areas such as online content moderation and AI-powered surveillance. Online platforms employ AI algorithms to address challenges such as hate speech and misinformation.

However, AI-powered surveillance technologies, such as facial recognition systems and data analysis tools, can raise concerns regarding the right to privacy and freedom of expression⁵.

<https://www.reuters.com/legal/new-york-lawyers-sanctioned-using-fake-chatgpt-cases-legal-brief-2023-06-22/> (Last visited: Nov 25 2023)

⁵ Constitutional Law and Artificial Intelligence: The Potential - IJCAI, www.ijcai.org/Proceedings/85-2/Papers/115.pdf.

The right to privacy is a fundamental right recognized and protected by the Constitution. In August 2017, the Supreme Court of India, in the landmark judgment of Justice K.S. Puttaswamy (Retd.) v. Union of India, affirmed that the right to privacy is an intrinsic part of the right to life and personal liberty under Article 21 of the Constitution. In India, the right to privacy may be significantly impacted by artificial intelligence (AI) technologies, which bring both potential and difficulties⁶. The right to privacy is an essential aspect of individual freedom and is protected under the Indian Constitution⁷.

The Ministry of Electronics and Information Technology (MEITY) is actively responsible for AI-related strategies and has established committees to develop policy framework for AI. The NITI Aayog has defined seven principles of responsible AI, including safety and trust, equality, inclusion, non-discrimination, privacy and security, transparency, accountability, and strengthening human values. The Supreme Court and high courts are constitutionally mandated to uphold fundamental rights, including the right to privacy.

In India, the Information Technology Act and associated regulations are the primary legislation for data protection.

In addition, MEITY has proposed a Digital Personal Data Protection Bill, 2019. If enacted into law, the bill would allow individuals to inquire about the data collected from private and government agencies and the processes by which they are processed and stored. The use of AI-powered surveillance, including facial recognition systems, poses potential privacy concerns. In 2019, the Ministry of Home Affairs issued guidelines for law enforcement's use of facial recognition technology, emphasizing transparency, accountability, and privacy safeguards. The use of AI systems entails the risk of data breaches and unauthorized access to personal information⁸. ROSS Intelligence is an artificial intelligence system used in law firms to facilitate the delivery of legal services, especially for

the American Bar Association and SCC Online in India, which is a legal research tool. Artificial intelligence is on the rise, as this consumes less time for legal research.

Cyril Amarchand Mangaldas one of the leading law firms in India is now embracing the AI and using it for contract analysis and reviewing of partnership documents in collaboration with Canadian Assistant Kira Systems. There are certain start-ups like CaseMine and NearLaw that are trying to reinvent the process of legal research. They use algorithms that ranks all the cases according to relevance and efficiently identifies .01% of the relevant case according to the researcher's search⁹

6. Technology and AI Utilization in the Legal Sector Amidst COVID-19

The COVID-19 pandemic has highlighted the importance of technology in regulation of legal profession, including lawyers and judges, have now recognized the crucial role of AI, and machine learning software play in streamlining their work. In social isolation and lockdown, courts have adopted practices such as video conferencing and electronic filing of legal documents, particularly for pressing and time-sensitive matters.

In the case of *Swapnil Tripathi v. Supreme Court of India*¹⁰, the Supreme Court of India has recognized the concept of live streaming court proceedings, with exceptions in specific situations like rape and matrimonial cases.

Justice Sikri states, "*The wheels of justice cannot be stopped because of lockdown.*" Delivery of justice is under essential service, and technology has played a critical part throughout Covid-19, from e-filing to e-payment of court fees, among other things¹¹.

Accessed 25 Nov 2023.

⁶ Kerry, Cameron F. "Protecting Privacy in an AI-Driven World." Brookings, www.brookings.edu/research/protecting-privacy-in-an-ai-driven-world/

⁷ Malhotra, Abhishek. Artificial Intelligence Comparative Guide - - India,

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⁸ YI, ZOONIL. "Artificial Intelligence and the Constitution: Response from the Perspective of Constitutional Rights to the Risks of Artificial Intelligence." Korean Constitutional Law Association, vol. 28, no. 2, 2022, pp. 347-383.

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⁹ VikasSahita, AI/ML impact growing across Asia, Analytics India Magazine, available at: <https://analyticsindiamag.com/how-artificial-intelligence-is-transforming-the-legal-services-industry-of-asia/> (Last visited: Nov 25, 2023)

¹⁰ Writ Petition (Civil) No. 861 OF 2018.

¹¹ Neelima Arora, Amit K Banerjee & Mangamoori L Narasu, The role of artificial intelligence in tackling COVID-19, FUTURE MEDICINE, <https://www.futuremedicine.com/doi/10.2217/fv1-2020-0130> (Last visited Nov 25, 2023).

AI tools like contract analysis, trademark search software, and legal research software are enhancing authenticity and precision in the legal field without replacing lawyers. In India, the legal profession is evolving with the development of more AI-based tools that automate tasks, allowing lawyers to focus on analysis, decision-making, and strategic work, thereby improving efficiency and competence.

8. Conclusion

In conclusion, AI's influence on the legal profession is transformative, offering opportunities for enhanced efficiency, accuracy, and accessibility. However, ethical considerations, data privacy concern, and the potential impact on the employment requires caution. For taking full advantage of AI requires a careful balance between human knowledge and technological advances. Specific legislation or changes are needed to effectively address AI concerns. The Government of India recognizes the need for AI legislation and is actively exploring the development of a regulatory framework for ethics, privacy, security and accountability in AI programs

9. Suggestions:

- Develop regulatory framework outlining the responsibilities and liabilities of AI programs.
- Investing in ongoing research and development is paramount for refining AI algorithms and addressing inherent biases
- Enforce stringent strict data protection regulations to protect privacy and prevent unauthorized use of data.
- Introduce training sessions or a dedicated subject in legal education to equip future legal professionals with AI knowledge.
- Verify AI-generated results in certain legal fields through collaboration with human legal professionals to ensure accuracy and reliability.
- Implement digital delivery methods for summonses and notices to parties, enhancing efficiency and reducing reliance on paper-based processes

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