Guide on the use of Artificial Intelligence-based tools by lawyers and law firms in the EU

AI4Lawyers Phase 3

Outline

The AI4Lawyers project and CCBE's previous work

The work method:

Why and for what purpose and was the guide created?

Why is this important not only for lawyers, but for society?

Terminology: AI and other novel technologies

Categories

Drafting support tools

Document analysis

Text retrieval and case law analysis

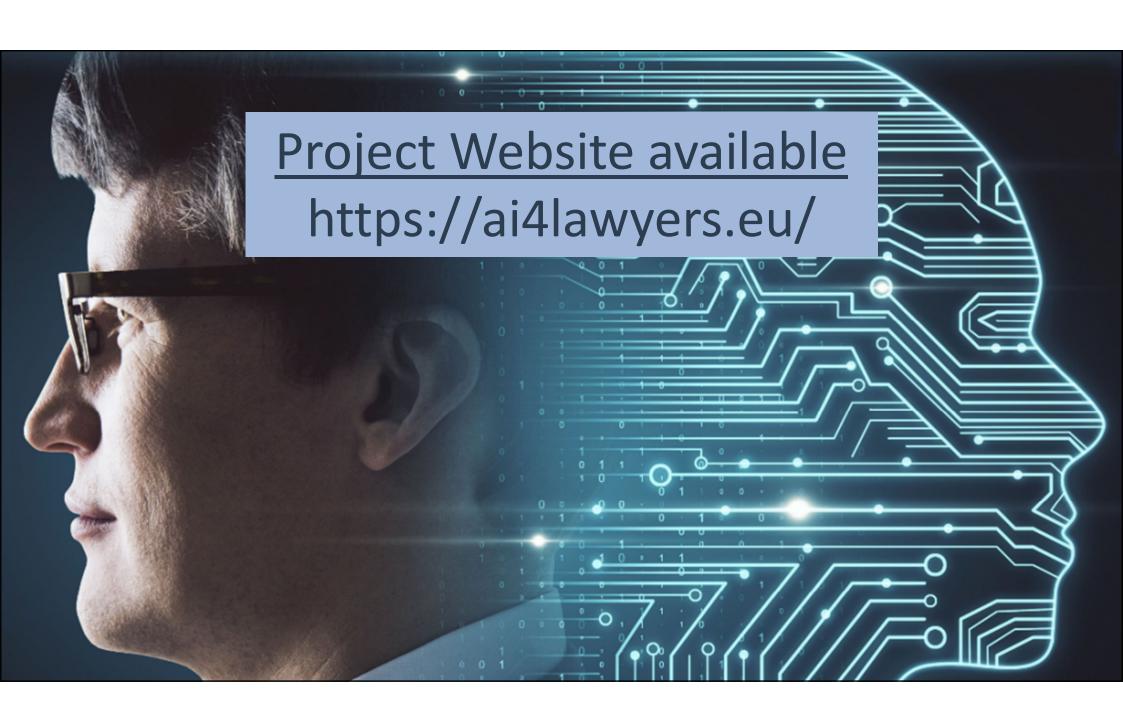Speech to text

Chatbots

Other assistance in internal office admin

Scenarios

Risks of professional obligations

Project Website available
https://ai4lawyers.eu/

AI4Lawyers: the project

ELF (Project coordinator) & **CCBE** (Partner)
1st April 2020-31st March 2022

Objectives:
   1. To create an overview of the average state of the art of the IT capabilities of lawyers and law firms in the EU
   2. To identify the opportunities and barriers in the use of natural language processing tools in SME law practices
   3. Drafting a guide on the use of AI by lawyers and law firms in the EU (Action Plan 2019-2023)
   4. To keep EU lawyers, Bars and stakeholders about the project and its results and to promote the guide

Previous work of CCBE in this field (besides the two reports)

- CCBE Guidelines on the Use of Cloud Computing Services by Lawyers (7 September 2012)
- CCBE Comparative Study on Governmental Surveillance of Lawyers' Data in the Cloud (2014)
- CCBE Guide on the Use of Online Legal Platforms (29 June 2018)
- CCBE Considerations on the Legal Aspects of AI (2020)

The work method

Objective

How lawyers will be able to use the opportunities provided by AI tools?

How could such tools help small firms?

*to assist in understanding how some currently popular **categories of such tools work** and **how they can be put at the service of lawyers** in a way that **does not undermine their professional obligations***

→ easy-to-read, but detailed guide with some technicals

💻 Lawyers have to respond to

    a more digitised society
    changing client requirements

increase in the amount of data generated at the level of society
(e.g. digital evidence to be processed, changing court processes)

    → we have to understand, embrace and adapt to these changes

AI tools are part of these transformative changes

AI is not about letting technical providers take work from lawyers

Provide opportunities for smaller firms to e.g.

    compete successfully with larger firms in new areas

    improve workflows and increase added value of their work

not *product centered*

~~which tools to use?~~

~~how to use the tools?~~

but *didactic*

what should you expect from such tools, how these tools work?

in what directions they may develop in the future?

what are the lawyers' opportunities?

AI and other novel technologies and other terminology = **how we use it**

AI tools imitating human capabilities? or system agent interacting with its environment?

more of an objective & a marketing term = different meanings

ML a way of operation: parameters of the procedure change (improves) based on the previous examples provided during "training"

AI ML

ML techniques not used for AI purposes

e.g. rules-based AI tools

AI tools relying on ML techniques, e.g. BERT (NLP language model)

What is NLP? (Deliverable 2.2)

lawyers work with the language; we consider it normal for language to have multiple meanings and different interpretation ...

computational linguists and other computer scientists also focus on this job, but from the point of view of **automation**. that's natural language processing.

one distant objective, huge area of research:

> how does human understanding work, can we automate that somehow? can we approximate human understanding by a machine?
>
> > *what language is the text in? what's the role of a word in a sentence?*
>
> how can we create good quality text from components? how can we imitate human voices by machines? or transcript speech to text?

a collection of very different techniques

> extracting symbols from text; discovering relationships between words based on statistical relationships and context (word embedding, subword level etc.)
>
> rule-based or ML-based etc.

Categories of AI tools

Drafting support tools

writing assistance; document assembly; other data-to-text

Document analysis

how multiple levels of classifiers and information extraction work

Text retrieval and case law analysis

changing objectives of legal research: relevancy, semantic search, argument mining, three levels of analysis CNB (informative, analytical, predictive/simulative?)

Speech to text: advanced transcription tools and voice assistants

Chatbots: client facing techniques in platforms and virtual worlds

Other assistance in internal office administration work:

from time tracking to surveillance, AI in filing/managing docs etc.

Scenarios of how the (future) Lawyer uses AI tools

a narrative of tools that are theoretically possible even today
(but without regard to market realities, corpus etc.)

1. Bilateral *contract negotiations* on a separate *platform* for a client

2. Client meeting (booked with a chatbot, carried on a messaging platform) with automated *client intake*

3. A simple *lease agreement is needed* very quickly, w/ some customisations needed

4. "It's the future, so doorbells sing" — unless they are broken, then lawyers are needed; estimating workload and *preparing submissions*

5. Legal review of smart contracts for a new decentralised application (dApp)

Risks of professional obligations

using cloud computing and online platforms for AI tools: + easy to implement and use, - extraterritoriality, risks of losing access to data, vendor lock-in

relying on results without proper explanation and understanding:
popularity of black box language models ↑, "explainability how lawyers understand it" ≠ researcher's "XAI", little transparency on how AI tools work, brittleness, bias etc.

privacy: lack of transparency on reuse of data, problems of anonymisation, reverse-engineering trained models to reveal original information

competence and the dangers of trying out new technologies: FOMO, lack of proper understanding, understanding "how technology works" vs. understanding "how technology affects society"

competence and balancing promises with actual capabilities: dangers of overpromising and underdelivering — technical capabilities multiply reach, but no such scalability at the delivery of services with mandatory human overview

client confidentiality: putting risks to client ahead of concerns of costs and uniform technical processes

independence of lawyers: business pressure from successful AI tools (and platforms) to accept solutions that restrict independence

Thank you!