On the state of the art of AI in Europe, including its use by European criminal lawyers

Venetian Criminal Bar Associaton

dr Péter Homoki, Senior Counsel

CMS Hungary
(past president of IT Law Committee of CCBE)

CMS
law·tax·future

EUROPEAN LAWYERS
EUROPEAN BARS
BARREAUX EUROPÉENS
CCBE
AVOCATS EUROPÉENS

EUROPEAN LAWYERS FOUNDATION
ELF

Council of Bars and Law Societies of Europe
The voice of European Lawyers

European Lawyers Foundation
ANBI – Dutch Public Benefit Organisation

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

2022

ARTIFICIAL INTELLIGENCE

LEGAL ISSUES, POLICY, AND PRACTICAL STRATEGIES

Cynthia H. Cwik, Christopher A. Suarez, and Lucy L. Thomson
EDITORS

AMERICAN BAR ASSOCIATION
Science & Technology Law Section

European Perspective on the Challenges of AI in the Practice of Law

Péter Homoki

I. Introduction

Currently, the United States is a clear world leader in many important fields related to artificial intelligence (AI).[1] Considering that the use of language (natural language processing) is a major focus of academic research in AI and language-related models dominate the news among the machine learning systems,[2] it is understandable that U.S. lawyers believe that the challenges brought by AI will affect their profession quite directly. It may provide an interesting, broader perspective to consider how lawyers think about AI in Europe.

Since 2016 the Council of Bars and Law Societies of Europe (CCBE)[3] has published several studies on the consequences of using AI and adopted the CCBE Considerations on the Legal Aspects of Artificial Intelligence in 2020,[4] analyzing

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1. NESTOR MASLEJ ET AL., ARTIFICIAL INTELLIGENCE INDEX REPORT 2023, at 51–53, https://aiindex.stanford.edu/wp-content/uploads/2023/04/HAI_AI-Index-Report_2023.pdf.

2. *Id.* at 49.

3. The Council of Bars and Law Societies of Europe (CCBE) was founded in 1960 in response to the increasing integration of European countries. It became the representative organization of the European national bars and law societies. Through its members, it represents the European profession in its common interests before European and international institutions.

4. Council of Bars & L. Soc'ys of Eur., *CCBE Considerations on the Legal Aspects of Artificial Intelligence* (2020), https://www.ccbe.eu/fileadmin/speciality_distribution/public/documents/IT_LAW/ITL_Guides_recommendations/EN_ITL_20200220_CCBE-considerations-on-the-Legal-Aspects-of-AI.pdf.

Overview

we cannot avoid financing lawyer-specific AI-tools: → a new generation in IT tools with new risks

taking an economic view as well: → lawyers in EU countries are sharing a similar fate

The market is still expecting AI to bring about great changes ...

despite recent disillusionments ...

TOP *of* MIND

GEN AI: TOO MUCH SPEND, TOO LITTLE BENEFIT?

Finance & economics | Free exchange
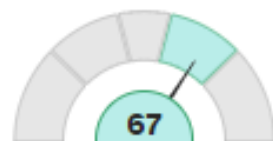
Artificial intelligence is losing hype

For some, that is proof the tech will in time succeed. Are they right?

Markets →

DOW	41,997.49	1.19% ▲
S&P 500	5,714.84	1.72% ▲
NASDAQ	18,045.68	2.69% ▲

Fear & Greed Index →

Greed
is driving the US market

67

nightcap

The thrill of AI is fading — and Wall Street is getting a little more clear-eyed about its actual value

Analysis by Allison Morrow, CNN

🕐 4 minute read · Updated 10:39 AM EDT, Fri August 30, 2024

NVIDIA Corporation

NVDA

118.95 **+ 76.71 181.61% ▲ Past year**

Current price

USD · 10:42 AM ET · Sep 19, 2024 · BATS BZX

| 1d | 5d | 1m | 6m | YTD | **1y** | 5y |

Lawyers being pressured to finance AI development for their own practice ... what will that mean?

AI development needs money (our money as well)

clients wants **us** to use it

pressure from non-lawyers to demonstrate we can incorporate these tools

Total turnover in "legal sector" in 2022

Country/region (6910/5411, 2022)	
USA	**€ 295 027 million**
EU26	**€ 138 039 million**
UK	**€ 35 623 million**
Canada	**€ 11 041 million**
Italy	**€ 18 193 million**
Hungary	**€ 815 million**

Total estimated world market for
"legal & tax &accounting software, incl. databases

$ 26 000 million (€ 23 308 mill.)

(2023)	income $ million	legal income	legal %	op. profit	employees	typical products	USA income
RELX	11.909	2.406	20%	3.939	36.500	LexisNexis	68%
Thomson Reuters	6.794	2.800	41%	2.332	25.600	Westlaw, Practical Law etc.	74%
Wolters-Kluwer	6.198	875	14%	1.469	21.400	Kleos, Legisway	64%

Total number of employees per size class (2018)

0-9 employees
10-19 employees
20-49 employees
50-249 employees
250+ employees

EU

US

UK
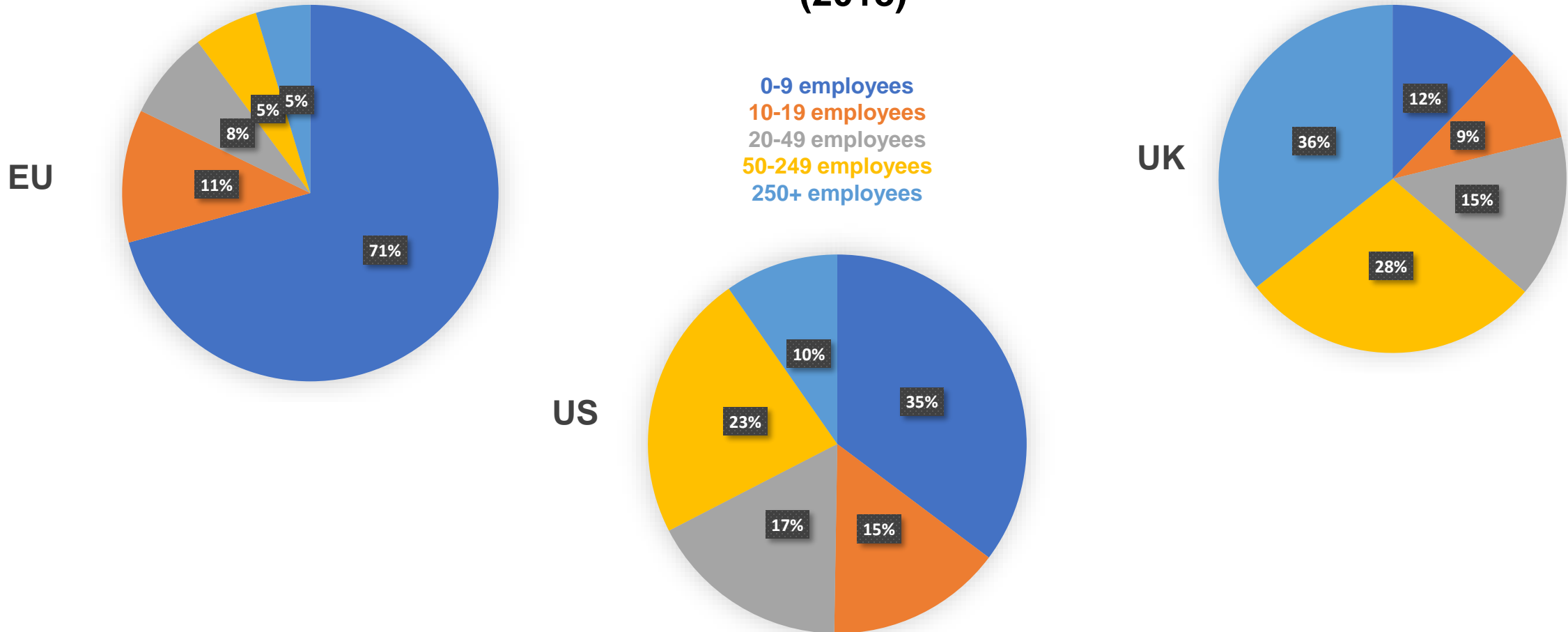
2018 % of employees	EU employees	US employees	UK employees
Entities with 0 to 9 employees	71.44%	35.23%	12.25%
Entities with 10 to 19 employees	11.54%	15.03%	8.91%
Entities with 20 to 49 employees	7.69%	17.18%	15.08%
Entities with 50 to 249 employees	5.56%	22.86%	28.07%
Entities with 250+ employees	4.72%	9.71%	35.69%

Turnover by size class, NACE6911 (2018)

EU27
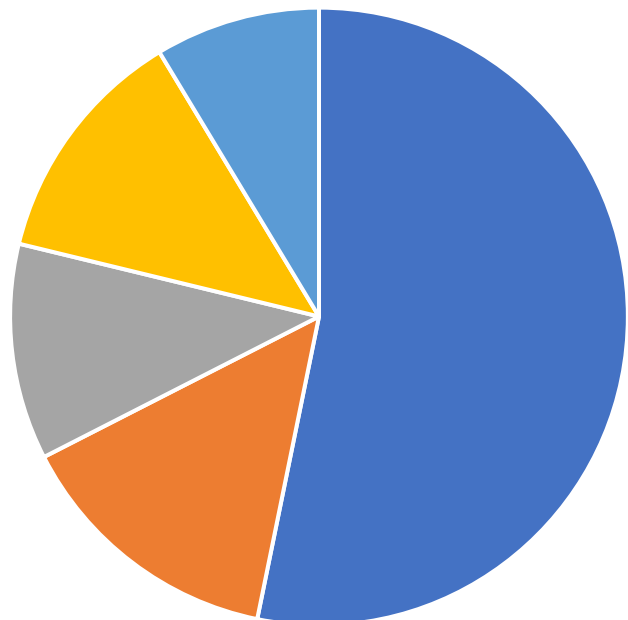
Italy
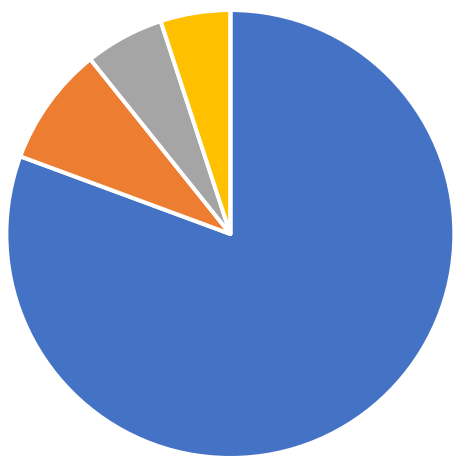
Hungary
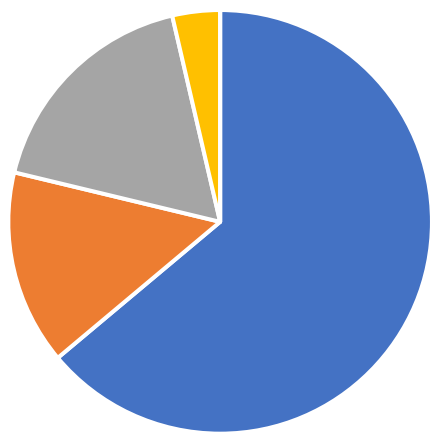
- 0-9
- 10-19
- 20-49
- 50-249
- 250+

United Kingdom

France

Germany

(LLM)
as an
integrator tool

machine learning tools for data mining/analysis

traditional project/process management, knowledge managament, rule-based doc. assembly
("*comfort tools*")

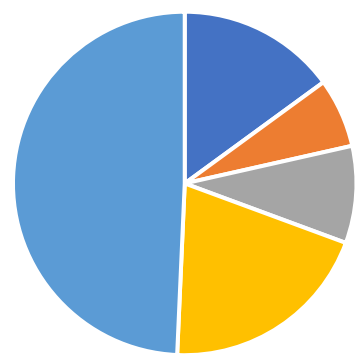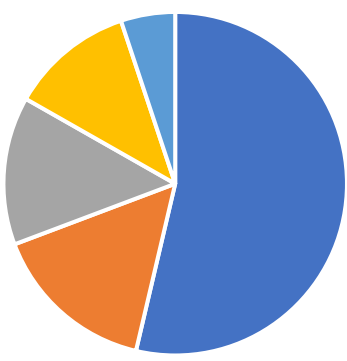editorial and value-added content (templates, practice notes, legal literature/commentaries, monographies, articles)

public legal databases (laws, published cases)

A note on the bail procedure in the magistrates' courts. It covers the bail application procedure, statutory exceptions to the right to bail and appealing a bail decision.

10. **Breach of Crown Court bail conditions or failure to surrender to custody**

Practice notes • Maintained • England, Wales

This practice note explains the law in respect of breach of crown court bail conditions and failure to surrender under section 6 of the Bail Act 1976.

11. **Changes to the Criminal Procedure Rules: April 2016**

Practice notes • Law stated as at 14 Mar 2016 • England, Wales

On 4 April 2016, the Criminal Procedure Rules were amended by the Criminal Procedure (Amendment) Rules 2016 (SI 2016/120).

12. **Claiming costs for a private prosecution**

Practice notes • Maintained • England, Wales

This practice note covers explains how and when costs can be claimed for a private prosecution.

13. **Claiming witness expenses in criminal cases**

Practice notes • Maintained • England, Wales

This practice note explains who is entitled to claim expenses for giving evidence at court and those who are not entitled to do so. It explains at what rate these expenses are paid and what is included in the types of expenditure which can be reimbursed.

14. **Costs against a convicted defendant**

Practice notes • Maintained • England, Wales

This note explains when costs may be ordered against a convicted defendant and sets out the procedure required.

15. **Costs in the magistrates' court or Crown Court**

Practice notes • Maintained • England, Wales

A note on costs in the magistrates' court or Crown Court, which explains acquitted defendant's costs orders and the process for claim.

Insert Field | Insert Span | Markup Editor | Markup Wizard | Relevance | Outer Span | Pluralize | Dictionary Editor | External Dictionary | Report | Test | Usage Analysis | Highlight Markup | Template Properties | Options | Getting Started

Mark-up | Dictionary | Template | Options | Help

THIS·LEASE·is·dated· → → → → → {Today·Format·"yyyy"}¶

PARTIES¶

(1) → {Landlord:Name·Format·Upper}·of·{Landlord:Address:Shortform}·(**Landlord**).¶

(2) → {TenantName·Format·Upper}·

(3) → <GuarantorY{Guarantor:Name·F

(**Guarantor**).>¶

AGREED·TERMS¶

1. → **INTERPRETATION**¶

The·following·definitions·and·

Dictionary Editor

◀ 🏠 ➕▾ ➡❙ ↻ 🔍

Questionnaire

▾ 📄 Parties
   📄 Landlord
   📄 Tenant
   🅰 TenantName
   🅰 TenantAddress
   # TenantCount
   📄 Guarantor
   ase Details
   urther Lease Details

Guidance | Constra

Span Editor　✕

Please supply a business rule

| repeat·TenantCount ▾ | Edit |

[Insert Rule]　[Cancel]

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(2) → <repeat·TenantCount{TenantName·Format·Upper}·of·{TenantAddress}·(**Tenant**).>¶

DA Drafting
DP Deal Proof
PL Practical Law
Templates and Sample Documents
Search Westlaw
Search KM
Help
Options

Drafting Assistant

Flags & Links

42 U.S.C.A. § 2000e-2 (West)

Hide Instances

42 U.S.C.A. § 2000e-2(a)(1)

Minn. Stat. Ann. § 363A.08 (West)

C 21 C.F.R. § 820.1 et. seq.

C Fed. R. Civ. P. 56(c)

Hide Instances

C Rule 56(e)

Finish

Rachel Thorson   ▾   Legal Notices   ▾

THOMSON REUTERS

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Flags
☑ 🚩
☑ **U**
☑ 🚩
☑ 🚩
☑ **C**
☑ **H**
☑ No Flags

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based on race and religion in violation of 42 U.S.C.A. § 2000e-2 (West)[km] and the Minnesota Human Rights Act, Minn. Stat. Ann. § 363A.08 (West) based on race based disparate treatment and race based hostile environment.

STATEMENT OF FACTS

DC Corporation manufactures components for medical diagnostic equipment, primarily wires used in medical devices that are implanted or inserted in human bodies. (Exhibit B to Thorson Affidavit, depo p. 9-10) DC Corporation's work, including production and all other processes, is regulated by the FDA under the authority of C21 C.F.R. § 820.1 et. seq. DC Corporation's manufacturing quality is also subject to frequent quality audits by its customers, medical device manufacturers such as Medtronic and Cordis. To maintain quality levels, and to meet regulatory and customer mandates, training is an integral part of each of employee's job, regardless of

CaseMap Cloud

All Cases

Migration

Dashboard

TimeMap

TextMap

Reports

Facts

Issues

People/Org(s)

Document(s)

Research

Gagne vs Cartsea - Justin's Demo Case (C... | Boart Longyear Layoff Letter.pdf

Document Viewer   < 3 of 27 > All Results

BOART
LONGYEAR™
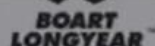
1111 Main St W,
North Bay, ON
P1B 2W4

February 24, 2020

Kenny Gagne
746 Lakeshore Drive
North Bay, ON
P1A 2G5

Re: Layoff, Effective February 24, 2020

Dear Mr. Gagne,

This letter confirms our discussion on February 20, 20220 wherein you were advised laying you off due to your inability to perform your duties as a line mechanic. It is hop will allow you to return to work at a later date.

In the interim, and under separate cover you will receive the following:
- Your final pay cheque to today's date;
- All outstanding vacation pay that may be owing to you; and
- Your record of Employment for the purposes of obtaining Employment Insura

Please be advised that we have continued your employee coverage under our benefi 31, 2021. Thereafter your coverage in this plan will cease. It is recommended that y coverage.

While you are laid off, we encourage you to stay in communication with our company questions or concerns, please direct any communications to Tonya Leveille, Human I 474-7469.

In the even that we cannot call you back to work before January 31, 2021, you will be Longyear and will receive any amounts owing to you under the Ontario Employment S

Finally, and in an effort to assist you in obtaining alternate employment within Boart Longyear, or at another place of business we would be pleased to field calls from prospective employers regarding your services to our company. Please have those calls directed to the Human Resource Manager noted above.

Boart Longyear regrets having to take these measures and if a supervisory position becomes available where

New Fact ✕

Comments

Facts

Document Info

People/Org(s)

Uploads

People
DC Dr. Al Coh... ✓

Select People ⌄

Organizations

Select Organizations ⌄

Document(s)

Select Documents ⌄

Tags
Medical Report ✓

Select or Create Tags ⌄

Scoring ⌃

Evaluation

Strong for Us   For Us   Neutral   Against Us   Strong Against Us   Unevaluated

Status

Undisputed   Prospective   Disputed by   Disputed by   Unevaluated

Save & Create Another Fact   Save   Cancel

Gagne vs Cartsea - Justin's Demo Case (Client Facing - do not delete)

Facts

Enter terms to search all case elements or click Filters for more options.

Filter

☐ Select All   ↻ Refresh   ⬤○ Expand all   ⬇ Export (.XLSX)

56 of 56

Date ↓	Summary	Key	Issues	People/Org(s)	Document(s)	Tags	Comments
04/16/2021 at 03:55 pm	Expert Medical Report	☆	Slip and Fall / Negligence / Plaintiff IME (...	DC Dr. Al Coh... / KG Kenny Ga...	Knee Cap Assessment Kenny Gagne - T4	Medical Report	1
04/16/2021	Important Question about the claim	☆	Negligence / Crossclaim / Third Party Cl...	EC Elvira Car... / KO Kennedy I...		Smoking Gun	0
01/01/2021 01/31/2021	OHIP Report	☆	OHIP Subrog...	KG Kenny Ga...	OHIP PAYMENT REPORT	Records Need...	0
02/24/2020	Layoff Notice from Boart Longyear	☆	Lost Wages / LTD/STD Claim / CPP Disabilit...	BL Boart Lon... / KG Kenny Ga...	Boart Longyear Layoff Letter Kenny Gagne - T4	Smoking Gun	0
02/23/2020	Prescription summaries from the 6 months prior to the accident to present date	☆	Damages	KG Kenny Ga...		Undertakings	0
02/23/2020	Questioning lawyer asked my client about his past employment history, at North Bay Mechanical, which is the company he was	☆	Damages	KG Kenny Ga...		Refusal	0

Side Navigation

- ☰ All Cases
- ☁ Migration
- ▦ Dashboard
- TimeMap
- TextMap
- ▤ Reports
- Facts
- Issues
- People/Org(s)
- Document(s)
- Research

Right Navigation

- Comments
- Facts
- Issues
- People/Org(s)
- Document(s)
- Research
- Uploads

Gagne vs Cartsea - Justin's Demo Case (Client Facing - do not delete)

Comments

Research

Enter terms to search all case elements or click Filters for more options.

Filter

All Cases

Migration

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TimeMap

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Issues

People/Org(s)

Document(s)

Research

Refresh   Export (XLSX)

Issues

Decision No. 2115/07, 2007 ONWSIAT 2510 (CanLII)

ONWSIAT   9/14/21   2007 ONWSIAT 2510   CanLII

Issues: CPP Disabilit   Slip and Fall

Custom Tags: Delay

Description:

CANLII

Uploads

Quotations:

" hether she has entitlement to a wage loss benefits for August 13, 14, 15, 20, 21, 22, 27, 28 and 29, 2003. "

Link with Lexis
Quicklaw

Link to the Web

Maloney v. Phoenix Enterprises Ltd. (PDF)

Ontario Judgments   9/13/21   Lexis Advance Quicklaw

Issues: Damages   Pain & Sufferi...   Slip and Fall   +1 More

Custom Tags: Medical Report

Upload
Research

Clear

Description:

Damages Assessed

Needs Attention!

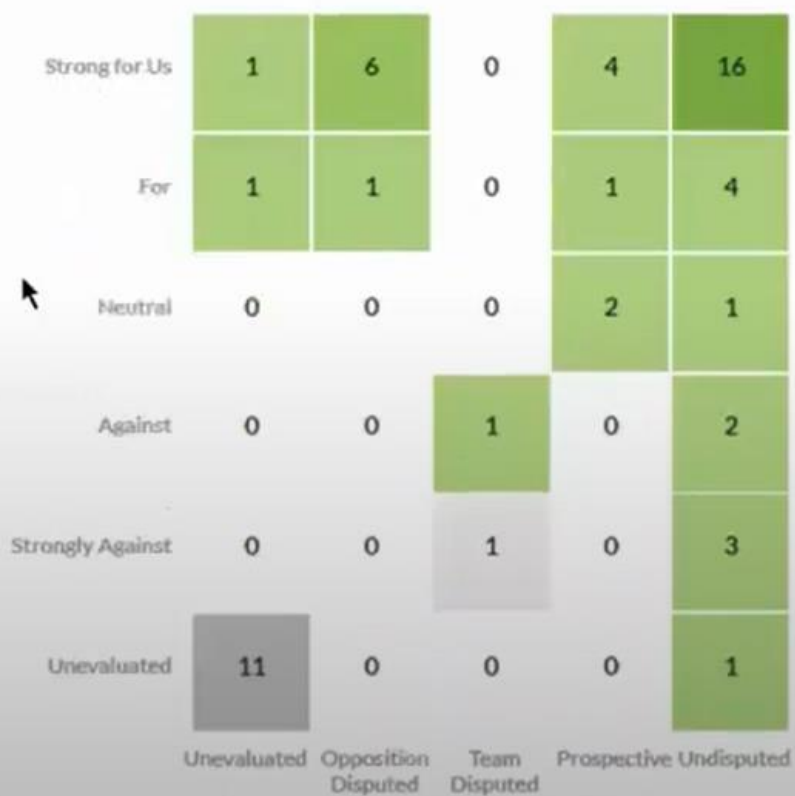| Unsubstantiated Issues	Unsubstantiated Facts	Unsourced Doc Records	Undefined Doc Types
1 Issues missing Facts	8 Facts missing Docs	2 Docs missing Source Files	18 Docs with unassigned type

Fact Evaluation & Status Heatmap

Aim for higher numbers in the upper right quadrant

	Unevaluated	Opposition Disputed	Team Disputed	Prospective	Undisputed
Strong for Us	1	6	0	4	16
For	1	1	0	1	4
Neutral	0	0	0	2	1
Against	0	0	1	0	2
Strongly Against	0	0	1	0	3
Unevaluated	11	0	0	0	1

Facts per Issue

45 Facts-Issue Assigned   11 Facts-Issue Unassigned

Issue	Count
Negligence	15
Slip and Fall	11
Damages	10
Liability	8
Third Party Claim	4
Crossclaim	4
Pain & Suffering	3
Plaintiff IME (Independent Medical Exam)	3
Lost Wages	2

+6 More

3 files added

PDF State v Lund.pdf   PDF 479_N.W.2d_724.pdf   PDF 505_N.W.2d_638.pdf

CoCounsel 1:29 PM   Review Documents

I will set up a review of the case decisions from your judge.

Your questions

* Question 1

What are the key factors in the judge's decision-making?   🗑

* Question 2

What legal principles did the judge emphasize?   🗑

* Question 3

How does the judge interpret the law in similar cases?   🗑

+ Add question   ♡ Add from favorites   Cancel   **Submit request**

✦ Give me examples

Tell me what you want to do, or ask me a question

⊕ Upload   ➤

🛡 Your data is private and secure. Learn More ›

Summarize   Summarize

∧ Medical Record 1a (1).pdf   ✓

Page 1 ›

- The document contains a patient's health record from Optimum Health Clinic in Allegan, MI.
- The patient's insurance information is listed, including the insurance ID and group number.
- The patient has been diagnosed with a number of conditions, including anxiety, hypertension, chronic pain syndrome, and depression.
- The patient is currently taking a number of medications, including Effexor XR, Levaquin, and Prednisone.
- There is also a list of inactive medications that the patient has taken in the past.
- The patient has a known allergy to Keflex.
- The document contains a confidentiality notice and reference to a protective order.

Page 2 ›

- The document contains a detailed account of the patient's medical history, including past surgeries, diagnoses, and medications.
- The patient has a history of collapsed lungs, emphysema, and surgery on the lung in 2010.
- The patient is a former smoker, but has not smoked for 0 years.
- The patient's family history includes diabetes.
- The document contains a record of the patient's recent encounters with the clinic, including messages and appointments.
- The patient has complained of pain all over and has requested stronger pain medication.
- The patient is currently taking a number of medications, including Effexor XR, Levaquin, and Prednisone.
- The doctor has prescribed subsys and Vicodin ES for the patient's pain, and has discontinued the use of regular Vicodin.
- The document contains a confidentiality notice and reference to a protective order.

Page 3 ›

- The document contains two encounter records, one from November 25, 2013 and one from November 12, 2013.
- In the first encounter, the patient reports an eye infection and is prescribed Neosporin ophthalmic solution.
- In the second encounter, the patient requests medication refills and reports feeling well.

his helpful? 👍 👎   ⤓ Download ⧉ Copy

Market trends

→ **Strong market demand**: Large vendors focusing on BigLaw and US market, investing a lot in product development

→ **Shift in revenue**: Decreasing revenues from legal databases, but offset by growth in new class of tools.

→ **Innovation and competition**: strong innovation-led competition exists for premium products, could eventually trickle down to smaller firms and mass markets in the US/UK (even if not via the same vendors)

Challenges in adoption for smaller markets

➜ **Jurisdiction-specific limitations**: Legal databases and legaltech innovations are specific to languages and jurisdictions

➜ **Barriers to scalability**: Cross-jurisdictional challenges limit the adoption of tools across countries

➜ **Need for local incentives**: small legal markets require their own incentives and solutions for growth

Barriers

➔ **Significant differences** between common law and civil law systems and within civil law systems (e.g., Germany and France) => **no transfer-learning** for cross-jurisdictional AI solutions

➔ **Costly legal data collection:** Gathering case law and national laws across the EU is expensive, varying degrees of governmental transparency

➔ **Integration with court systems**: Differing electronic court interfaces create barriers to tool adoption, requiring constant updates

➔ **Scalability issues**: Lack of a unified market in the EU hinders profitability and scaling of AI or legaltech solutions

Financing and long-term concerns

→ **Market size to finance?**

→ **Government role and lawyers' independence**: Potential for government subsidies, but don't expect much (user-friendly solutions, equality of arms and prosecution will have better tools)

→ **Stratification of the market**: Growing disparity between those who can afford and those who cannot

→ **Outside criminal law**: changes in languages used and choice of law
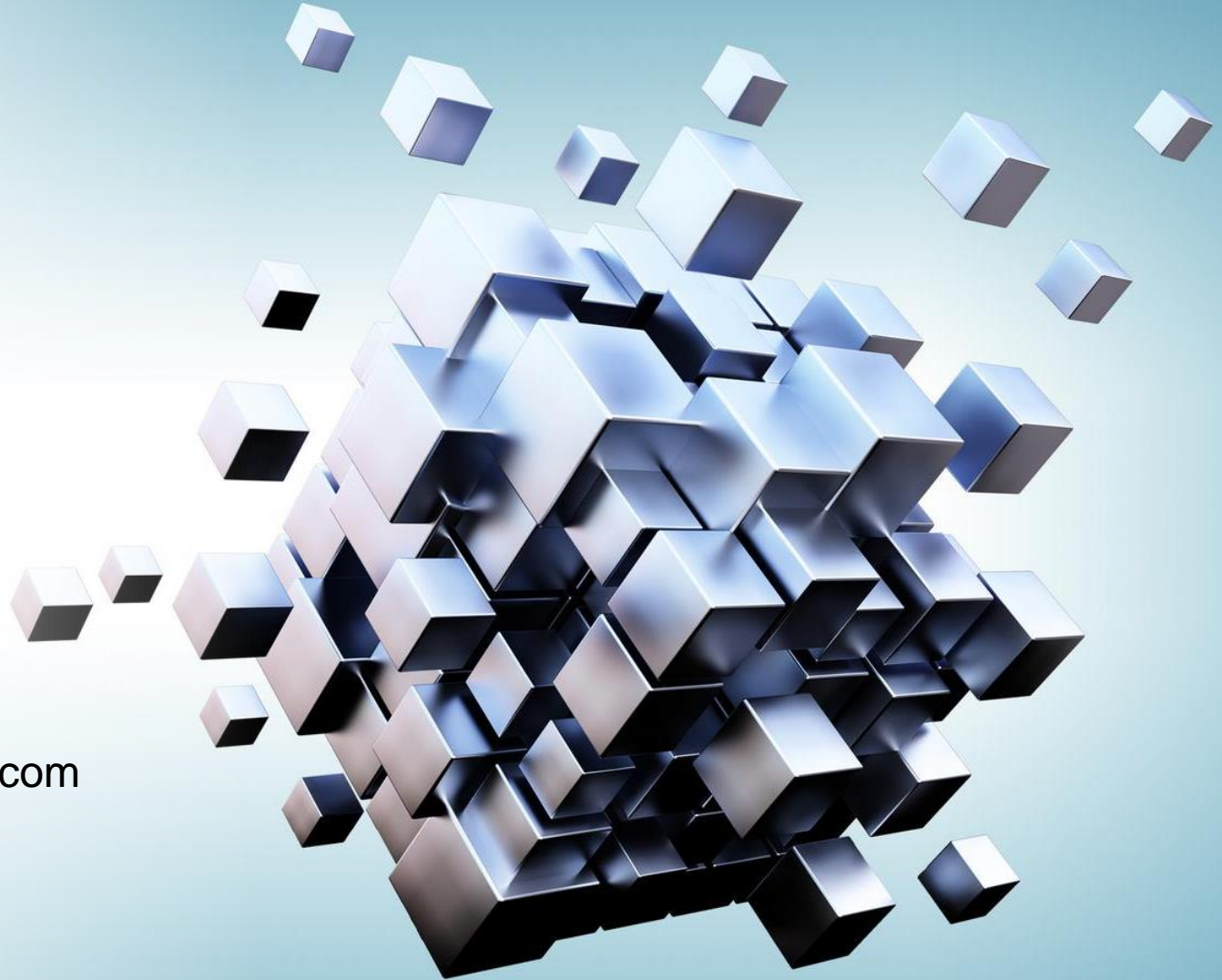
Thank you for your attention!

dr. Péter Homoki

Senior Counsel

T +36 1 483 4839

E peter.homoki@cms-cmno.com

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