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APPLYING ARTIFICIAL INTELIGENCE IN LEGAL SECTOR.

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We could say that AI is defined as: A set of scientific methods, theories and techniques whose aim is to reproduce, by a machine, the cognitive abilities of human beings



AI will become another consistent thread in the tapestry of our lives, just like the internet, electricity, and combustion did in days of yore.

In the legal sector, the final aim is that AI behaves like a lawyer: you want models to reflect what a lawyer would do, at least at the easier tasks.

The most common question you get from lawyers is whether AI will replace us in our jobs.

The answer is: it probably isn't.

AI can increase an attorney's ability to do his or her job, save him/her some time researching, discover some cases or information he or she may not have noticed, or perhaps suggest some articles or even legal arguments it may have overlooked.



Regarding the judiciary, it highlights the great potential of AI to help legal professionals in their work. There is no doubt that some AI applications which are still under development or testing, such as those designed to improve legal research, could be very useful in rendering processing of the judicial workload faster and more efficient.

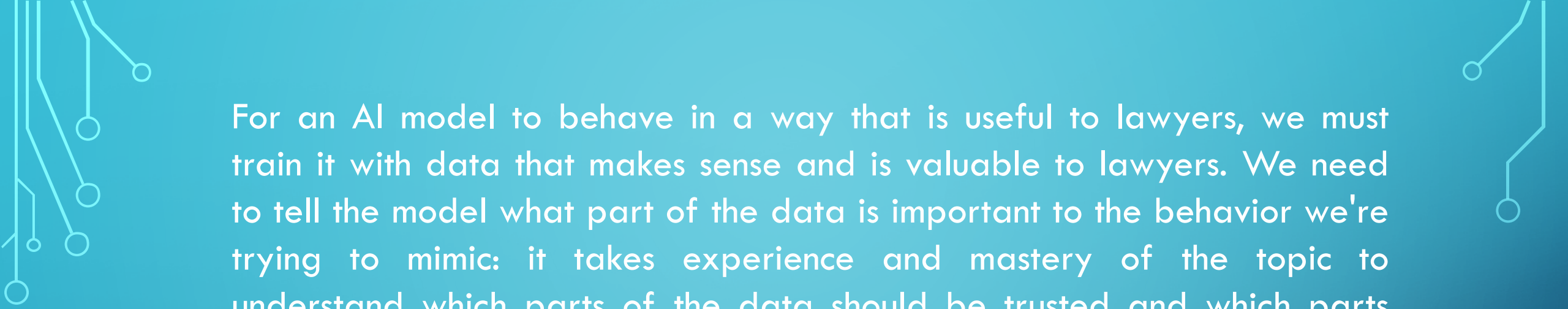
Far from being a simple instrument for improving the efficiency of judicial systems, AI should strengthen the guarantees of the rule of law, together with the quality of public justice.

Applying AI in Law firms.

Applying AI to the legal sector requires a combination of experience in the field, acquired information and technical expertise: you can't just throw legal data into an AI system and expect good results

The more lawyers know how AI works effectively, the more comfortable they will feel about it.

It is important to understand how artificial intelligence algorithms use data and what its consequences may be on the performance of an artificial intelligence system.



For an AI model to behave in a way that is useful to lawyers, we must train it with data that makes sense and is valuable to lawyers. We need to tell the model what part of the data is important to the behavior we're trying to mimic: it takes experience and mastery of the topic to understand which parts of the data should be trusted and which parts need to be ignored to take a Decision

Thus, it is the big firms with AI departments, that lead the implementation of Artificial Intelligence in the processes, and these are the ones that will drag the rest of the law firms.

A good example of this implementation of AI are Chatbots.



CHATBOTS

ITS USE IN THE LEGAL WORLD

- what is a chatbot?
- The chatbot or conversational bot it is a program that simulates having a conversation with a person by giving automatic answers to questions asked by the user.

- to establish a conversation you have to use phrases that are easily understandable and coherent of the chatbot, since there is no bot still able to understand every word in a language and every grammatical construction.
- In this sense, the bot is able to follow a conversation with a good level of logic, but without learning or knowing the subject in depth.
- In addition, the benefits of the chatbot are also very noteworthy:
 - a) they are available 24 hours a day and seven days a week,
 - b) they fully adapt to the tastes and habits of existing and potential customers,
 - c) many millennial users feel more comfortable interacting with them,
 - d) they can answer very repetitive questions without wasting time,
 - e) they can monetize such repetitive knowledge
 - f) can facilitate the management of agendas, appointments and other administrative and organizing issues.

“ LEGAL CHATBOTS:

A majority of jurists and AI developers affirm that technology is never going to involve the elimination of lawyers or attorneys, on the contrary, it should encourage us to be more efficient and productive professionals. ”

In a few years we will see how is going to became rare/wierd to dispatch without a chatbot on our websites.

Whether it's managing the agenda, providing a first query, getting a simple legal document or even more complex tasks.



HOW DO WE DEVELOP A (LEGAL) CHATBOT?

IN ORDER TO CARRY OUT THE CREATION OF A LEGAL CHATBOT, WE MUST TAKE INTO ACCOUNT THE FOLLOWING INDICATIONS:

1.- Have a clear idea of the purpose of the chatbot.

2.- Now where the chatbot is going to be found

3.- Its important to define what is going to be the personality of your chatbot. In this sense, the idea is that the personality of the chatbot help lawyers or theis clients or potential clients to fulfill theis purpose. The following equation can be used to understand a chatbot's personality:

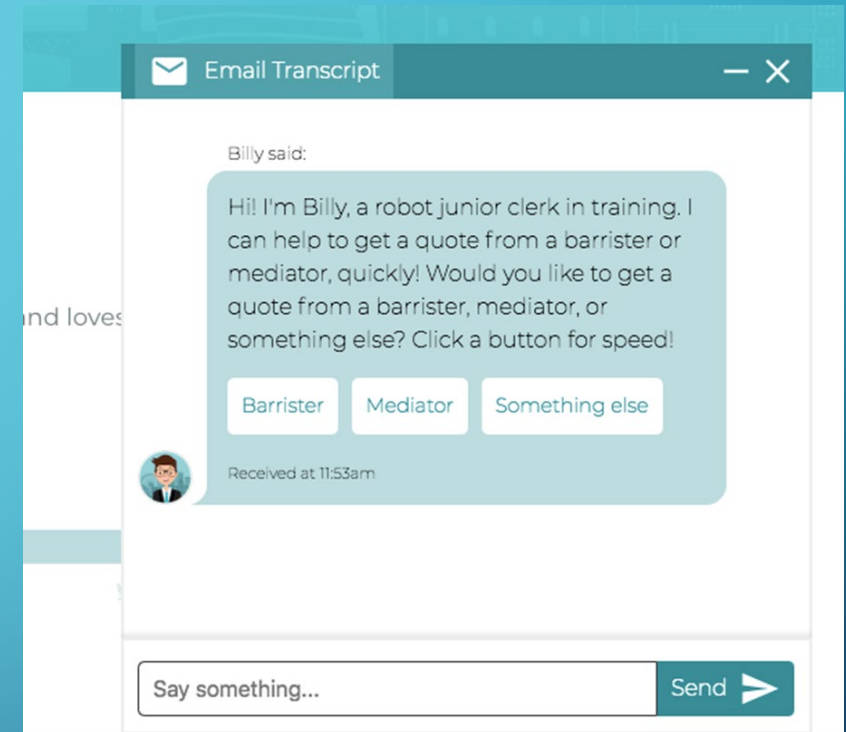
Name+ visual style + background + conversational tone≡ chatbot personality.

4.- Choose the apropiate tool to create the chatbot

Here are some of the most popular tools for creating a Chatbot:

1. FlowXO 2. Dialogflow 3. Manychat 4. QnA Maker 5. Chatfuel 6. Wit.ai and 7. Form One (thought by and for legal chatbots)

BILLY BOT

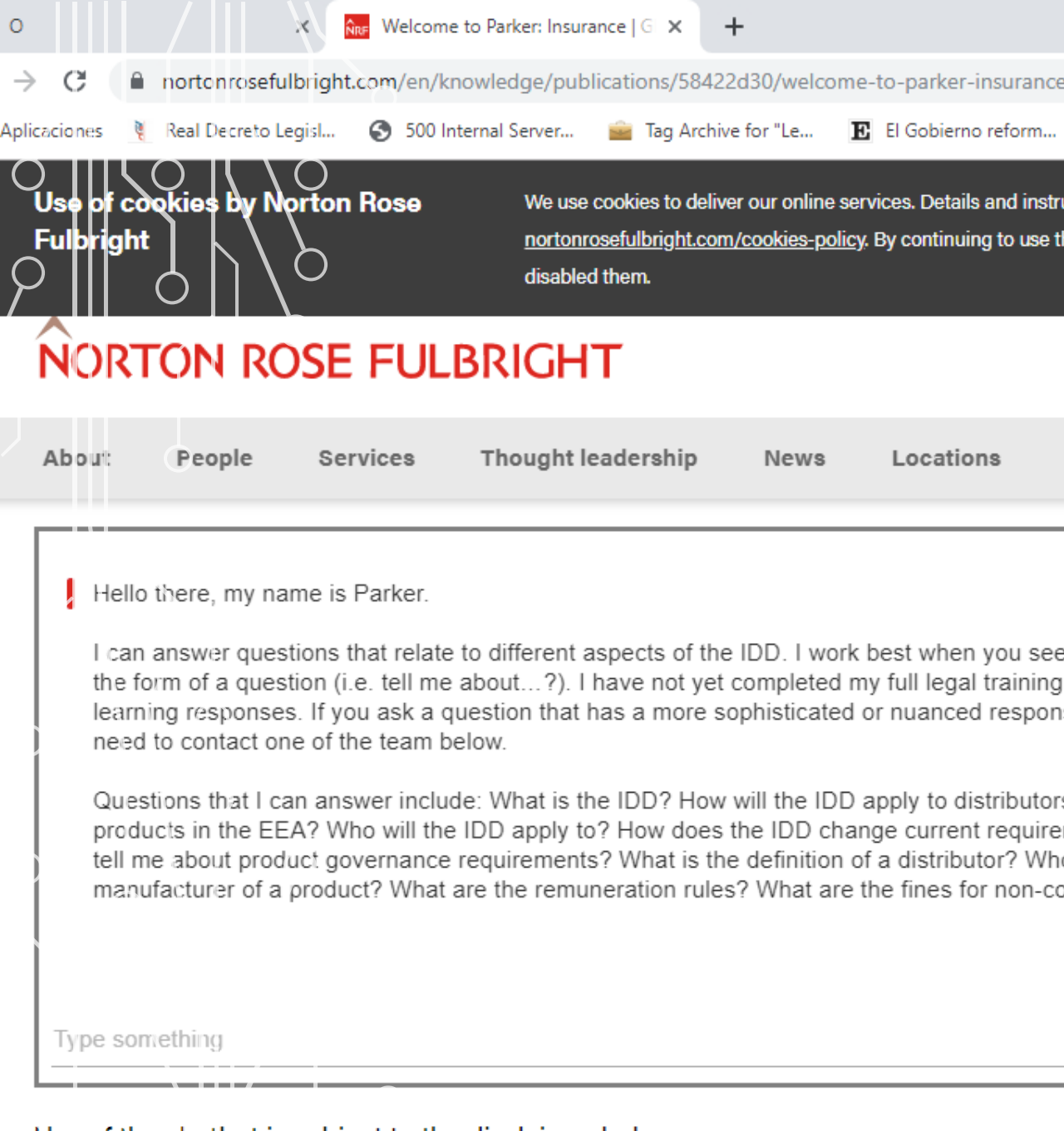


Website Accessible Chatbot: Yes, from the home page of the web.

BillyBot is a project of Clerksroom, a law and mediation firm from U.K that offers advocacy, counselling and mediation services in all courts and tribunals in England and Wales.

Matter or area: mediation and legal services.

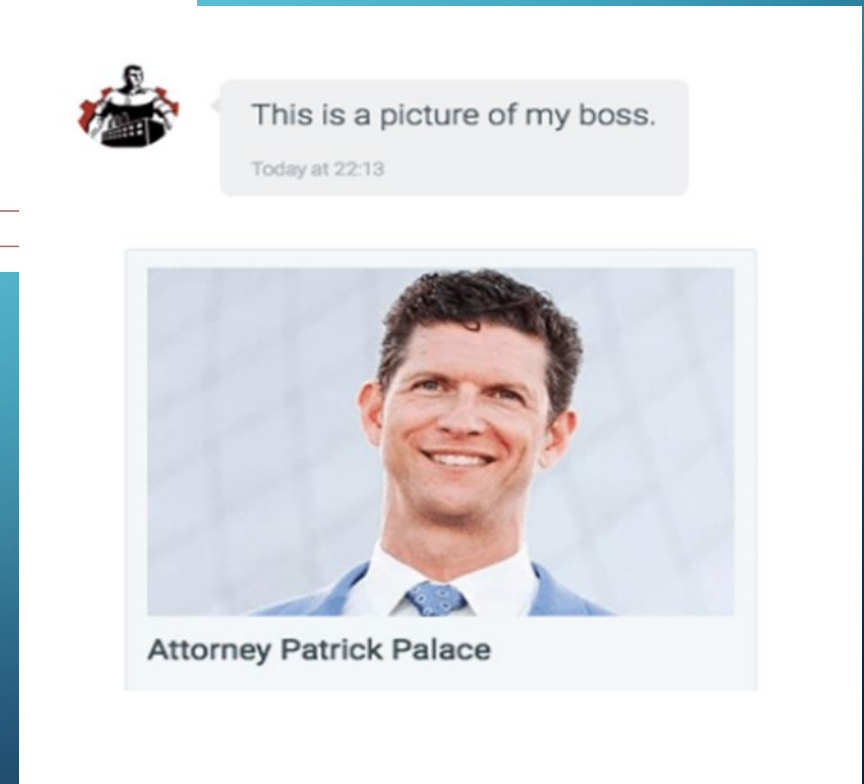
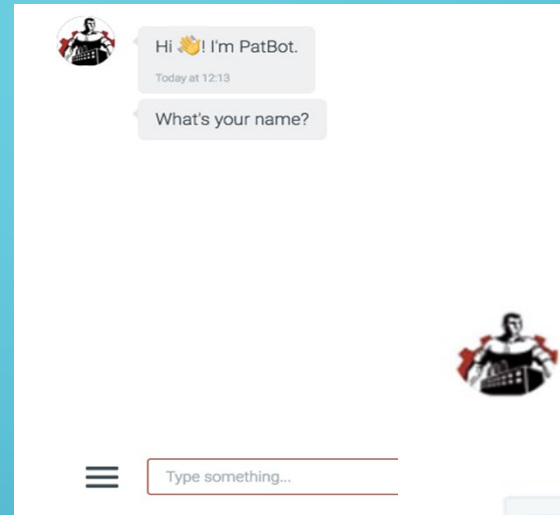
Business Model: Look for a lawyer or mediator who can help the user in their problem



PARKER, BY NORTON ROSE FULBRIGHT

- * Who created it: Norton Rose Fulbright is a global law firm that offers corporations and financial institutions a full service of commercial law. They have more than 4,000 lawyers and other legal staff and are based in Europe, the United States, Canada, Latin America, Asia, Australia, the Middle East and Africa.
- * Business model: it helps you identify if your company needs to apply the GDPR even if you are outside the EU and puts you in touch with a lawyer who will help you apply it, if applicable.
- * Particularities: English only. It doesn't collapse when confused by the information given by user it suggests to restart the conversation. Allows you to make a more detailed query from the conversation itself, for example to request a quote

PATBOT, DE PALACE LAW

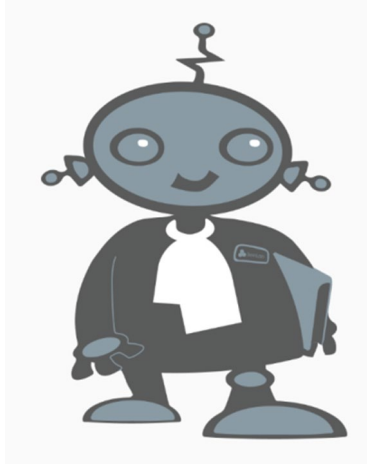


Chatbot accessible from internet

Who created it: Palace Law, a law firm based in Tacoma, Washington, USA, specialized in cases of injured workers during work development.

Matter or area: labor law, in particular, claims for work accidents.

Business Model: It's a bot programmed so we can determine what rights an injured worker has in Washington state. A priori, the service is free, unless you hire a lawyer to help you solve the problem.



JURIBOT

- created by Semlab, leading European developers of semantic software applications. They are experts in natural language processing, computational linguistics and artificial intelligence technologies.
- Matter or area: legal, in particular, jurisprudence.
- Business model: offered free of charge to lawyers.

ALLEN & OVERY INTERNAL CHATBOTS



Created by The allen & Overy law firm, in collaboration with Aosphere and Neota Logic.

Matter or area: RegTech or regulatory compliance.

Business model: Subscription services, customers must pay for their use.

REMARKS

- 1) Obviously the chatbots cited are not the only ones existing, but they do show that in the legal sector there is more movement than it may seem in this area. It is true that the Common Law countries are leading the way, but we are seeing more and more European progresses in the area.
- 2) the benefits of the chatbot are noteworthy:
 - a) they are available 24 hours a day and seven days a week,
 - b) they fully adapt to the tastes and habits of existing customers, and of the potential,
 - c) many millennial users are more at ease interacting with them,
 - d) they can answer very repetitive questions without wasting time,
 - e) they can monetize such repetitive knowledge (even through small amounts) and
 - f) can facilitate the management of agendas, appointments and other administrative issues.
- 3) this technology is not going to involve the elimination of lawyers, on the contrary, it will help us to be more efficient and productive professionals.

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PREDICTIVE AI SYSTEMS

Systems of predictive justice are those where from a high quantity of data plus certain rules, provisions or templates, an AI machine gives the results on the prediction on a determinate issue, ie risk of reoffending.

AI is used and will be used in different ways as a part of the court proceedings; namely, for collecting and sorting out information, suggesting and predicting decisions, in the decision making, and even in the appeal process.

In some States of US AI technologies are already being used for a number of purposes in public services, including to automate some decision processes and to make recommendations and predictions in support of human decisions. The AI systems are already been used in some places to decide on custody of a defendant, on reoffending risks of a defendant, as well as in some civil and administrative proceedings.

Positive implications of the use of AI in court proceedings are mainly related to the length and cost of the proceedings

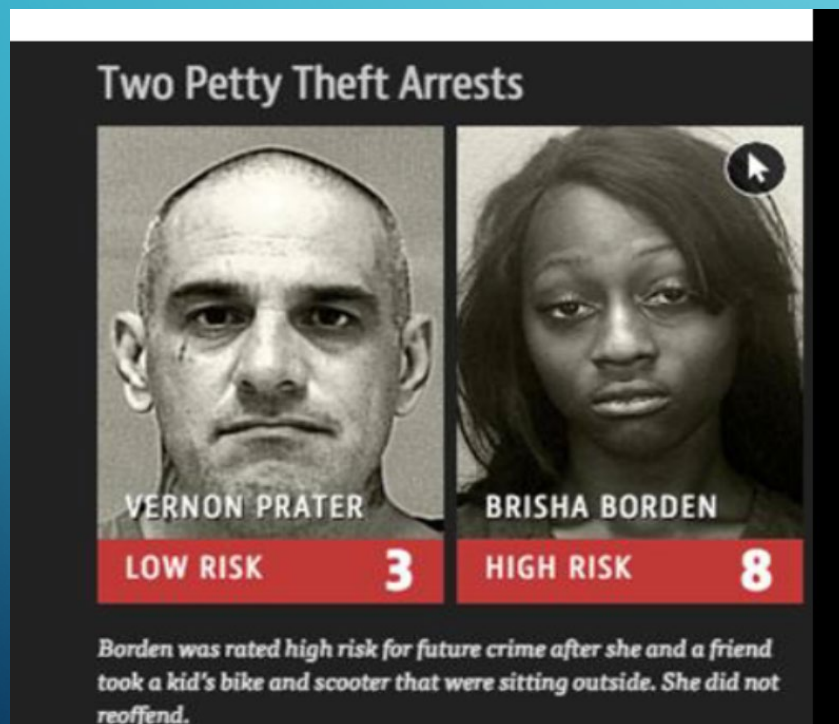
There could be also less mistakes in the proceedings, since AI could eliminate human failures.

Nevertheless, there are several risks of violating Human Rights, such as non-discrimination, right to a fair trial, equality of arms or privacy of private data when using AI judicial predictive system, due to the bias that any artificial intelligence systems has by means.

There are different types of predictive systems being used in the US now a days that involve different positive achievements but also risks for the right of a fair trial. Objective, Impartial, Transparent, Independent and Sustained

PREDICTIVE JUSTICE: COMPAS AND SIMILAR SYSTEMS

AI COMPAS system is widely used in the US for among others to inform bail decisions. It has been criticized for having a systematically higher false positive rate for black defendants than white defendants.



For Example: in this case we see COMPAS stated this two people as low risk and high risk of reoffending. The offense the woman committed was that she and a friend took a kid's bike and scooter. She never committed an offense again.

case of a Wisconsin man, Eric L. Loomis, who was sentenced to six years in prison based in part on COMPAS.

Mr. Loomis claimed his right to due process was violated by a judge's consideration of a report generated by the software's secret algorithm, one Mr. Loomis was unable to inspect or challenge.



The report in Mr. Loomis's case included a series of bar charts that assessed the risk that Mr. Loomis would commit more crimes. The Compas report, showed "a high risk of violence, high risk of recidivism, high pretrial risk.

At the same time Justice Ann Walsh Bradley, writing for the court, discussed, for instance, the report from ProPublica about Compas that concluded that black defendants were far more likely than white defendants to be incorrectly judged to be at a higher rate of recidivism

POLICE AI PREDICTING SYSTEMS

Police Predictive systems are also being used now a days in the US for various propose such as detecting in which parts of the territory is more likely for an offense to be committed, detecting fraud or for cybersecurity issues or even for facial or vocal recognition involving International Order Detentions.

This AI allows to manage huge volumes of data in a much faster and effective way, nevertheless it may lead to invasion of privacy of personal data and to possible abuses of the use that could clash with Human Rights.



For example, a predictive policing system may be designed to indicate in which part of a city policing is likely to lead to the largest number of arrests which lead to successful prosecutions

If it is not further constrained, such a system may end up prioritizing street crime over financial fraud, since financial fraud is more difficult to detect and prosecute

Remarks

Increasing application of AI in public services has the potential to impact several of the Principles of Public Life, presenting new challenges for public servants in upholding those values.

AI is particularly likely to impact the principles of Objectivity, Openness, , impartiality, Accountability and Leadership.

Algorithmic bias has the potential to threaten the objectivity of public sector decisions, while several forms of opacity in AI systems raise challenges for openness in public services; and, in turn, this impacts the ability of public servants to be accountable and exercise proper leadership

AI predictive justice systems are commonly used in US for judicial or policies means while progressing in minimizing the risks on Human Rights Violations.

LET'S LOOK INTO EUROPE NOW...

In Europe the use of AI is limited to specific tasks specially the use of AI in the court proceedings and predictive justice systems, that could affect the elements of fair trial protected by European Convention human Rights

In relation to this the European Council has rendered the European Ethical Charter on the Use of Artificial Intelligence in Judicial Systems and their environment Adopted at the 31st plenary meeting of the CEPEJ (Strasbourg, 3-4 December 2018).

This ethical charter states that the development of AI has to comply with human rights and concretely :

1. ensure that the design and implementation of artificial intelligence tools and services are compatible with fundamental rights.
2. specifically prevent the development or intensification of any discrimination between individuals or groups of individuals. Such as race or gender.
3. with regard to the processing of judicial decisions and data, use certified sources and intangible data with models elaborated in a multi-disciplinary manner, in a secure technological environment.
4. make data processing methods accessible and understandable, authorize external audits. So that no software is completely restricted to its developers.
5. preclude a prescriptive approach and ensure that users are informed actors and in control of the choices made.

Regarding AI systems of predictive justice, the European Council tends to believe there is the risk of potentially leading, in the long term, to a standardization of judicial decisions based no longer on case-by-case reasoning by the courts, but on a pure statistical calculation linked to the average compensation previously awarded by other courts.

For the time being judges in the Council of Europe member States do not seem to be making any practical and daily use of predictive software. Local tests and academic work have been carried out to explore the potential of these applications, but they have not yet been applied on a wide scale.

the European Council also recognizes the positive assets and great potential of AI to help legal professionals in their work. It states that there is no doubt that some AI applications which are still under development or testing, such as those designed to improve legal research, could be very useful in rendering processing of the judicial workload faster and more efficient.

Also the EU generally advocates the use of AI by legal professionals according to their needs, provided that due regard is shown for the individual rights guaranteed by the ECHR and Council of Europe standards, particularly in criminal matters

Far from being a simple instrument for improving the efficiency of judicial systems, AI should strengthen the guarantees of the rule of law, together with the quality of public justice

Lastly, the availability of data is an essential condition for the development of AI, enabling it to perform certain tasks previously carried out by humans in a non-automated manner.

The more data available, the more AI is able to refine models improving their predictive ability.

States members of the council of Europe have not all yet implemented a complete open system of open data for the judiciary proceedings thus it makes very difficult for predictive AI to be able to develop in the EU like in Us or China.

Finally the European Council States that the state of development of machine learning techniques does not allow today to reach reliable results regarding the “prediction” of judicial decisions. On the other hand, their application in the field of civil, commercial and administrative justice is to be considered for the creation of scales or the pre-litigation resolution of disputes online, when a later appeal to the judge remains possible

Thank you

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