**THE PHENOMENON OF LEGAL PROFESSIONS BEING REPLACED BY ARTIFICIAL**

**INTELLIGENCE – REAL DANGER OR JUST A MYTH?**

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**Abstract:**

In a world that seems to have moved completely online, the temptation to think that the physical world is abandoned and everything can be done in the virtual environment from now on is obvious. But if we look around the corner, we will still find ourselves, those in physical reality. The illusion of the easiness and practicality of the virtual environment is maintained until the appearance of the first palpable problem, which directly impacts our quality of life. Until the first serious health problem, until the first risky legal process in which we are involved. The need to have an empathetic human contact with a specialist to whom we can confess and who can offer us real and honest solutions will always be present and extremely difficult to replace by a robotic factor. Despite the fact that the existence of an instinct to turn to the advice of some AI at the expense of human contact in such situations is hard to imagine, we have nevertheless carried out a thorough analysis in relation to the mediatized initiatives with the potential to completely replace some legal professions with AI. As a result, we will find that, although we are bombarded with a multitude of scenarios in which these robots are already functional and in current use, we are in the presence of an exacerbation of technological evolution at this time. The way to transfer critical thinking and human-to-artificial intelligence empathy has not been decoded yet, and simple imitations of these exclusively human skills can lead to disastrous consequences.

*Keywords: digitization, legal professions, ChatGPT, robot*

With the onset of the pandemic, the topic of using the benefits of remote technical means, as well as those involving a certain type of artificial intelligence, has grown in direct proportion with the severity of the consequences of the pandemic. Governments have been forced to quickly adopt solutions that allow a life similar to the one existing before the pandemic, easing the restrictions and their effects generated by a health crisis of proportions.

After the mitigation of the virulence of the pandemic, which at the same time allowed the return to an almost normal life, the technical solutions adopted on the run were kept, moreover, their effects were briefly analyzed, quickly deciding to expand the use and format of these solutions in the future . Today, we are witnessing aggressive marketing on the rapid proliferation of software that could successfully replace various legal professions, as well as on their unsurpassed efficiency. After carefully analyzing these steps, as well as the news that appeared regarding this aspect, I decided to create a realistic X-ray, which goes beyond the superficial layer of a summary information, as well as the sensationalism aimed at by some publications.

In addition to the ethical discussions raised on the side of these initiatives, we will try to shed light including from the point of view of the technical capabilities that an AI possesses, as well as its limitations, at this time. We are also facing a phenomenon of fake news in the legal field, as well as an exacerbation of the speed of the development of artificial intelligence, which does not take into account the global rudimentary level at which the confluence of legal and technical is located, nor the fundamental incompatibility between a humanistic science and a possible translation of it through the lens of an exact science.

We consider the following topics of discussion appropriate:

1. **the appearance of robot judges:**

A first phenomenon that appeared regarding the integration of AI in the legal field was related to the automatization of the judge's duties, in an attempt to relieve the courts of the increased number of legal requests. Estonia would have been a pioneer in this field, continuing its reputation as a European country promoting the digitalization of public services[[1]](#footnote-1), being one of the first countries to support the need to declare Internet access as a human right[[2]](#footnote-2). So, how does this robot judge implemented in Estonia work, or, at least, how was this aspect speculated online? With a simple online search, we quickly find either articles overflowing with enthusiasm, looking with optimism towards the rapid technological evolution in the judicial sector, culminating in the invention of a robot judge by Estonia, or headlines clearly worried about the future of justice[[3]](#footnote-3). The articles dating back to 2019 do not provide official sources to substantiate the existence or use of this type of AI in Estonian courts, most of them being consecutive takeovers and reformulations of a single article, probably appearing as a result of a faulty translation. We mention this aspect because the first international article published on this subject seems to be that of the American magazine Wired[[4]](#footnote-4), developed by David Engstrom, an expert in digital governance at Stanford University[[5]](#footnote-5). However, this article only mentions the intention to develop a "robot judge" that could resolve disputes over claims in court whose damage does not exceed 7,000 EUR (about 8,000 USD), and not that this robot already exists, judging cases.

In the context of an advanced search, however, we find an official statement from the Ministry of Justice of Estonia, which, surprisingly, completely denies this information, stating that they are not developing a robot judge for the small claims procedure, nor general court procedures to replace the human judge, on 16.02.2022.

Specifically, the Ministry of Justice is looking for opportunities to optimize and automate procedural steps in all types of procedures, including procedural decisions, if possible. At this moment, it is mentioned in the official statement that one of the objectives is for all judicial cases to be carried out digitally, and for the processes to be optimized and automated as much as possible. The confusion started in the context of Estonia's plan to automate a national payment order procedure, a simple procedure that is almost fully automated at the moment and could be fully automated in the future.[[6]](#footnote-6)

Following the unmasking of this non-existent robot judge, we continue to investigate other similar initiatives. In this sense, we find another initiative of a robot judge type in China. After a thorough analysis, we find that, indeed, the digitization of the courts seems to reach new heights, without creating a robot judge. Among the relevant aspects found in the online articles, we mention the following aspects:

* an application called "Smart Court SoS" analyzes court cases for references and provides judges with recommendations on both laws and regulations;
* the same application prepares supporting documents for arguing decisions regarding the settlement of cases, an aspect that could prevent errors in the verdicts of human judges;[[7]](#footnote-7)
* we also learn that, in the event that a judge does not share the AI's recommendation regarding the verdict that should be given in a particular case, he should justify his different decision. This aspect would be attributed to the non-unitary jurisprudence existing on Chinese territory, the Supreme Court issuing an act that obliges the use of this AI to standardize the decisions given in identical cases.

Although the steps really sound initiatory, without entering into the debate of the ethical aspects concerning the use of the existing technical components in the Chinese courts these days, we note the fact that no official source has confirmed the information according to which a human judge should justify a decision different from the recommendation of the AI, subject to the fact that no sources in Chinese were consulted, but only official sources translated into international languages ​​(for example, the website of the Ministry of Justice of the People's Republic of China, as well as the website of the Supreme People's Court[[8]](#footnote-8)).

We highlight the need for detailed and fundamental information about the digitalization initiatives of some legal professions, in order to have a real empirical perspective on the evolution of the integration of technology in the context of the administration of justice. At this moment, there are various initiatives to automate the administrative aspects of judicial procedures, with an emphasis on ODR (online dispute resolution), and more and more advanced methods are being tested to go further and replace or help the judge in the context of decision-making. However, we are far from successfully replacing or automating human critical thinking and making such far-reaching decisions as those in justice. We believe that we are only at the beginning of awareness of the technical limitations and ethical issues raised by the use of AI, as well as the beginning of effective risk analyzes of the use of AI at the lowest level in court, and we will then elaborate the solid legal framework of the functioning and controlled use of AI in justice.

1. **replacement of lawyers - legal advice provided by AI**

Another profession hit by fake news and a hypothetical early disappearance is the legal profession of lawyers. The first large-scale initiative of this kind appeared in 2016, when a software called ROSS was hired by a US law firm to assist with legal consultancy work in the field of insolvency. Of course, the AI ​​has never done independent work that rivals the capabilities of a human lawyer, largely filling out the necessary legal and doctrinal research work of the already existing team of lawyers in the US firm Baker & Hostetler's cases. Basically, the AI ​​in question reduced the necessary time allocated to a legal research on the applicable legislation and jurisprudence, without making value judgments or interpreting the legal provisions in force. A vital aid in the context of rapid execution of qualitative research, yet remaining a mere technical aid with no intellectual capacity to think up defense strategies for clients or hold pleadings in court.

This approach was succeeded by the robot lawyer initiative created by the American company DoNotPay, which was followed by severe public consequences for the initiator.

Startup DoNotPay, which self-proclaimed inventing "the world's first robot lawyer," intended to use AI in court pleadings, teaching defendants how to respond to assigned judges.

Founder Joshua Browder enthuses that "law is almost like code and language combined, so it's the perfect use case for AI." We believe that nothing could be more false, minimizing the essential human component in the context of the administration of justice.

In addition, the founder mentioned that measures on preventing AI weaknesses were also taken, in order to avoid problems with exaggeration of facts or the existence of an overly polite behavior that responds to everything the judge says - including rhetorical statements. Another effort by the company to encourage the use of this robot lawyer was pecuniary in nature, with DoNotPay agreeing to cover any fines and defendants to be compensated for participating in the experiment. What's more, the DoNotPay founder said he would pay anyone with an upcoming US Supreme Court case $1 million to wear AirPods and let his robot lawyer provide legal assistance in that case.[[9]](#footnote-9)

Following the development of this initiative, which was supposed to debut on February 22, 2023, we learn that it has been withdrawn. The reason presented by the CEO would be the pressures carried out by the national bars who would have felt threatened by the capabilities of this invention

We couldn't find any official statement on this, so we don't know if these pressures existed, or if the company realized the multitude of legal and ethical issues it could face in the context of actually using AI in court, so it withdrew the prototype.

The issue of court records was also raised, with the AI ​​using records to function. Thus, DoNotPay's technology could not have been legal in most US courtrooms, as some states require all parties to consent to being recorded, which precludes the possibility of a robot lawyer participating in multiple courtrooms[[10]](#footnote-10).

We wonder, however, whether this initiative can be categorized as a evasion of admission to the legal profession, and thus, practicing without permission? In order to be able to defend citizens in court, however, prior training and a passing exam are required, subsequently acquiring the status of lawyer and the right to practice in the field, which could not be transferred by the persons holding it to an AI. This precedent is also dangerous for the stability of the legal profession, as well as for its prestige.

Despite all the previous news, the main purpose of which was to exaggerate the reality and improve the PR of the company involved. We believe that there is no real danger of replacing lawyers with robots at this time. Ensuring an effective legal defense is a complex process, which starts from an analysis and a correct legal framing of the facts, carried out by the lawyer, facts related most of the time by the client in a simple, informal, unclear, distant language by the wooden legal language. We do not believe that an AI currently possesses this human intellect-like ability to legally frame facts, to develop an optimal defense strategy, to anticipate the other side's defenses and counter them, to correlate with practicalities known only to a lawyer from his past experience, not to mention the impact of a person that can support human empathy and demand a just verdict tailored to a specific situation.

**c) ChatGPT phenomenon**

ChatGPT (Chat Generative Pre-Trained Transformer) is a chatbot software with artificial intelligence programmed to answer any questions asked by users, in any field, including legal, containing 175 billion machine learning parameters, updated until the year 2021[[11]](#footnote-11).

A chatbot is a software application designed to mimic a human-like conversation based on user cues. It's part of a new generation of artificial intelligence systems that can converse, generate readable text on demand, and even produce novel images and videos based on what they've learned from a vast database of digital books, online writing and other media. The popularity of this software is unprecedented, reaching over one million users in less than a week after its release.[[12]](#footnote-12)

How does this software impact the legal field?

First of all, it has been used since the first day as a tool available for students, for the development of various topics in the context of fulfilling the requirements of the courses they follow (reports, analyses). This aspect can raise long-term problems in the development of personal skills that are acquired during university studies and that are vital in the context of carrying out activity in the legal field. We are talking here about building critical thinking, increasing memory capacity through learning an increased amount of information, as well as analytical and research skills, which can be sabotaged by using these tools. In addition, various issues regarding copyright and permission to use the material presented by ChatGPT are also raised. I directly asked the software if its answers were original, and its response clarified the situation from a legal point of view, pointing out that the answers do not belong to it [[13]](#footnote-13):

*Q: Are the content and answers you produce original?*

*A: No, the content I produce is generated based on patterns in the datasets I have been trained to use and does not come from my own thoughts or experiences. I can provide relevant information and answer questions based on the information I have been trained, but the content I produce is not original in the sense that it is not created from scratch by me.*

Also, if we ask ChatGPT to, in the context of developing an answer, insert the bibliographic references on which its compiled answer is based, we will receive a series of references, but we cannot be sure that they are complete or correctly cited, since the references are not highlighted distinctly for each idea taken over. At the same time, the links it presents are not updated, the information being available online until 2021.

On the same line of ideas, the team from the University of Minnesota [[14]](#footnote-14) tested ChatGPT in the context of some exams within the related Faculty of Law, in order to carry out a study on the real capabilities of AI. They chose four separate final exams in the following subjects: Constitutional Law, Labor Law, Tax Law and Torts, to be passed by this software. The results of ChatGPT were anonymized and mixed with the works of real students, being later sent for teacher’s evaluation. ChatGPT passed all four exams with minimum passing marks. The authors of the study dedicated a chapter to the study and AI weaknesses, emphasizing among them the lack of coherence in the approach to the cases, as well as the omission of the treatment of some aspects that were not expressly mentioned in the phrasing of the exam subjects. As a conclusion, the authors of the study highlighted an amazing, albeit uneven, performance, suggesting that ChatGPT represents both a promise for the future and a considerable danger, expecting such language models to be important tools for practicing lawyers, such as and a great help to students who use them (legally or illegally) in law exams.

Going forward, a study by two experts from the Stanford Center for Legal Technology [[15]](#footnote-15) revealed shocking results regarding AI's future possibility to pass including the U.S. Bar Exam. The authors concluded that AI significantly outperformed the base rate of random guessing, and without any adjustment, currently achieves a passing grade on two subjects on the bar exam, confirming his general understanding of the legal domain.

Second, could it be used as an auxiliary in the work of professionals in the field? In the main, we think so, given the rigorous testing of correctness provided by AI. In this regard, the first news has already appeared with judges testing the use of ChatGPT in the context of court decision-making. We cite the case of the judge in Colombia who stated that he used ChatGPT in the context of a decision about whether an autistic child's insurance should cover all or only part of the costs of his medical treatment[[16]](#footnote-16). The judge's statement should not be taken out of context, but understood through the prism of a man excited to check the current advances in technology, without extrapolating and feeding the fake news phenomenon that captured the statement. The reality is that the judge did not base his ruling on this software[[17]](#footnote-17), simply giving an interview on a local radio about the fact that, considering the application of Law no. 2213/2022 of Colombia encouraging the use of technological tools in the legal field, it also tested ChatGPT in a case to see if it can provide a fair solution, not the first time it tries to observe the usefulness of AI in the justice system. The solution given by ChatGPT was correct, it applied the law exactly, but the judge had already made this assessment and decided the solution, not being influenced by this application or leaving the final decision up to him.

The AI's interpretation of the legislative provisions can be useful, in the context in which it has an impressive database of doctrine, citing the sources on the basis of which it makes the interpretation. However, we do not understand exactly what kind of compilation and interpretation ChatGPT does. Does it restate information it already has, draw conclusions from it, or offer an original interpretation? If we ask the software, we still get the information that it does not have the ability to interpret the legal provisions, emphasizing that its understanding of this information is limited to the patterns and associations it has learned from this data, being able to provide information about the provisions legal and can answer questions to the extent possible, but cannot provide legal advice or interpretation. Basically, the accuracy of its information depends on how well the information exposed by the user matches the data sets that ChatGPT holds.

Of course, his answers that eliminate the possibility of interpretation [[18]](#footnote-18) they are not to be believed word for word, but we share the same opinion. We believe that at this point, although the software presents very good coherence, an impressive variety of information, as well as a correlation of them beyond expectations, we cannot discuss a specialized AI that will completely transform the legal field as we know it.

Finally, we express our opinion that the danger of using this software also comes from the fact that it is free software, available to anyone who has access to the Internet, the application not being so strong from the point of view of the security of its coding. Some users managed in early December 2022 to crack the initial code of the software that holds certain censorship parameters (for example, censoring information with sexual, violent content), using various techniques to bypass these restrictions. They successfully tricked ChatGPT into giving instructions on how to create a Molotov cocktail or a nuclear bomb, or generate arguments in the style of a neo-Nazi. In addition, ChatGPT was tricked into presenting favorable arguments regarding the Russian invasion of Ukraine[[19]](#footnote-19).

The consequences of these reports are very serious, and may have an echo even in the legal field. There may be situations where individuals may request legal advice from this software regarding the legal or illegal nature of an action they wish to undertake in the near future. If we are not clear what this software will advise a person in general, what do we do if it is diverted from its purpose by advising people to commit crimes? We wonder how we will be able to control this phenomenon in the future, a simple disclaimer that the content generated by ChatGPT does not constitute legal advice is not enough.

As a conclusion, we note that this software presents significant developments, which could in the future change the world of justice as we know it today. However, we believe that claims that legal professionals will be replaced by robots are exaggerated, with even ChatGPT noting that it is unlikely that AI will ever be more than high-performance tools to support human resource work[[20]](#footnote-20).

When publicly approaching all these digital initiatives, as well as its capabilities, we recommend caution. Avoiding exacerbating the alleged capabilities of AI at this moment, as well as the conspiratorial promotion of a gloomy future in which justice will be replaced by robots, are vital, in order to stop the weakening of the image of justice, which has already been constantly attacked in recent decades. It is true that we cannot fully know the future, but a dose of realism and correct information about these initiatives will reveal the actuality and the need to respect the ancient principles of law, which have led justice on its uninterrupted path for over 2000 years . At the same time, these initiatives can always be subject to prohibitions, precisely aiming to prevent the situation of completely robotizing society and impacting the labor market at an unprecedented level, as well as the quality of justice offered to people.

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2. Right to access the Internet: the countries and the laws that proclaim it – Diplo, 2011, <https://www.diplomacy.edu/blog/right-to-access-the-internet-countries-and-laws-proclaim-it/> [↑](#footnote-ref-2)
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4. Can AI Be a Fair Judge in Court? Estonia Thinks So, Wired, 2019, <https://www.wired.com/story/can-ai-be-fair-judge-court-estonia-thinks-so/> [↑](#footnote-ref-4)
5. David Freeman Engstrom, Biography - <https://law.stanford.edu/directory/david-freeman-engstrom/> [↑](#footnote-ref-5)
6. *Estonia does not develop AI Judge*, Ministry of Justice, 2022 - <https://www.just.ee/en/news/estonia-does-not-develop-ai-judge> [↑](#footnote-ref-6)
7. *AI helps judges decide court cases in China,* AI business 2022, <https://aibusiness.com/verticals/ai-helps-judges-decide-court-cases-in-china> [↑](#footnote-ref-7)
8. *The Supreme People’s Court in China* - <https://english.court.gov.cn/> [↑](#footnote-ref-8)
9. *DoNotPay says it's pivoting from plans to argue speeding tickets in court with AI*, USA Today Tech - <https://eu.usatoday.com/story/tech/2023/01/09/first-ai-robot-lawyer-donotpay/11018060002/> [↑](#footnote-ref-9)
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12. *ChatGPT Statistics for 2023: Comprehensive Facts and Data*, Demand Sage, 2023 <https://www.demandsage.com/chatgpt-statistics/> [↑](#footnote-ref-12)
13. Research conducted by the authors through direct use of ChatGPT. [↑](#footnote-ref-13)
14. The study can be consulted in detail here: <https://ssrn.com/abstract=4335905> or <http://dx.doi.org/10.2139/ssrn.4335905> - Choi, Jonathan H. and Hickman, Kristin E. and Monahan, Amy and Schwarcz, Daniel B., ChatGPT Goes to Law School (January 23, 2023). [↑](#footnote-ref-14)
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18. AI proves that it owns the definition of interpretation in the legal field, providing the following explanation: Interpretation of legal provisions refers to the process of understanding the meaning and intent of laws and regulations. This involves analyzing the language of the provisions and considering how they apply to specific situations. Interpretation of legal provisions is important to ensure consistent and fair application of the law and is usually carried out by legal experts such as judges, lawyers and scientists. Interpretation of statutory provisions can have a significant impact on the outcome of legal cases and can help ensure that the law is applied in a way that is consistent with its intended purpose. [↑](#footnote-ref-18)
19. CHatGPT definition, Wikipedia - <https://en.wikipedia.org/wiki/ChatGPT> [↑](#footnote-ref-19)
20. ChatGPT's answer to the question of whether AI will replace humans in the future It is unlikely that AI will completely replace humans in the future. While AI has the ability to automate certain tasks and make certain processes more efficient, it is unlikely to fully replace human capabilities in areas that require human creativity, empathy and judgment. Instead, AI and humans are likely to complement each other and work together across industries and domains to achieve common goals. However, the impact of AI on the labor market and the economy is a complex issue and will depend on various factors, such as the speed of technological progress, government policies and societal attitudes towards AI*.* [↑](#footnote-ref-20)