

AI & ASSOCIATES

Can Artificial Intelligence Benefit
The Legal Practice?

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Introduction

Until recently, artificial intelligence (“AI”) was typically associated with humanoid robots from science-fiction movies – however, AI is increasingly becoming a part of real, everyday life. New AI-backed technologies have become more accessible across various industries, rapidly changing the way we work.

What is AI?

While several definitions of AI have surfaced over the last few decades, John McCarthy, one of the founding fathers of AI, defined same as “*the science and engineering of making intelligent machines*”[1].

At its simplest form, artificial intelligence is a field, which combines

computer science and robust datasets, to enable problem-solving. It also encompasses sub-fields of machine learning and deep learning. These disciplines are comprised of AI algorithms which seek to create expert systems that make predictions or classifications based on input data.

Use of AI by Law Firms

AI is taking the legal world by storm and lawyers all around the world are embracing the change.

In February 2023, DoNotPay, an online legal services company, was scheduled to send its AI-powered chatbot to court to guide a client. However, this historic moment was put on hold when state bar

prosecutors informed the company that using a robot lawyer could result in jailtime for its founder[2]. While this reaction seems to imply that the legal profession is not ready to get behind the idea of robot lawyers, it does not mean that there is no place for AI in the legal industry.

The advantages that law firms can derive from AI include:

Research

By analysing vast amounts of information more efficiently and much faster than humans can, AI-powered tools can bring new efficiencies to lawyers that allow them to free up more time.

Client On-boarding

AI can be used to automate the client on-boarding process by fielding the types of questions commonly asked by prospective clients as they determine whether or not the firm can meet their needs.

AI-powered chatbots can automate the collection of basic client details, saving time for staff, while ensuring that the information provided is complete and accurate.

Business Development Efforts

Law firms can leverage AI to analyze data on past clients such as how they found the firm, the services sought and their demographics. These insights can assist law firms to identify potential prospects and predict their chances of becoming paying clients while allowing the firms to develop targeted business development strategies.



Drafting and Document Management

AI can also assist in drafting legal briefs, reviewing legal documents and analyzing contracts. Additionally, when firms leverage AI to accomplish administrative functions and other tasks that do not qualify as billable hours, lawyers have more time to be more profitable, by using their billable hours for substantive legal work.

AI-driven document management software stores and organizes digital legal files making document retrieval and sharing easier.

Predicting the outcome of cases

One of the most ingenious applications of AI in the legal industry involves using it to predict the outcome of lawsuits. Determining the viability of litigation or quantifying the value of a lawsuit requires extensive analysis of precedent-setting cases. Tools designed to leverage AI (nicknamed "judge bots") can determine the most likely outcome of a case, to assist lawyers in deciding the best plan of action, including, for example, whether to proceed to trial or to settle.



Some Likely Risks

While AI holds great promise for streamlining processes and introducing efficiencies in legal practice, a cautious approach to implementation is required due to the associated risks including those set out below.

Results may be inaccurate or plagiarized

AI models can produce inaccurate or plagiarized results, without any indication that their outputs may be problematic. That is because the models have been trained on the internet, which is not a universally reliable source.

Earlier in 2023, Colombia-based Avianca Airlines sought to dismiss a federal court case in which a man, Roberto Mata, alleged he suffered personal injuries when he was struck by a metal serving-cart onboard a flight. When filing a response, Mata's lawyers cited some cases to show precedent, but the court found that those cases did not exist and were "bogus judicial decisions with bogus quotes and bogus internal citations", leading the federal judge to consider sanctions. A member of Mata's legal

team revealed he had used ChatGPT to conduct legal research for the court filing that referenced the cases, and that the artificial intelligence tool assured him the cases were real[3]. There has been a similar case in South Africa and, according to the Magistrate, "The attorneys used this medium to conduct legal research and accepted the results that it generated without satisfying themselves as to the accuracy."

Biased Data

Additionally, AI systems are only as unbiased as the data on which they are trained. If the historical data used to train AI models contains bias or discriminatory patterns, AI can perpetuate these and lead to unjust outcomes.

Data Privacy and Security Issues

AI relies on a vast amount of data to be effective. It often requires users to input data to get the most from their systems, including potentially sensitive information about individuals or organizations. Legal professionals must ensure robust data privacy and security measures to prevent unauthorized access, breaches or misuse of sensitive legal data.

Regulation of AI in Ghana

There is currently no legal or regulatory framework governing the general use or application of AI in Ghana. However, Ghana has seen some developments in the use of AI across various industries. Ghana also has the privilege of being home

to Google's first AI office in Africa.

Ghana's slow pace in adopting a national AI policy can be attributed to factors such as limited awareness about AI's potential, infrastructural challenges and the need for a unified vision on AI's role in our economic development. Lawmakers in Ghana have called for legislation to govern the use of AI and have held discussions on the setting up of an "AI Council" to supervise the use of AI in Ghana[4]. This may be the first step to policy development in this regard.

In the legal sector, some law firms make use of law firm management software to assist with file management, billing and other accounting functions.

The legal profession in Ghana is regulated by the Legal Profession Act 1960 (Act 32) as well as the Legal Profession (Professional Conduct and Etiquette) Rules 2020 ("**Legal Profession Rules**"). Although neither Act 32 nor the Legal Profession Rules contain provisions on the use of AI, the Legal Profession Rules reiterate the lawyer's duty of confidentiality, duty to provide competent representation in the form of legal knowledge, skill, thoroughness and preparation and duty to act with reasonable diligence in representing a client[5].

Consequently, legal professionals must put safety measures in place when integrating AI including investing in sufficient training and education.

Conclusion

The rapid development of AI-driven tools offers law firms a host of opportunities for bringing new levels of efficiency to their operations. Regardless of the size of the firm or the areas in which it practices, now is the time to begin leveraging AI to grow faster, serve clients better and boost profitability.

Though some have opined that AI spells doom for lawyers, it might be more accurate to argue that AI should be used as a helpful tool to get ahead.

[1] What is Artificial Intelligence, John McCarthy, 12 November 2007

[2]<https://www.nytimes.com/2023/05/27/nyregion/avianca-airline-lawsuit-chatgpt.html>

[3]<https://www.nytimes.com/2023/05/27/nyregion/avianca-airline-lawsuit-chatgpt.html>

[4]<https://allafrica.com/stories/202306270016.html>

[5] Legal Profession (Professional Conduct and Etiquette) Rules, 2020 (L.I. 2423)



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