

### AI: Opportunity or threat for the legal profession?

*In evaluating whether AI is an opportunity or a threat for the legal profession, it is clear that the answer is a nuanced one. The opportunities presented by AI, such as increased efficiency, access to justice, and innovation, hold the potential to transform and improve the practice of law. However, the threats of job displacement, ethical concerns, and security risks underscore the importance of responsible integration and management of AI technologies.*

The above would be a fairly respectable response (if rather lacking in the way of stylistic flair) to the question of whether AI poses an opportunity or a threat for the legal profession. If only it were something I had written. In fact, it was authored by one of the most readily accessible forms of artificial intelligence: ChatGPT.

As someone early in their legal career, it is the type of work which I am typically tasked to complete which is most at risk by AI: administration and filing, legal research, drafting, or document review – and yes, writing comment pieces. If AI can (or at least, will soon be able to) do this work as well as I can, does this pose a threat to thousands of legal support roles? Or is this an opportunity for firms to reduce legal costs, providing better value for money for their clients?

ChatGPT is correct that the answer to the question of threat versus opportunity is a nuanced one, in the specific sense that there are multiple risks and opportunities that are worth considering. The legal sector will be impacted both internally - in terms of

how lawyers practice the law - and externally - in terms of the demand for legal solutions in response to AI-driven events.

Internally, increased automation can increase efficiency and reduce labour costs, sifting through data at a rate far superior to humans. Reducing legal costs may make legal advice and representation more affordable, expanding effective access to justice to many who do not qualify for free legal services. However, job displacement risks squeezing an already fiercely competitive industry. Moreover, sensitive information being handled by AI presents a security and confidentiality risk. Data-processing technology has also been known to generate morally repugnant outcomes, whether as a result of flaws or 'bugs' (consider the notorious Horizon accounting system<sup>1</sup>) or due to inherent flaws in the data itself, including reflecting societal biases.<sup>2</sup> We might take as a particularly vivid example Google's photo indexing system which tagged a Black man as a "gorilla".<sup>3</sup>

Externally, the law has already started (if rather reactively) responding to AI-driven events. "Deep fakes" are being used to defame, sway elections, and create sordid media, and law makers are scrambling to keep up.<sup>4</sup> AI is also barrelling toward a head-

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<sup>1</sup><https://www.theguardian.com/uk-news/2024/jan/09/how-the-post-offices-horizon-system-failed-a-technical-breakdown>

<sup>2</sup> <https://medium.com/@yonatanzunger/asking-the-right-questions-about-ai-7ed2d9820c48>

<sup>3</sup> <https://www.forbes.com/sites/mzhang/2015/07/01/google-photos-tags-two-african-americans-as-gorillas-through-facial-recognition-software/#653c0745713d>

<sup>4</sup><https://abcnews.go.com/Politics/bill-criminalize-extremely-harmful-online-deepfakes/story?id=103286802>

on collision with intellectual property law, with lawsuits springing up around the globe for the unlawful processing of data.<sup>5</sup>

Developments in AI will demand new regulatory regimes - with the EU introducing the world's first set of AI regulations just last year<sup>6</sup> - which in turn will create a new demand for legal services and new areas of practice. But law firms do not stand apart from such regimes, and they will add to the already heavy compliance burden.

This complex picture only serves to make the answer to the question at hand more apparent: AI is both opportunity and threat.

Answering in this way seems obvious when we turn our minds to the history of technological development. We might ask, by comparison, was the industrial revolution a threat or an opportunity? Or smartphones and social media? How about cavemen striking together two pieces of flint to make fire? All of these leaps in technological capabilities brought about both risks and opportunities, harm and benefit.

When we consider AI through this historical lens, we get a sense not just of the duality of AI (being both risk and opportunity) but also of its *inevitability*. AI has already infiltrated the legal profession, and there is no reason to believe that this trend will not be exponential. The AI revolution is here and we have no excuse not to be prepared

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<sup>5</sup><https://www.nytimes.com/2023/12/27/business/media/new-york-times-open-ai-microsoft-lawsuit.html#:~:text=The%20New%20York%20Times%3A%20The,published%20work%20to%20train%20A.I.>

<sup>6</sup><https://www.europarl.europa.eu/news/en/headlines/society/20230601STO93804/eu-ai-act-first-regulation-on-artificial-intelligence>

for it. And to that extent, while the question at hand is topical, it is, perhaps, the wrong one. Instead, we might ask: What are we going to do about it?

Dealing with any novel problem first requires education, and legal professionals should be trained in how to utilise AI systems to optimise their work, while understanding the risks. We must establish systems that allow legal professionals to interpret AI-generated outcomes and understand how they have been reached. We need transparency in how data is processed and robust cybersecurity measures to protect sensitive data from unauthorised access. Industry regulators should develop clear ethical guidelines for the use of AI in the legal sector, addressing issues such as bias, transparency, and accountability, to help guide the profession through this transition.

Firms should also take the opportunity to review the roles and responsibilities of their support staff. Technological advancements often bring about economic shifts, whereby a certain set of jobs are abolished, and another set created from the ashes, and this will always be cause for disquiet. But by automating routine tasks, one hopes that we may move closer to the Keynesian ideal of more meaningful work. Firms should invest in their support staff so that, rather than becoming redundant, they can do more substantive - dare I say legal - work.

But above all else, we should continue to be lawyers. That means exercising the skills of our industry: critical thinking, problem solving, creativity, professional scepticism, and independent judgement. These are things which AI cannot do, and are our best weapons in ensuring that AI will never go unchecked, that it will complement legal work and not supplant it.

In ChatGPT's own words: *While AI has made remarkable progress, it still falls short of replicating the full spectrum of human intelligence and capabilities.*