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Legal Fraternity Post-COVID: Indian Perspective

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ABSTRACT

The novel coronavirus has impacted our normal lives immensely that change is the need of the hour. People have been adapting to changes in this Covidian era and it shows that certain necessities have enabled our search towards possibility and dynamicity. The pandemic has brought forth a situation that entails digitalization a much needed key in the legal sector to carry on the activities. This has created an increasing demand for Artificial Intelligence (AI) enabled technologies across the globe. This blend of technology with the legal system will have an astonishing effect on the legal fraternity. In India, the dynamicity brought in by digitalization and AI tech driven revolution can be the game player in leveling up the legal arena. This article attempts to deal with two main changes the pandemic has compelled to bring in namely digitalization and AI technologies in the legal system. Further, it tries to evaluate the impact Artificial Intelligence (AI) can bring in and also throws some light on the international scenario regarding usage of AI and digitalization. The article also analyses the restraints that exist in implementing these changes in the Indian legal sector and finally concludes by answering the conventional question of whether these changes will ultimately replace a lawyer's role and job in the upcoming years.

I. INTRODUCTION

The legal arena has always been susceptible to changes and this epidemic scenario is even more compelling for the legal fraternity to take up the challenge and innovate a new way to litigate and practice and to adapt to the digitalization era. Times have changed us from courtrooms to virtual court rooms. It has eased the time and paperwork involved in the court process. With the pandemic attorneys, lawyers and law firms are also in a crisis for they are expected to leverage themselves to methods that effectively cut down costs, boost competence at that same time maintain their service quality. Law firms and lawyers have now resorted to working at remote places, video conferencing, and adapting to other legal technologies. This has paved the way for incorporating AI devices in the legal sector. Artificial Intelligence is a machine-

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based data-driven system that goes on par with human intelligence. It is a system based on software which analyses the large amount of data that is being fed to it, creating a certain set of pattern and eventually giving the desirable output. AI is not a new term in India as we have seen scrupulous developments it had made in myriad sectors especially the IT sector in India in the last few years. With the help of these technologies, Alternate dispute settlements have already set up a pace in India which has promised a speedy dismissal of hogging cases. In the legal arena, it is helpful for lawyers and young professionals especially because they can access the legal domain in very few seconds. This means that the number of man-hours required to get the work done is now eliminated by the AI platform.

II. AI AND THE CHANGE IT BRINGS IN :

There is a drastic change in the profession of law in India when introspected before 10 years and now. Legal research had been a hectic job consigned to the interns and young lawyers where they have to come up with relevant precedents. Legal research platforms have now enabled students and big law firms to easily access legal resources. This has reduced the enormous time consuming mechanisms to shreds of keywords.² Lawyers now have efficient and economic solutions that are flexible to their client's needs. It helps in legal analytics and also in the automation of documents. With the large amount of data being fed in, drafting of agreements will display even more augmented efficiencies. Litigations costs can be drastically reduced while maintaining quality and efficacy. Various legal software now helps in drafting contracts and in no time will there be a contract created. Large firms have already blended in with AI and now the law firms have also advanced to the level where the billing process is all through electronic means and not following the conventional method of paying for the day to day basis work. This means that big firms have already started to propel their revenue with innovative ideas bringing up competition between them and small firms.³ European Researchers have found out that resorting to Artificial intelligence for predicting the final verdict in human rights cases has been a success as the results were almost 80 percent accurate in par with the judgements given by the human judges of the court. This implies that AI usage in Indian courts will lead to substantially dispensing of all the accumulated similar type cases with similar judgements in a very short span of time. Post-COVID it is estimated that stream of cases will be added upon the existing pendency of cases and hence the introduction of AI

² Mirza Aslam Beg, Impact of Artificial Intelligence On Indian Legal System, Legal Service India, <http://www.legalserviceindia.com/legal/article-631-impact-of-artificial-intelligence-on-indian-legal-system.html>.

³ Victoria Woollaston, AI lawyer correctly predicts outcomes of human rights trial, Wired(Oct.24.2016), <https://www.wired.co.uk/article/ai-human-rights-court-cases>.

based software systems will help the courts to resolve the pendency of cases and thereby delivering justice fastly.

III. INTERNATIONAL SCENARIO OF USING AI IN LEGAL FIELD:

⁴ Many countries have passed down acts to bring in changes in their legal field in this epidemic hour. Compared to India certain countries have already started using these technologies. In the United Kingdom (UK), a company name DONOTPAY called their chat box as a world's first robot lawyer. ⁵This chat box is said to have taken up 250,000 parking ticket cases and almost won 160,000 with an estimated success rate to be at 60 percent. The chat box is designed to interview users regarding their users and uses those answers to complete the paper work. ⁶American courts use an AI called Compas, an exclusive commercial system that helps to predict prison terms for the convicts. It uses a vast collection of data that helps the AI to quickly generate solutions and hence helps in the delivery of judgments and the judges are also highly unlikely to dissent from the view if there is a large dataset present. This is because a large data set may likely cause the judge to make impartial decisions. This public safety assessment in decision making in the pre-trial process lessens the burden on the judges and courts. ⁷In China digitalization and AI has helped them streamline case handling by delivering similar judgements in similar cases. Judges in the foreign courts also rely on Kiara, Canadian based AI database platform specially designed to analyze and identify data extracting concepts and clauses from contracts letting the user decide to the patterns and trends in the document. ⁸This cutting edge technology is being deployed by India's Cyril Amarchand Mangaldas as a part of legal innovation making it the first AI applied firm in India. IBM's AI Ross manages many legal practices worldwide. Several law firms have employed this software permanently to handle specific contracts and legal subjects. It is based on IBM's Watson, which uses a person's interactions, perceptions and communication with it to store data making it the world's first ever AI attorney. It is seen that many more AI driven technologies are playing key areas in many countries enabling them to access the next-gen legal profession. The AI revolution in

⁴SURYANSH VERMA AND RAMANUJ MUKHERJEE, NEW TECHNOLOGY TRENDS THAT ARE LIKELY TO HAVE LONG TERM IMPACT ON THE LEGAL PROFESSION, IPLEADERS(FEB.22, 2019), [HTTPS://BLOG.IPLEADERS.IN/NEW-TECHNOLOGY-TRENDS-THAT-ARE-LIKELY-TO-HAVE-LONG-TERM-IMPACT-ON-THE-LEGAL-PROFESSION/](https://blog.ipleaders.in/new-technology-trends-that-are-likely-to-have-long-term-impact-on-the-legal-profession/).

⁵ Samuel Gibbs, Chatbot lawyer overturns 160,000 parking tickets in London and New York, *The Guardian* (Jun.28, 2016, 11:07 BST), <https://www.theguardian.com/technology/2016/jun/28/chatbot-ai-lawyer-donotpay-parking-tickets-london-new-york>.

⁶ Bryann Lynn, Judges now using Artificial Intelligence to rule on Prisoners, *Learning English*(Feb.7, 2018), <https://learningenglish.voanews.com/a/ai-used-by-judges-to-rule-on-prisoners/4236134.html>.

⁷ Meng Yu and Guodong Du, why are Chinese courts turning to AI ?, *THE DIPLOMAT*(Jan.19, 2019), <https://thediplomat.com/2019/01/why-are-chinese-courts-turning-to-ai/>.

⁸<https://www.cyrilshroff.com/uncategorized/cyril-amarchand-mangaldas-is-indias-first-law-firm-to-embrace-artificial-intelligence-technology-as-part-of-legal-innovation/#>.

the legal arena in India is still in its nascent stage but is predicted to take a plunge post-COVID as many of the legal firms are likely to incorporate AI tech driven solutions to stay competitive and modern.

IV. SOME BARRIERS TO DIGITALISATION IN LEGAL ARENA IN INDIA:

⁹ Justice of The Supreme Court of India, D.Y.Chandrachud had once said that technology is adjunct to the rule of law and should be considered as an important element in crafting court design. Yet there are certain barriers to it when implied in the Indian legal system. First, there should be adequate infrastructure for the courts to facilitate digitalization. This is because certain sections of our country are still dealing with the fast-paced technological developments and are trying to get acquainted with it. So it will be too much to ask for those people to shift entirely to the digital mode. Next is ¹⁰that not all lawyers are tech savvy. ¹⁰They need to be provided with technical knowledge on how to use the platform. Hence this also serves as a barrier in the fruitful usage of the digital mechanism. Another important problem that arises is that of the authenticity of the documents produced during the video conference, admissibility of the witnesses, and confidentiality of the hearings. And also since these involve the internet for functioning there will be possible technical glitches like poor internet connection, outdated equipment, time lag, etc.

These are some of the practical issues dealt with virtual courtrooms. The only possible solution is that certain investments are quintessential in courts and IT infrastructure. Hence the government should put on sufficient funds for the courts to administer themselves. Also, it is seen that certain changes in the statues like CPC (Indian civil procedure code) and CRPC (Indian criminal procedure court), evidence act, etc. are to be made in dealing with the digital aspects of court procedures and proceedings. Certain amendments to accept e-authentication and other procedures of the court is to be made for efficient and smooth functioning. In addition to these cyber threats also pose as an obstacle in implementing the digitalization of courts.

These technologies and software though helps in precision and making decisions yet human mind application is an essential element in the field of law because one cannot blindly turn on to computer-based decisions. The software uses the vast data fed to them based on which it processes the output and in certain cases, it can fail if the human mind is not applied because

⁹ MONIKA RAHAR, JUSTICE CHANDRACHUD: ACCESS TO JUSTICE, TECHNOLOGY AND MAKING 'JUSTICING' AN INDISPENSIBLE 'SERVICE' ARE FUNDAMENTAL PRINCIPLES OF LAW (MAY 25, 2020), [HTTPS://WWW.LATESTLAWS.COM/LATEST-NEWS/JUSTICE-CHANDRACHUD-ACCESS-TO-JUSTICE-TECHNOLOGY-AND-MAKING-JUSTICING-AN-INDISPENSIBLE-SERVICE-ARE-FUNDAMENTAL-PRINCIPLES-OF-LAW/](https://www.latestlaws.com/latest-news/justice-chandrachud-access-to-justice-technology-and-making-justicing-an-indispensible-service-are-fundamental-principles-of-law/).

¹⁰ Vishal Kale, Covid-19:The Game Changer in lawyers way of working, Insight Success, [.https://www.insightssuccess.in/covid-19-the-game-changer-in-lawyers-way-of-working/](https://www.insightssuccess.in/covid-19-the-game-changer-in-lawyers-way-of-working/).

each case is not exactly the same and these tools are not well advanced in critical thinking which is to be applied in certain cases. So to say AI related legal tech solutions offer lawyers to complete a massive amount of work with high accuracy and efficacy but turns down answers to the questions which involve strong creative thinking and value added judgements.

While adopting AI and digitalization is well appreciated data privacy concerns still are a threat and firms have to invest additional cost for robust data protection policy and its perpetuation. Unless a strong cybersecurity system and laws are established, the data and other confidential things stored will be subjected to cyber threat. Hence call for the digitalization in the legal arena also calls for certain difficulties and ambiguities which need to be cleared off.

V. RECENT TRENDS IN INDIA:

In the wake of the COVID crisis, many countries have resorted to digital courtrooms.¹¹ The UK has passed coronavirus act 2020 to propel the functioning of courts through video conferencing by making certain changes in the statute. It has also brought public existence an option in virtual courtrooms by providing links to join in the video conference. Similarly, other countries like the USA, Canada, Singapore have also made emphasis on online platforms to deal with the justice mechanism. India has also resorted to virtual courtrooms and is also functioning efficiently since March 25th, 2020. Now a virtual court can dispense as far as 40 cases in India. The supreme court of India also notified the use of the Vidyo app through which the virtual courts are facilitated. In addition to it people can also resort to e-filing which is open 24/7. To facilitate the virtual functions of the court certain amendments E-contracts are also now taking upturn in this lockdown period. E-contracts or electronic contracts are agreements entered through an electronic form with the use of the software. This idea is opposed to the traditional paper and ink format and makes use of digital signatures that are accepted and defined under the IT act 2020. The courts have also upheld the validity of the e-contracts from time to time contingent to the Indian Contract Act 1872.

VI. CONCLUSION:

¹²As mentioned by the Honorable chief justice of India, S.A Bobde in the 70th constitution day speech, Artificial Intelligence possibly finds ways into the Indian courtrooms but it can never be a substitute to a judge in decision making. It is because each case is not exactly the same and even though AI predicts the outcomes it is not competent to contemplate the legal nuances

¹¹ Shreyash Mittal, Virtual Courts in India: During the times of covid-19 and beyond, South Asia Journal (Apr. 18, 2020), <http://southasiajournal.net/virtual-courts-in-india-during-the-times-of-covid-19-and-beyond/>.

¹² <https://www.indiatoday.in/india/story/artificial-intelligence-court-system-cji-bobde-1636116-2020-01-12>.

involved in the case in comparison with a human mind. The human intellect can never be compared to that of the machine intelligence for without the former the latter would not have existed. These machine driven bots are only trained to predict the decisions based on data that is fed to them and developing certain patterns based on inputs. Practice of law requires creativity, ingenuity, and decision making skills. Machine intelligence has only the potential to produce the output of data which humans have already envisaged. Though AI gives desirable outcomes that are client engineered, clients will feel comfortable approaching and discussing their problems with a lawyer or attorney rather than a machine. Hence digitalization and AI will only help to enhance the knowledge of lawyers and other legal professionals. The dynamic role of an attorney can never be replaced with or reduced to one or several computer programs or codes. It can aid to lessen the burden of research and other technicalities of the legal work but cannot be a substitute to a human mind and its capabilities. Post- COVID with the help of these technologies and digitalization in the legal arena, legal fraternity will be for sure a preferable and finer version than its predecessor.
