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FEELING GOOD ABOUT AI?
THREE WAYS AI MIGHT ENHANCE LAWYER WELLBEING

By Jenny Lin, based on F Bell, J Rogers and M Legg, 'Artificial Intelligence and Lawyer Wellbeing' in J Chan, P Vines and M Legg (eds) *The Impact of Technology and Innovation on the Well-Being of the Legal Profession* (Intersentia, 2020) 239

WHAT IS AI?

To put simply, Artificial Intelligence (AI) is a form of software technology that aims to capture human expertise and learn independently. In other words, it is a system that is able to follow a set of logical rules, engage in simple reasoning or decision-making, analyse data, or adapt itself when encountering new data, so that it is continually enhancing its own performance.

The rapid pace of technological advancement means that lawyers are constantly having to adapt to the latest developments. Common uses of AI in the legal industry include, time-saving applications, such as automated review or drafting of documents, and expertise automation or automation of advice-giving, such as legal research tools. This may allow clients to receive legal advice or drafts of legal documents, without even talking to a real person.

WHAT IS LAWYER WELLBEING?

The American Bar Association's National Task Force on Lawyer Well-Being states lawyers' wellbeing is a continual process of seeking to thrive in areas of emotional, physical, and spiritual health. This may be achieved through pursuing vocations, undertaking creative or intellectual tasks, gaining a sense of greater purpose, and even making social connections.

Lawyers' wellbeing has also been perceived as the ability to make healthy and positive work/life choices.

Self-determination theory, developed by psychologist-scholars, Deci and Ryan, discusses psychological needs that form motivation and drive in people, and therefore, their wellbeing. These needs are autonomy, competence, and relatedness.

The wellbeing of lawyers has been a key focus of professional and academic interest. Lawyers are known for scoring high on a particular group of personality traits, including scepticism, pessimism, urgency, and rigidity in thinking. These attributes suggest that lawyers are generally resistant and not well suited to change, even if those changes may well be beneficial.

HOW MIGHT AI ENHANCE LAWYER WELLBEING?
Promote efficiency

With the ability for AI to take over repetitive, administrative, and time-consuming tasks, lawyers may be able to engage with higher-level and more meaningful work. This not only supports high autonomy and control over this work, but also, as a direct consequence of that greater efficiency, further enables lawyers to better serve their community. This may boost lawyers' wellbeing by working towards achieving a sense of greater purpose and relatedness.

One example of AI in the legal profession is Technology Assisted Review (TAR). TAR is used in discovery when there are large volumes of electronic information. It is able to review and code discovery documents considerably faster and more accurately than a human lawyer, increasing efficiency and

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minimising costs and delay. This is particularly useful as data is being increasingly made electronically available, and the sheer volume of such data is escalating. Promoting efficiency not only benefits the client, but also the firm as lawyers' material rewards increase through cost-savings and competition.

Facilitate greater access to justice

AI opens up an avenue to greater access to justice through the increasing availability of information and self-help options to clients. Legal services, particularly those involving straightforward matters, such as drawing up a will or challenging a parking fine, can be carried out with automation software. The client answers a series of questions, which the software uses to generate a legal form or document.

The legal chatbot, DoNotPay, utilises this software to firstly, ask the user a series of 'natural language processing' ('NLP') questions, which it then uses to produce a letter, challenging the parking fine. NLP is an aspect of AI machine learning which essentially allows for humans and computers to communicate using natural language. That is, there is no need for Boolean or keyword searches – the client may ask his or her question in normal language, and the computer would understand.

This not only results in legal services being made more affordable and efficient, particularly if lawyers can pass on cost-savings to clients, but will also facilitate greater access to justice for clients by eliminating the need for technical or legal skills. The client may obtain basic legal assistance and information.

Generally, increasing access to justice can be seen as positive for lawyers' wellbeing as this aligns with achieving the sense of purpose and social connection dimensions of wellness.

Increase diversity within the profession

The rise of AI in the legal profession suggests there is the potential to create, expand and diversify the legal roles available, as law and technology continue to intersect and grow in unprecedented ways. Lawyers will be able to expand their skillset to use and incorporate AI into their work, especially as the speed of technological advancements continue on an upward trajectory in all sectors. By embracing the benefits of AI, lawyers ensure they are keeping up to speed with other industries.

Diversity will not only see the inclusion of new and different people and skills into the industry but may also remove some negative aspects of the profession, such as its elitism and hierarchies. AI may help to break down this traditional model of the legal industry, though different areas of law will be affected differently. For example, corporate law, which includes work such as contract management and due diligence, may be more susceptible to automation. Family and criminal law continue to rely more heavily on personal interactions and human qualities, which cannot be automated.

CONCLUSION

An ongoing debate concerning the implementation of AI is certain roles and legal work being made redundant, predominantly those at the entry levels of the profession, as they may be more easily replaced by technology. This includes administrative and repetitive tasks that can in some cases be done more efficiently and accurately by technology. One concern about AI is that this work is often undertaken by junior lawyers as they are introduced to the profession. By carrying out these simple tasks, young lawyers learn and understand the legal system. However, it may be argued that junior lawyers may not need to learn these tedious tasks at all with the incorporation of AI into the profession.

While the effects of AI on the education of junior lawyers is still open to question, there are certain human qualities which clients will continue to want, particularly in areas where clients are individuals, rather than corporations. Human discretion and judgment, creativity, and empathy are all qualities which cannot, and may never be, automated.

The beneficial impact of AI can no longer be ignored, and its potential to improve lawyers' wellbeing is something that all lawyers and firms should take into consideration.

ABOUT FLIP STREAM

FLIP Stream is a strategic alliance between the Law Society of NSW and UNSW Law aiming to tackle the challenges of technological change and its impact on lawyers, law and the legal system.

In 2016 the Law Society of NSW established the Future Committee and, in turn, the Future of Law and Innovation in the Profession (FLIP) Commission of Inquiry. In March 2017, the inquiry culminated in the Law Society's ground-breaking FLIP Report, which discusses the future of the legal industry in the digital age.

The Report recognised the legal profession is undergoing change at a pace never before experienced and in unforeseen ways. This change has major ramifications for not just the legal profession, but for clients and society more generally, particularly in relation to access to justice.

In November 2017, the Law Society entered into a strategic alliance with University of New South Wales (UNSW) Law to generate a stream of research to consider and respond to the issues raised by the FLIP Report, such as legal technology, clients' needs and expectations, new ways of working, community needs and legal education, artificial intelligence and the practice of law and technological solutions to facilitate improved access to justice.

This dedicated research stream will also tackle some of the increasingly complex challenges presented by digital and other technological transformations and its impact on lawyers, law and the legal system.

This strategic alliance, forged between a world-class university, UNSW, and the Law Society is a milestone of progress for both institutions and for the entire legal profession.