

mp

managingpartner

March 2015
Volume 17 Issue 6
www.managingpartner.com

Legal revolution

The 'future normal' for law firms

Flawed finances

The problems with how law firms measure profitability

Strategic resilience

Protect your firm against future recessions

Legal innovators

Technology trends for law firms in 2015

Robot law

Chrissie Lightfoot discusses recent advances in artificial intelligence and how it could affect legal work in future



In the October 2011 issue of *Managing Partner*, I wrote a feature on the future of artificial intelligence (AI) for law firms, predicting that the use of AI and robots in the legal ecosystem was not far off.¹ I suggested that work carried out by trainees and junior lawyers (aka associates) will be done by AI and robots in the not-too-distant future. Ultimately, I argued, it will be likely that real iCyborg lawyers will evolve who will tap into evolved Watson-type (IBM) AI technology, utilising either non-invasive or invasive brain computer interfaces (BCI).

Unsurprisingly, and unfortunately, my insights and the article were largely mocked and scoffed. I received a lot of pushback from the majority of readers within the profession from a variety of sources and media at that time, as well as during ensuing years. Nonetheless, those who mattered, the pioneers and game changers, listened.

Here we are now, four years later, with a blast of AI and robotics advancements throughout the world and a flurry of new reports, articles and comments on the tension between the liberalisation and exploitation of AI and robotics in society and the law. Such interest even sparked comment from world-renowned physicist Stephen Hawking that AI has the potential to destroy the human race. Elon Musk, the pioneer of digital money, private spaceflight and electric cars, has voiced similar concerns.

Yes, perhaps. We'd be foolish not to question whether AI is exponentially dangerous, especially with a number of dystopian movies doing the usual scaremongering. But, there is also a plethora of papers and opinions written on 'Helven' – the fast-approaching AI reality

of heaven and hell, depending on how you look at it. The term was coined by futurist Gerd Leonhard to explain how "technology is now going inside of us and we are going inside of technology...that's really what AI means – a piece of humanity going inside a machine".

“Without a committed focus on digital ethics and robot regulation, we may well be facing an extinction threat from our own inventions”

I draw comfort, as you should too, from futurist Ray Kurzweil's recent *Time* magazine feature² on how to make AI safe. In the article, he notes that "Ultimately, the most important approach we can take to keep AI safe is to work on our human governance and social institutions. We are already a human-machine civilization. We have the opportunity in the decades ahead to make major strides in addressing the grand challenges of humanity. AI will be the pivotal technology in achieving this progress. We have a moral imperative to realize this promise while controlling the peril. It won't be the first time we've succeeded in doing this."

AI and robotic engineering have already bolted from the R&D labs and been embraced in a multitude of fields, industries and services. Technology is progressing at an exponential rate while our ethics, social contracts and laws remain linear.

What is required is new regulation,

controls, policies and robot law if AI is to be "made safe", along with a major consideration of digital ethics. Leonhard has argued that the power of technology has already surpassed the scope of our ethics. Without a committed focus on digital ethics and robot regulation, we may well be facing an extinction threat from our own inventions.

AI in law

AI and robotics in the legal eco-system are to be embraced, not resisted, for the new arms race is all about AI. To find a balance between ethics and AI, we must go beyond fear; something lawyers are not usually comfortable with.

Some progress has however been made in the deployment of AI in the past year, with Allen & Overy employing its first graduate who studied AI. Hodge Jones & Allen has been working with academics from UCL to create software that assesses the merits of personal injury cases.

More recently, the possibility of robot solicitors has moved a step closer, with the University of Liverpool teaming up with Riverview Law in a bid to apply AI to a range of legal tasks.³

AI has been applied in the legal ecosystem for some years now. UK legal expenses insurer Das has been using AI for several years to support due diligence on insurance claims. More recently, it has set up a fixed-fee law firm, Das Law, which uses AI to determine the merits of potential legal claims.

More widely, many lawyers already use voice-activated digital assistants like Siri (iOS), Google Now (Android) and Cortana (Windows) on their smartphones to make calls, send messages, answer queries, and schedule meetings and reminders, among

other things. These AI assistants even have a sense of humour built in (with the exception of Google Now).

Process automation and AI is also being used by a range of law firms to enable:

- integrated analytics;
- knowledge management;
- voice mining;
- client self service;
- client relationship management;
- intelligent documents;
- expertise systems;
- collaboration;
- marketing automation;
- virtual assistants/e-personal assistants; and
- intelligent agents (for example, IBM's Watson AI).

However, AI innovations in the legal space to date are like the Henry Ford conundrum. They provide a 'faster horse' solution, instead of completely changing the mode of transport to an automobile.

The relentless march of industrialisation, wearable technology, AI and robotics will push the boundaries of what it means to be human, social and a lawyer in the next 30 years. There will be blue-collar and white-collar robot legal staff working alongside 'pure blood' human lawyers and 'hybrid humans' (NewHuman).

Going forward, pure-blood lawyers will need to embrace the rapidly-advancing technological evolution (NewTech) and support of NewHumans. For the former, their ultimate success will be based on how well they become SocialHumans by embracing social networking and optimising their social and human capital during both work and leisure hours.

Need for regulation

We need to address the positive and negative effects of AI and robots in society and the legal world. Advances in AI will inevitably affect legal jobs, the legal role and the effectiveness of the rule of law and the justice system.

Changes to employment law need to be made in preparation for avatars and humanoids (iCyborgs and robots) entering the workplace. Futurist Rohit Talwar predicts that, by 2020, avatars will be mainstream. By 2025, he says, robots will have entered every aspect of human life and will be performing a wide range

of functions, from nursing and complex surgery to policing and security, through to manufacturing, retail and hotel service roles.

"In the next 25 years, robots will have both cognitive and iterative artificial intelligence"

By this time, I believe robots will be performing complex legal services too. In the next 25 years, robots will have both cognitive and iterative artificial intelligence. Riverview Law is attempting to capitalise on cognitive intelligence only, at present, because the AI technology with regard to iterative intelligence is not quite there yet. But it soon will be – it's just a matter of years. When it is, the iCyborg lawyer will rise.

When we have avatars, robots, icyborgs or humanoids in the workplace and if a person/non-person has the ability to be injured but repaired and healed very quickly to a potentially better state than before, what does that mean for how we think about damages and what an injury is really worth?

"A whole new body of law and regulation is needed to manage the implications of advances in AI and robotics"

If the injury at work is caused by a non-person/avatar/robot, it begs the question 'who/what will be liable/accountable for the damages?' Will it be the individual? The avatar is, after all, a copy of the individual, remotely controlled by the individual via BCI. Will vicarious liability come into consideration and will the individual's employer have recourse to the avatar/robot supplier?

A whole new body of law and regulation is needed to develop and manage the implications of advances in AI and robotics, and law firms will need

dedicated practice groups to tackle these and other issues for their clients.

Preparation is key

So, how can law firms prepare for the age of AI and robotics and how can lawyers future-proof their livelihoods? Steps which can be taken today include:

- embracing the new breed of consumer/customer/client;
- being SocialHuman and embracing social networking, relationship building, rainmaking, creativity, intrapreneurialism and entrepreneurialism;
- embracing the role that technology and AI can play for lawyers, law firms, and clients – in particular, marketing automation to support SocialHuman activity;
- embracing the full spectrum of choice and opportunity to provide low-cost commoditised services juxtaposed with high-cost, high-end, intellectually and emotionally intelligent services;
- being smarter about relationships, marketing, business development, communication and being social;
- watching and learning from new market entrants; and
- creating competitive new practice areas and business offshoots.

The dawn of robot law is upon us. Prepare or watch from the sidelines: it's your choice. ^{MP}

Chrissie Lightfoot is author of Tomorrow's Naked Lawyer: NewTech, NewHuman, NewLaw – How to be successful 2015 to 2045 (Dec 2014) and its prequel bestseller The Naked Lawyer: RIP to XXX – How to Market, Brand and Sell You! (Dec 2010). Limited offer: Save 20% and order her latest book today for only £76 (+p&p) – email publishing@ark-group.com or call +44(0) 207 566 5792 quoting code 'MP-TNL'.

Endnotes

1. See 'iCyborg lawyers', Chrissie Lightfoot, *Managing Partner*, Vol. 14 Issue 2, October 2011
2. See 'Don't fear artificial intelligence', Ray Kurzweil, *Time*, 19 December 2014
3. See 'Riverview Law invests in artificial intelligence research', Manju Manglani, *Managing Partner*, Vol. 17 Issue 5, February 2015