Are Robot Lawyers the Future of Increasing Access to Justice?

Sarah Stephens

PhD Student, Institute of Development Studies, University of Sussex

s.stephens@ids.ac.uk | andysarahstephens@msn.com

LinkedIn: https://www.linkedin.com/in/sarah-moffatt-stephens

Keywords: *Justice, SDGs, artificial intelligence, development, technology*

In March 2023 GPT-4 passed the solicitors qualifying exam (the SQE) which is the national qualifying exam to become a solicitor in the UK. In the same month GPT-4 also passed the Bar Exam in the United States. Does this mean that in the future we will no longer need lawyers, as all our legal issues can be resolved by the polite, and patient, large language model known to us all as Chat GPT?

Robot lawyers, or artificial intelligence (AI)-powered legal tools have already begun to play a significant role in the provision of legal services, and they are likely to become more commonplace in the future. For example, AI algorithms are already used to analyze large volumes of legal data as part of the due diligence process in corporate transactions, or to review and generate contracts, and suggest settlement parameters in a dispute. Often the automated output is faster and more accurate than with human analysts (The Law Society, 2019).

However, for society, perhaps the largest gains can be made by leveraging artificial intelligence to increase access to justice. The importance of having access to justice cannot be overstated. It is a conduit of social and economic development, and “essential to the rule of law” (Caplan & McIlroy, 2015). However, there is no universally agreed definition. Historically access to justice has been narrowly conceived as referring to access to lawyers and courts, but it is a nebulous term, and the Courts themselves have held that it is "inherently ambiguous” (KA v London Borough of Croydon [2017] EWHC, 1723).

Others argue for an “irreducible minimum” (Byron, 2019) which includes access to the formal legal system, access to an effective hearing, access to a decision in accordance with substantive law and access to remedy. This article adopts a wider definition to embrace social justice and equal access to resources that are essential for human thriving (Sen, 1999; Sandefur, 2019). In this context, this article argues that artificial intelligence, or robot lawyers offer additional pathways for improved access to justice by increasing access to

information and a range of affordable, legal self-help tools which help individuals make informed choices to determine their justice pathway and legal outcome.

The national public legal education charity, A*dviceNow* (n.d.) note that one of the greatest problems their users encounter is that they don't know how to unpack a problem or *injustice* that they are encountering, including where to go for help, and how to resolve it. The potential opportunity presented by Robot Lawyers (or AI powered legal support tools) is that they can be trained to recognize and categorize legal issues when users seek advice via search engines. This supports early intervention and signposting towards appropriate resources that offer legal information and support. For example, the *AdviceNow* (n.d.) website provides user-friendly, step by step legal guidance on various topics such as family, welfare benefits, health and social care, housing, and employment disputes which they have now started building into interactive AI powered tools which can write letters and complete forms to help users self-represent. Their Annual Review (2020-2021) claims that their digital tools have helped produce 7317 mandatory reconsideration letters to challenge a benefit decision (such as personal independence payments, employment and support allowance, and universal credit) made by the Department of Work and Pension.

Other players in this space include private companies leveraging the opportunity to provide alternative legal service models. For example, Farewill (n.d.) autogenerates a bespoke will for £90, which reduces the average cost of a will by approximately £200; Valla (n.d.) helps users case manage their own employment claims which they estimate lowers the cost of bringing a claim to the Employment Tribunal from an average of £5,000 to £500; and Amicable (n.d.) helps couples divorce online without the need for a solicitor, arguably with significant cost savings. These tools target a range of justice needs, and materially change the way that individuals interact with the legal system, reducing costs and empowering users to find information for themselves to understand and manage their legal issues.

However, whether these benefits will be felt equally across society determines the extent to which artificial intelligence can increase access to justice. The HMCTS reform program is well underway with the first online court (for low value civil claims) being introduced in 2015 on the premise that digital justice presents an opportunity to simplify processes and increase access to justice for the huge numbers of users who do have adequate digital literacy and sufficient legal capability to navigate digital justice services. However, these reforms have been heavily criticized for further excluding the most vulnerable including the elderly, non-English speakers and the digitally challenged (JUSTICE, 2018). Justice needs and capabilities vary across society, as does digital competency and access to digital devices. How these intersecting barriers impact the most

vulnerable users has been considered extensively by JUSTICE who argue that they present a double barrier and could further exclude the digitally illiterate or marginalized, unless measures, such as introducing *Assisted Digital* services (in person case workers to support digital case handling) are taken to accommodate varying needs.

Applying the same rationale to users of free legal advice services, assumes that the more digitally and legally capable users will be better able to 'self-help' freeing up capacity of the advisors to support the clinic users who are more vulnerable, and most in need of direct in-person support. In addition, artificial intelligence powered tools offer other benefits to free legal advice clinics such as by automating routine tasks, supporting enhanced case management systems, or tools for document drafting, review, and execution, which will again free up advisors to support the more vulnerable clients.

The collision of law and technology has the potential to increase access to justice by disrupting the imbalance in access to legal information, services, and resources. However, behind the appealing interface of a new AI powered legal tool, digital technologies and cyberspace affect the workings of power, challenging the boundaries of space, place, and time (Castells, 1996). Technologies present new avenues of engagement and opportunities for individuals and communities to participate in the socioeconomic and political workings of power, to increase agency and challenge hierarchies. However, technologies also reflect power and can expose users to new risks and dangers by amplifying existing social patterns of inequality and disadvantage. Potential inequalities include racial, gender, socioeconomic and geographic bias. This has been widely discussed in relation to reported inaccuracies when AI generated tools have been used in recruitment (Chowdry et al., 2023), exam performance (Salem, 2021) and criminal profiling (Noriega, 2020). It is therefore crucial to ensure diverse and representative training data and regular auditing and testing of the AI models.

The process of legal empowerment through digital services highlights the power dynamics and contradictions that intersect at the meeting point of legal services and technology. With responsible development, leveraging artificial intelligence or Robot Lawyers to reach across the breadth of society with affordable, safe, and accessible resources, presents an opportunity to transform legal service delivery, to disrupt inequalities and democratize justice.

References

Advice Now. (2021). *Advice Now: Annual Review*. https://www.advicenow.org.uk/sites/default/files/Annual%20Review%202021%20Final.pdf

Advice Now. (n.d.) *Home Page.* https://www.advicenow.org.uk

Amicable. (n.d.). *Home Page.* https://amicable.io/

Byrom, N. (2019). *Developing the detail: Evaluating the Impact of Court Reform in England and Wales on Access to Justice.* https://research.thelegaleducationfoundation.org/research-learning/funded-research/developing-the-detail-evaluating-the-impact-of-court-reform-in-england-and-wales-on-access-to-justice

Caplen, A., & McIlroy, D. (2015). *Speaking up – Defending and Delivering Access to Justice Today.* Theos Publishing.

Castells, M (1996). The Net and the Self. *Critique of Anthropology 16*, 9–38.

Cheuk, T. (2021). Can AI be racist? Color-evasiveness in the application of machine learning to science assessments. *Science Education (Salem, Mass.)*, *105*, 825–836. https://doi.org/10.1002/sce.21671

Chowdhury, S., Dey, P., Joel-Edgar, S., Bhattacharya, S., Rodriguez-Espindola, O., Abadie, A., & Truong, L. (2023). Unlocking the value of artificial intelligence in human resource management through AI capability framework. *Human Resource Management Review*, *33*, 100899. https://doi.org/10.1016/j.hrmr.2022.10089

Farewill. (n.d.). *Home Page.* https://farewill.com/Valla

JUSTICE. (2018). *Preventing Digital Exclusion From Online Justice.* https://files.justice.org.uk/wp-content/uploads/2018/06/06170424/Preventing-Digital-Exclusion-from-Online-Justice.pdf

KA v London Borough of Croydon [2017] EWHC 1723.

Noriega, M. (2020). The application of artificial intelligence in police interrogations: An analysis addressing the proposed effect AI has on racial and gender bias, cooperation, and false confessions. *Futures: The Journal of Policy, Planning and Futures Studies*, *117*, 102510. https://doi.org/10.1016/j.futures.2019.10251

Sen, A. (1999). *Development as Freedom*, (pp.286-287). Knopf.

Sandefur, R. L. (2019). Access to What? *Daedalus*, *148*, 49-55. https://doi.org/10.1162/daed_a_00534

The Law Society. (2019). *Introduction to LawTech: A practical guide to legal technology.* https://www.lawsociety.org.uk/introduction-to-lawtech-october-2019.pdf