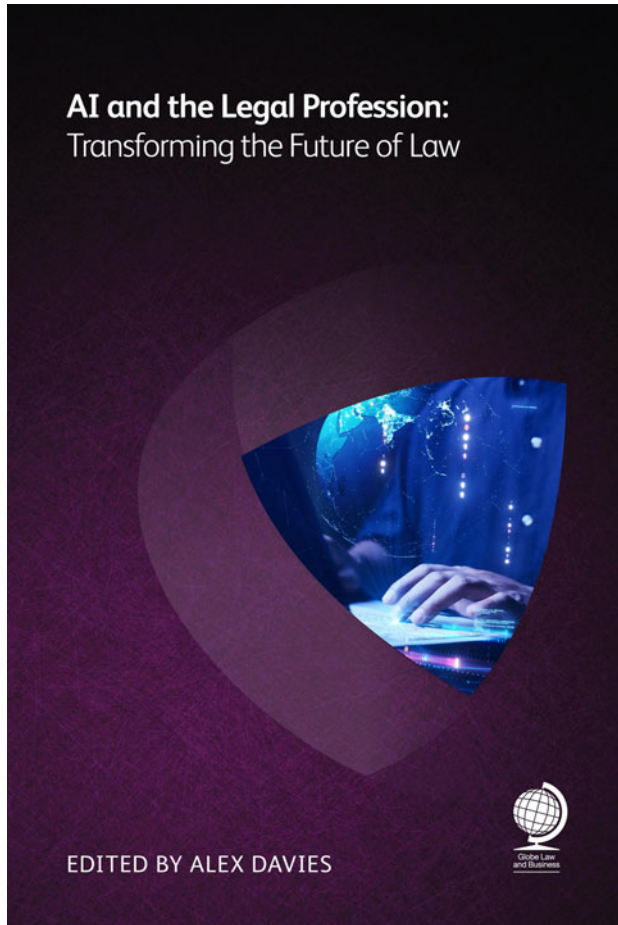


# Book Review

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*AI and the Legal Profession: transforming the future of law.*  
Edited by Alex Davies 2023, published by Globe Law  
and Business



*AI and the Legal Profession* is a collection of 11 short essays by various international industry and legal AI experts, which provides an introduction to the topic and how it might affect the legal profession. The articles are often based on the US law firm experience with some other international perspectives. To begin with, an executive summary by the editor gives an overview of the essays, followed by short biographies of the authors.

The introductory essays themselves are very much of the moment and will be useful to those relatively new to the topic who need to understand the terminology and potential impact of AI. It is very likely that the pace of change will mean this book will need updating in a year or two. However, it is a useful starting point for those trying to identify how AI might affect the legal profession.

**Chapter 1: An introduction to legal AI.** *Uwais Iqbal, founder Simplexio.*

The phrase ‘artificial intelligence’ was defined in 1956 by John McCarthy, an American computer scientist, as “Machines that can perform tasks that are characteristic of human intelligence.” The author in this work updates the definition of AI to “a technique that uses machines to replicate the problem-solving and decision-making capabilities of the human mind”. He goes on to say that ‘artificial’ means it depends on mimicry and imitation and the machines are not ‘sentient or conscious’. He explains how AI has developed from rules-based to machine learning (or generative AI) and outlines its capabilities, both weak and strong. He says that the coining of the term ‘Legal AI’ already shows the way AI can tackle both wide ranging and narrow specialist topics, but this is only the beginning. This is a short 10-page introduction to what AI is and what implications there might be, which would certainly be helpful to those unfamiliar with the subject.

**Chapter 2: Foundations of legal AI – evolution or revolution?** *Josh Kubicki, board member at the Center for Computer-assisted Legal Instruction and co-founder of Bold Duck Studio.*

Josh Kubicki starts by tracing the suspicion with which lawyers have traditionally treated technological advances, but then points out that nowadays a lawyer without a laptop with digital files and a smartphone is very rare. He states that the challenge for lawyers today is about their ‘value proposition’ as AI democratises access to information even further. He sees this as the need for lawyers to ‘add value’ through critical thinking, strategy and human connections. He recounts the mundane paper review tasks he undertook as a new lawyer and how computers gradually made these tasks easier, but AI is taking this even further with predictive coding, for example. He goes on to talk about the impact that AI could make not just on the practice of law but the business of law with AI-assisted marketing, client and pricing analysis. Josh Kubicki also outlines how he thinks AI will continue to grow and how lawyers should respond by developing new skill sets.

**Chapter 3: Will AI augment and enhance – or replace?** *Sondra Rebenchuk, senior innovation counsel, Blake, Cassels & Graydon LLP.*

This chapter focuses on the effects of Generative AI on lawyers primarily working in law firms and begins by stating that legal work is likely to be one of the most impacted areas, with recent reports estimating around 44% of legal tasks could be automated by AI (though without a timeline). But the author states that the question should not be *who* AI replaces but *what*. Legal tasks are then broken down into five areas most likely to be impacted including: acquiring and maintaining legal

knowledge, conducting analysis, creating content, presenting, and using legal judgement. While AI will undoubtedly take a larger role in areas such as document reviews and drafting, there is recognition that human quality control will still be required both in this and the other more analytical and judgement areas. The current Generative AI tools are not infallible and can, when asked the same question again, provide a differently nuanced answer. Sonda Rebenchuk concludes that there is optimism for lawyers who are flexible, and who have the human qualities of creative thinking and adaptability.

**Chapter 4: Becoming Iron Man, Esquire – the transformative power of augmented intelligence in legal.** *Cat Casey, chief growth officer, Reveal.*

In this chapter Cat Casey references the films *Terminator* and *Iron Man* to illustrate the evolution of the early concept of AI replacing humans, into the current focus on augmented intelligence and human-centred AI (HCAI). In this comparison AI (or Skynet) would make humans redundant, while HCAI is comparable to the Iron Man suit with its intelligent assistant JARVIS and the Stark Industries laboratory where human and augmented intelligence work together. The goal is to create human-controlled AI that is user-friendly but utilises the technological advances in data mining and processing. Examples given are mainly drawn from law firm experience and include document drafting, eDiscovery, rapid contract review, legal research and analysis, predictive analytics, privacy compliance, and client correspondence, amongst others.

**Chapter 5: Generation AI – reimagining BigLaw lawyer formation in an era of unprecedented disruption.** *Jennifer Leonard, founder, Creative Lawyers.*

This chapter is about how the advent of GPT-4 has truly shaken up the model of how lawyers are trained and formed. The concept of legal training changed over the 20th Century from law graduates joining law firms with knowledge of the law but not how to practise law. This came from their experiences in different law firm departments and observing and working with more seasoned lawyers. In the latter half of the 20th Century this changed, with the pressure from clients, and most new lawyers undertook mainly repetitive work such as drafting documents. The advent of AI offers lawyers the chance to exchange the repetitive work for AI-interactive programming and development of services. The author also sees an impact on how law schools and law firms train and develop new lawyers including a fundamental need to accept the necessary changes.

**Chapter 6: AI and privacy, data and copyright.** *Allison Williams, head of intellectual property, and Amy King, senior associate, Norton Rose Fulbright, South Africa.*

This article is based on the copyright law in South Africa but draws some generally applicable conclusions. Where

copyright law includes computer programs in its definition of works requiring copyright protection, this may not necessarily cover all types of work that developing an AI System requires or the material it generates. The generation of input and output data may qualify separately for copyright protection, but the author of a computer program or developer / owner of an AI system may not be easily identified – it is not as simple as being the programmer and might include other contributors. Yet lines of code could be considered as a ‘literary work’ and therefore be protected. The biggest challenge of AI within copyright law currently is the concept of ‘author’.

**Chapter 7: AI and profitability.** *Josh Kubicki, board member at the Center for Computer-assisted Legal Instruction and co-founder of Bold Duck Studio.*

In his second chapter in the book Josh Kubicki explores legal business models and identifies the financial impact of AI on legal services. Based on US law firm experience, currently most pricing models are based on billable hours or set contract fees. In the past the billable hours could be charged for much of the general repetitive work undertaken such as document reviews, but increasingly this is not the case. Firms now need to look at AI taking on the non-billable activities that take up much of a lawyer’s time, including content creation and marketing, client communications, business planning and practice management, including billing. The big saving is in time spent on these activities which are necessary for the business but don’t immediately generate revenue. How AI is used for this will be different for the solo practitioner and global law firms. The author also introduces the concept of ‘citizen development’, or the fact that AI can enable the non-specialist to streamline processes and develop targeted solutions.

**Chapter 8: Artificial intelligence, legal ethics and public policy.** *Nerushka Bowan, founder LITT Institute, and, Gilad Katzav, candidate attorney, Norton Rose Fulbright, South Africa.*

The practice of law follows a code of conduct. This includes advising clients in relation to the circumstances and in considering morality only as it pertains to the case. Lawyers do have to wrestle with ethical considerations more generally, however, as they are vital to the legal system, and lawyers are measured against a higher standard of care as they are entrusted to upholding ideals such as justice, fairness and equality, and maintaining the legal system. AI brings with it a new dimension to this code. Firstly, that AI does not apply ethical considerations with true understanding. Secondly, that traditional legal codes of conduct should provide sufficient guidance, currently, to navigate the possibilities of AI. And thirdly, regulatory bodies urgently need to create AI ‘normative and ethical guidelines as a matter of public policy and institutional legitimacy’.

**Chapter 9: Challenges and ethical considerations in the age of Gen AI.** *Natalie Pierce, partner, and Stephanie Goutos, practice innovation attorney, Gunderson Dettmer.*

The authors start this chapter with a statement: ‘AI won’t replace lawyers, but lawyers who use AI will replace lawyers who don’t’, which has been an underlying theme in previous chapters. They go on to outline the responsibilities that lawyers have in developing both technical knowledge and ethical foresight to maintain foundational principles whilst leveraging the opportunities the technology brings. The article continues with an overview of the American Bar Association’s Model Rules, which contain ethical guidelines but were designed to be adaptable to modern times. In 2012, however, one of the Rules was updated to state: ‘A lawyer should keep abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology,’ which has expanded the scope of what should be considered by today’s ethical lawyer. Some of the areas being impacted by AI under the interpretation of the Rules include effective communications with clients and confidentiality of information.

**Chapter 10: AI and sustainability for legal professionals.** *Dr Valerie M Saintot, lawyer, adjunct professor in leadership.*

This chapter looks at the intersection of three areas: the practice of law, innovating with AI and being serious about sustainability. The author’s conviction is that

lawyers should be proactive agents in this and should develop a fundamental understanding of sustainability. The idea is that any developments using Gen AI should be functional but also address the real problems the world is facing. The article goes on to outline the definition of AI included in the EU Artificial Intelligence Act 14/06/23 and how it illustrates the different dynamics at play with the concept of AI and the different intricate layers that go into digitisation. The concept of augmentation, where humans achieve more with the support of a machine than they could alone, will be key to developing successful AI-driven systems.

**Chapter 11: Responsible generative AI – drawing governance principles and enabling a conversation.** *Ilona Logvinova, associate general counsel and head of legal, McKinsey Legal.*

This brief final chapter outlines the opportunities that Gen AI may bring but also discusses the current lack of regulatory governance principles, with regulations and standards only just being formulated around the world. Given the speed of change there is a need for flexible and tactical thinking in this area in order to allow for quick responses to as yet unknown risks. This is not a one-size-fits-all situation and constant conversation is needed to stay in front of the wave.

**Sara Berry**  
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