

JUDGING THE FUTURE

Artificial Intelligence and Response of Key Stakeholders from the Legal Industry in the UK and India

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BACKGROUND

Artificial intelligence (AI) promises to transform legal services through increased speed, accuracy, and transparency. However, AI adoption is neither universal nor uncontested. For a country like India, low adoption of AI can worsen the existing digital divide, impacting access to justice for marginalised communities when their lawyers do not have the technological tools and skills to participate in a tech-driven legal landscape. Understanding how stakeholders of different legal systems can differ in adopting AI is crucial to avoid a one-size-fits-all approach to AI policy and development.

This research explored whether legal industry stakeholders from two different jurisdictions (a developed country - the UK and a developing country - India) differ in their response to AI and the barriers and enablers of AI adoption. The study's insights hope to inform efforts to ensure AI technology is accessible and inclusive.

METHODOLOGY

The study began with a literature review to identify concepts and issues, followed by in-depth interviews to investigate legal practitioners' attitude towards AI. The literature review covered the relevant research papers, articles, reports, and news stories that were accessible online. In-depth interviews were conducted with a total of 16 lawyers (advocates/barristers), eight each from London (UK) and New Delhi (India). The study was conducted during June–July 2023 in adherence to ethical principles. Small sample size, risk of subjectivity and bias, and the rapidly evolving nature of AI technology were noted as the study's limitations.

KEY FINDINGS

FINDINGS FROM THE LITERATURE REVIEW

• Lawyers may unknowingly already be using AI.

Several in-use legal tech tools have AI seamlessly integrated into them, leaving users unaware of their AI usage. AI has rapidly become a part of legal practice, especially for legal research, e-discovery, client consultation through chatbots, document generation, and predictive analytics (see Table 1).

• Lawyers' response has been tepid, but things may be changing.

Lack of awareness and tech-savviness, high cost of integrating AI systems, and resistance to change within traditional legal service firms are among major barriers to adoption. There is also a distrust of AI tools, driven as much by concerns about AI's accuracy and biases as by alarmist media headlines. However, recent surveys show growing acceptance of AI, especially by large legal firms in developed countries.

• Courts have begun embracing AI.

Judiciaries worldwide are increasingly open to AI. In the UK, the House of Lords has supported the use of AI in the criminal justice system. India's Supreme Court has launched an AI portal and welcomed AI usage. US courts are already using data analytics and AI-based risk assessment tools. China is building a 'smart court' system that employs AI. Experiments in adjudication have also yielded promising results, with algorithms accurately predicting court decisions and AI-powered chatbots assisting with issues like parking ticket appeals. However, there remain ethical concerns about embedded biases and risks to data privacy and transparency.

• AI is reshaping legal practice.

The shift towards delegating repetitive tasks to AI tools is prompting a reconsideration of legal education. Law schools are introducing courses on AI and technology, emphasizing not just legal expertise but also AI literacy and emotional intelligence to address potential biases in data. Some legal firms are creating innovative positions and incubators to benefit from AI. New technologies, coupled with the need to bridge the access-to-justice gap, are also prompting some jurisdictions to allow individuals without a law degree to work with clients.

Table 1: Some AI tools currently available to legal practitioners

Legal analytics	IBM Corporation, LexisNexis, Premonition, CPA Global	Legal prediction	EverLaw, DISCO, Lex Machina, Premonition
Document automation & contract analysis	Clio, Woodpecker, Lawlift, Radiant Law, Kira, Leverton, Donna, Luminance, LawGeex, HyperLex, Evisort	Due diligence	AccountEdge Pro, LEAP Legal Software, EliteLaw Solicitors, eZManage,
Electronic billing	QuickBooks, TimeSolv Legal Billing, Chaos Legal Billing Software, Rocket Matter	Legal research	Lexis, Ross A.I., Bloomberg Points of Law, CARA
		Dispute resolution & automated litigation	LegalMation, Robot Lawyer Lisa, BillyBot, ANAQUA, SmartShell, EverLaw

FINDINGS FROM STAKEHOLDER INTERVIEWS

• Lawyers in India show greater hesitancy towards using AI.

Only two out of eight interviewees from India expressed clear eagerness to use AI; the comparative figure for the UK was four. Three Indian respondents said they were not eager to use AI at all; only one from the UK said so. UK barristers were also more aware of the AI tools that could aid their practice. Overall, those eager to use AI were drawn by its promise of increased efficiency, while those opposed cited low reliability of AI, ethical issues, high capital investment, and fears of redundancy and automation.

• Digital divide exists not just between countries but also within.

Disparities in AI usage were seen to exist between different regions of India, with metropolitan cities and well-developed parts more likely to adopt AI than rural areas plagued by insufficient infrastructure and limited resources. Unlike for India, most interviewees felt AI adoption would be uniform across regions in the UK; notably, this perception runs contrary to a House of Lords report that has called attention to the digital divide in the UK.

In both countries, disparities in AI adoption were reported between different practice sets, with commercial law practices more open to AI than practices with limited resources, such as criminal law. An inter-generational divide was also reported. Seniors' resistance to change, combined with the legal sector's traditional image, was also seen as a factor deterring younger lawyers from embracing AI.

• Knowledge, resource, and attitudinal barriers limit AI adoption.

Limited awareness about AI tools, lack of technical competence and skills, and lack of infrastructure and resources were reported as major barriers. Ethical concerns about AI's reliability, embedded biases, and potential for misuse also hinder wider uptake. Absence of appropriate legislative frameworks and regulatory guidance was seen to further limit adoption. Some interviewees also highlighted differences in legal culture: AI adoption is expected to be individually driven in India, while lawyers in the UK may adopt AI on a chamber-by-chamber basis.

• AI regulators and developers must heed users' concerns.

Lawyers from both India and the UK recommended proactive policymaking to address issues of digital divide and ensure the use of AI is transparent, fair, responsible, and non-maleficent. Interviewees also urged developers to uphold ethics and ensure accuracy, customize tools to meet user needs, and eliminate language barriers in AI interfaces to make the technology more accessible, particularly in multilingual countries like India where a major chunk of the legal professionals and litigants are non-English speakers.

CONCLUSION

AI is widely seen as a transformative force but how soon and how far its potential is realized will depend on how well it is accepted. This study shows the presence of a digital divide in AI adoption. Practitioners from India reported lower awareness of, lower purchasing power for, and lower willingness to adopt AI than their counterparts in the UK. Although the sample size is small, the importance of this finding cannot be overstated. Low acceptance for a technology that could potentially help India address its staggering levels of case pendency can adversely impact India's plans to revolutionize its legal sector. The study also emphasizes the need for proactive policymaking and regulation to ensure AI's responsible, equitable, and ethical use. It also urges greater investment in AI education and training so that knowledge gaps do not slow the pace at which the legal industry is able to assimilate and benefit from technological innovation.

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