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## REPLACING LITIGATORS WITH AI: CAPACITY AND CONSEQUENCES

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### INTRODUCTION

*“Artificial Intelligence is not a substitute for human intelligence; it’s a tool to amplify human creativity and ingenuity”*

*~Fei-Fei-Li*

Legal research relates to the identification, analysis and application of law to address a particular issue. It is a basic legal skill that makes a significant contribution to different aspects of legal practice<sup>1</sup>. It is not incorrect to say that the quality of legal skills a lawyer has is directly related to the quality of research conducted for the purpose. Also most of the activities in law are conducted through the tool of legal research, and thus all the types of legal professionals necessarily engage in legal research to accomplish their tasks.

As artificial intelligence (AI) continues to advance, the question of its capacity to replace human lawyers becomes increasingly relevant. AI technologies, such as natural language processing and machine learning, have already demonstrated significant capabilities in various legal tasks, including contract review, legal research, and even case analysis and judgment writing. These systems can analyze vast amounts of legal data with speed and

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<sup>1</sup> Mike McConville & Wing Hong Chui, *Research Methods for Law*, Edinburgh University Press (2007).

accuracy unmatched by humans, potentially revolutionizing the legal profession.

## JURIMETRICS

The fundamental feature of litigation is about “bargaining in the shadow of law”<sup>2</sup>, where the disputes are resolved by the court by considering the arguments, facts and evidences, presented by lawyers. In the same manner, Machine Learning has the same potential to provide solutions how the courts decide the legal issues<sup>3</sup>. This is done by algorithms. One of the famous concept is *Jurimetrics*<sup>4</sup> where a computer software is designed in such a way that it provides certain outputs on the basis of inputs provided to it, by using the algorithms. For example: facts relating to a murder are provided to the software, arguments and evidences are presented to it and by using the Machine Learning tool it will provided the prescribed punishment by analyzing the facts and situations provided to it.

Recent development in AI has challenged the traditional used concepts of human lawyer expertise<sup>5</sup>. Various complex tasks that require a lot of human efforts, cost and greater accuracy are nor done in minutes by the use of these tools<sup>6</sup>. This leads to an argument of scholars that AI will cause disruption in Legal world and replace human litigators<sup>7</sup>.

## SCOPE

AI as a whole is potentially helpful in many different ways and one of them is it reduces the burden of Judiciary. Judiciary is over burdened with pending cases. As per 2022 data over 4.7 crore cases are pending in courts across the country<sup>8</sup>. India’s former CJI N.V. Ramana has called the measures for improving the judge-to-population ratio in order to resolve such pending cases<sup>9</sup>.

AI has transformed the ability to access and store the information. It is now easy to access any information anytime which reduces the time to access the resources and solves the

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<sup>2</sup> Robert N. Mnookin and Lewis Kornhauser, *Bargaining in the shadow of the Law: the case of Divorce*, 88 YALE L.J. 950 (1979).

<sup>3</sup> Daniel Martin Katz, *Quantitative Legal Prediction-or-How I Learned to Stop Worrying and Start Preparing for the Data-Driven Future of the Legal Service Industry*, 62 EMORY L.J. 909, 936 (2013).

<sup>4</sup> Application of quantitative methods of research to Law.

<sup>5</sup> James A. Sprowl, *Computer-Assisted Legal Research: Westlaw and Lexis*, 62 American Bar Association Journal 320, 323 (1976).

<sup>6</sup> John O. McGinnis and Russell G. Pearce, *The Great Disruption: How Mchine Intellegence Will Transform the Role of Lawyers in the Delivery of Legal Services*, 82 Fordham Law Review, 3041 (2014).

<sup>7</sup> Ibid.

<sup>8</sup> The Hindu, Explained | Over 47 million cases pending in courts: clogged state of Indian judiciary - The Hindu (last visited Mar. 23, 2024).

<sup>9</sup> Ibid.

problem of storage by reducing its capacity. It has transformed the way of maintain, researching and learning laws from a traditionally published hardcopy to a digital version<sup>10</sup>.

## LIMITATION

The Doctrine of Logical Platitude states that in the universe there is the possibility of happening and non-happening of anything. Law is not purely scientific and it depended upon happening and non-happening of certain facts, evidences and situations that one can't even imagine. And Machine Learning can only provide limited solutions to it. Also there are various new and different cases coming across that can be better solved by applying human intellect rather than using limited information and inputs. This is because human brain has the capacity to think differently based on the situation provided whereas a machine can't think beyond what is already installed in it.

However, while AI can streamline many legal processes, its ability to fully replace human lawyers remains limited. The legal field requires nuanced judgment, empathy, and ethical reasoning these are certain qualities that AI currently lacks<sup>11</sup>.

Human lawyers bring contextual understanding, emotional intelligence, and creativity to their work, elements that are challenging for AI to replicate<sup>12</sup>.

Moreover, the legal profession involves complex interpersonal interactions, negotiations, and advocacy, which rely heavily on human intuition and communication skills<sup>13</sup>.

## CONCLUSION

As portrayed, the law is neither rocket science nor entirely nasty technology. Legal research, in particular and practice in general, is accessible and AI affects both positively and negatively.

It should also be emphasized that legal research, which involves multifaceted activities, is a basic legal skills and an integral part of legal practice. All lawyers (judges, lawyers, legislators and academics) must conduct legal research when delivering different kinds of legal services because the quality of their research determines the services they provide to

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<sup>10</sup> Supra 5.

<sup>11</sup> Cass R. Sunstein, *Of Artificial Intelligence and Legal Reasoning*, Uni. Chicago Public Law & Legal Theory Working Papers, 18, 01, 10 (2001).

<sup>12</sup> Ibid.

<sup>13</sup> Ibid.

clients. When one tries to assess the impact of AI on legal research, implicitly also assesses such an impact on the entire legal practice, from that research is an integral part.

While AI can augment and support legal professionals, it is unlikely to entirely supplant them. Instead, a symbiotic relationship between AI and human lawyers is foreseeable, where AI enhances efficiency and accuracy while human lawyers provide critical thinking, strategic advice, and client advocacy. Thus, while the capacity of AI in the legal domain is significant, the indispensable role of human lawyers remains essential.