

THE LIMITATIONS AND ETHICAL CONCERNS OF USING AI MODELS IN THE LEGAL PROFESSION

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ABSTRACT

In this age of technological innovation, the potential of artificial intelligence (AI) to revolutionize various industries, including the legal profession, is undeniable. However, recent debates suggest that AI models may only partially replace human lawyers or legal professionals due to various limitations and ethical concerns. In this research article, we delve into the ethical concerns and limitations of using generative AI models like ChatGPT in the legal field. While AI models can be beneficial, they lack the human capacity for interpretation and reasoning, which is essential in the legal profession. Additionally, there are concerns about the potential breach of client confidentiality, the perpetuation of biases and discrimination, and the inability to provide emotional support to clients. Furthermore, deploying AI models in the legal field involves a cost-benefit analysis that law firms and legal departments must assess before implementation. This article emphasizes the need for careful consideration of specific needs and requirements before implementing AI models, ensuring that they continue to provide the best possible service to their clients while leveraging the benefits of AI technology. As with all technological advancements, it is critical to strike a balance between progress and ethical considerations to ensure that the legal profession remains committed to providing justice for all.

KEYWORDS: Artificial intelligence, AI Models, ChatGPT, Technology, Legal Profession

INTRODUCTION

Artificial Intelligence (AI) has revolutionized various industries, including healthcare, finance, and transportation, and the legal profession is no exception. AI models, such as ChatGPT, have been introduced to the legal profession, promising to streamline legal processes, improve accuracy, and reduce costs. However, as AI models continue to gain

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popularity, there have been concerns about their limitations and ethical implications, specifically in the legal field¹.

While AI models have the potential to enhance legal services, they cannot replace human expertise entirely. Legal cases often involve complex legal issues, and nuanced contexts, and require judgement, interpretation, and reasoning based on experience and knowledge². AI models like ChatGPT may be able to provide suggestions and answers, but they lack the human capacity to interpret the law's nuances, understand the context in which it applies, and use it to provide the best possible outcome for clients.

Additionally, there are ethical concerns surrounding AI models in the legal profession, such as the potential breach of client confidentiality and the perpetuation of biased and discriminatory information³. These concerns raise important questions about the role of AI models in legal services and the need to balance the benefits of AI technology with ethical considerations.

Thus, it is essential to examine the limitations and ethical concerns of using AI models in the legal profession to understand how they can be used to complement human expertise rather than replace it. By understanding the potential risks, ethical considerations, and costs associated with implementing AI models, legal professionals can leverage AI technology to enhance legal services while providing the best possible service to clients.⁴

LIMITATIONS OF AI MODELS IN THE LEGAL PROFESSION

AI models like ChatGPT have limitations when it comes to interpreting complex legal issues and applying the law to specific situations accurately. For example, in a case where a person has been charged with manslaughter, the AI model may provide an answer based on the legal

¹ Cooper RS, Kaplan MA and Zimmerman RF, "Artificial Intelligence Cannot Substitute for Actual Legal Intelligence" (*New York Law Journal* March 13, 2023)

<<https://www.law.com/newyorklawjournal/2023/03/13/artificial-intelligence-cannot-substitute-for-actual-legal-intelligence/?slreturn=20230328100032>> accessed April 8, 2023

²Hill C, "Guest Post: Chatgpt - What Are the Risks to Law Firms?" (*Legal IT Insider* March 15, 2023)

<<https://legaltechnology.com/2023/03/14/guest-post-chatgpt-what-are-the-risks-to-law-firms/>> accessed April 8, 2023

³Eliot L, "Is Generative AI Such as CHATGPT Going to Undermine the Famed Attorney-Client Privilege, Frets AI Law and AI Ethics" (*Forbes* March 31, 2023) <<https://www.forbes.com/sites/lanceeliot/2023/03/30/is-generative-ai-such-as-chatgpt-going-to-undermine-the-famed-attorney-client-privilege-frets-ai-law-and-ai-ethics/?sh=fadef1ea731>> accessed April 8, 2023

⁴Chakrabarti S and Ray RK, "Artificial Intelligence And The Law" (2023) 14 *Journal of Pharmaceutical Negative Results* 87

definition of manslaughter and the data available⁵. However, it may need help to interpret the case's specific circumstances accurately.

Similarly, in contract law, AI models can provide standardized contract templates based on data and keywords, but they may need help to interpret the specific requirements and nuances of a particular contract accurately. For instance, a contract between two parties may require certain conditions to be met before payment is made, but an AI model may need help comprehending and applying those conditions accurately.

In family law, AI models may not be able to interpret the emotional and psychological nuances of a case accurately⁶. For example, in a child custody case, the AI model may provide an answer based on legal definitions and data. However, it may need to be able to consider the child's emotional needs and family dynamics accurately.

The law is not just a set of rules but also involves interpreting and applying the law to real-life situations⁷. AI models lack the human capacity for interpretation and reasoning that human lawyers possess, which is essential in understanding the nuances of the law, the context in which it applies, and how it can be used to provide the best possible outcome for their clients.

Additionally, legal cases can often have multiple interpretations or applications, which require the human ability to exercise judgment, make decisions, and evaluate outcomes based on their experience and knowledge. ChatGPT, while able to provide suggestions and answers, needs more human judgment and experience, which is essential in the legal field.

BREACH OF CONFIDENTIALITY AND UNDERMINING ATTORNEY-CLIENT PRIVILEGE

Using AI models like ChatGPT could potentially breach client confidentiality and undermine the attorney-client privilege. The model is programmed to learn from vast amounts of data,

⁵ Milburn P, "Richard Susskind Et Daniel Susskind, the Future of the Professions: How Technology Will Transform the Work of Human Experts" (2020) 62 *Sociologie du travail*

⁶ Davis AE, "The Future of Law Firms (and Lawyers) in the Age of Artificial Intelligence" (*Americanbar.org* October 2, 2020)

<https://www.americanbar.org/groups/professional_responsibility/publications/professional_lawyer/27/1/the-future-law-firms-and-lawyers-the-age-artificial-intelligence/> accessed April 12, 2023

⁷ Hunt R <<https://www.workwithglee.com/blog/2022/02/how-automation-and-ai-are-transforming-the-legal-sector?source=google.com>> accessed April 12, 2023

which could collect and store confidential client information. The privacy and security of client data are of utmost importance in the legal profession, and any breach of confidentiality could result in serious consequences.

AI models that store and process confidential client information must adhere to strict security protocols to protect against data breaches. However, there is always a risk of hacking and cyber attacks that could potentially compromise the data. As such, it is essential to ensure that the AI models used in the legal profession have robust security measures to protect against unauthorized access and data breaches.

Moreover, the ethical concerns surrounding AI models in the legal profession are growing. AI models like ChatGPT are programmed to learn from vast amounts of data, which can include biased and discriminatory information. The model may, therefore, perpetuate such biases and discrimination, potentially harming the interests of clients and affecting their access to justice.

POTENTIAL WAYS THAT AI MODELS CAN BE USED TO COMPLEMENT HUMAN EXPERTISE IN THE LEGAL PROFESSION

1. One potential way that AI models can be used to complement human expertise in the legal profession is by providing support in time-consuming tasks⁸. For example, AI models can help with tasks such as legal research, contract drafting, and document review, allowing lawyers to focus on more complex legal work. This can result in significant time savings, allowing lawyers to work more efficiently and provide more value to their clients.
2. Another way that AI models can be used is in predictive analytics. By analyzing large amounts of data, AI models can provide insights into legal trends, patterns, and outcomes⁹. This information can be used to inform legal strategies and provide better outcomes for clients. However, it is essential to ensure that the data used to train AI models is diverse and unbiased to prevent perpetuating existing biases and discrimination.

⁸Brooks C, Gherhes C and Vorley T, "Artificial Intelligence in the Legal Sector: Pressures and Challenges of Transformation" (2020) 13 Cambridge Journal of Regions, Economy and Society 135

⁹ *Ibid*

3. AI models can also be used to enhance access to justice, particularly in cases where clients may not have access to legal representation¹⁰. For example, AI models can be used to provide basic legal advice and support for clients, particularly in areas of law where the law is straightforward, such as small claims or traffic violations. This can help ensure that clients have access to legal information and support, even if they cannot afford traditional legal services.

However, it is essential to recognize that AI models cannot replace the human element of legal practice entirely. Human lawyers are essential for providing empathy, understanding, and emotional support to clients, particularly in complex legal situations. AI models also lack the capacity for creativity and innovation, which is critical in developing novel legal strategies and approaches.

In addition, when applying AI models in the legal industry, ethical issues must be taken into account. The potential for AI models to reinforce bias and discrimination is a serious worry. It is critical to make sure the data used to train AI models is varied and fair, and that the models are continuously reviewed to thwart the introduction of any inadvertent biases. The possible effects on secrecy and privacy are another ethical issue. As was previously said, there is a risk to the privacy and confidentiality of clients since AI models may gather and keep sensitive customer data. To avoid any unauthorised access to or exploitation of client data, legal professionals must make sure that they have strong data protection policies and processes in place.

CONCLUSION

In conclusion, the limitations and ethical concerns surrounding AI models in the legal profession suggest that they cannot entirely replace human lawyers or legal professionals. While AI models can assist with certain tasks, such as document review and legal research, they cannot fully replicate the human capacity for interpretation, reasoning, judgment, and empathy required in the legal field. Additionally, the potential risks associated with the use of AI models, such as breaching client confidentiality and perpetuating biases and discrimination, should be taken into account before implementing such technology.

¹⁰ “AI and the Rule of Law: Capacity Building for Judicial Systems” (UNESCO April 24, 2023) <<https://www.unesco.org/en/artificial-intelligence/rule-law/mooc-judges>> accessed April 27, 2023

Moreover, the deployment of AI models like ChatGPT requires significant time, resources, and financial commitment. Smaller law firms or organizations may not have the necessary resources to invest in such technology, and the cost-benefit analysis may not be practical or cost-effective in certain situations.

Despite the limitations and ethical concerns of AI models in the legal profession, the potential benefits of such technology cannot be ignored. AI models can complement human expertise and improve the efficiency and accuracy of certain legal tasks. However, it is crucial to recognize the limitations of AI models and the importance of human expertise and judgment in the legal field. Therefore, it is recommended that legal firms and departments assess their specific needs and requirements before implementing AI models, considering the potential risks, ethical considerations, and costs associated with such technology.

In summary, while AI models like ChatGPT have their applications in the legal profession, they cannot replace human attorneys. Legal experts will remain essential in the legal industry, and AI models will continue to complement rather than replace human knowledge. By striking a balance between AI models and human expertise, law firms and legal departments can ensure that they continue to provide the best possible service to their clients while also leveraging the benefits of AI technology.