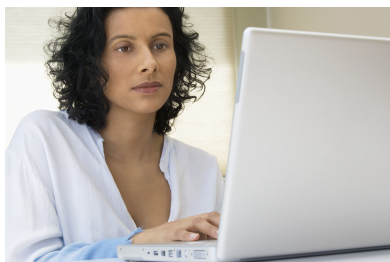


COMPUTERS DISPENSING LEGAL ADVICE

Fact or fiction?

(April 05)



Everyone in the profession, or so it seems, has embraced IT and it is likely there is no firm in the country that would contemplate delivery of legal services without computers. The role of IT in the legal profession has become well established and most of us accept the extensive range of routine functions computers can perform: diary management, word processing, database management, internet search tool, time recording, communications, document management, precedent management, accounting and much more. For those engaged in litigation requiring sorting and retrieval of large numbers of documents computers are standard tools of the trade. The prospect of the computer taking over and dispensing legal advice remains the stuff of fiction but not for much longer, or so it would appear.

Software based on the application of 'artificial intelligence' is already in use and being used to predict, with a startlingly degree of accuracy, the outcome of litigation. Given the speed and potential of IT technology development this information should sound alarm bells to all who practice litigation. The prospect of software driven costs reductions and improved access to the judicial process are now very real. What next, on line legal advice by subscription?

Services are already up and running - on-line – just across the ditch. A product named Split-up is available now, designed to assist in predicting property disputes arising from a divorce; see www.justsys.com.au. As far as I am able to tell it is a system designed for lawyers and based on probabilities of known possible outcomes. It compares data supplied by the divorcing parties with information from past cases. The objective is to enable settlements to occur BEFORE going to court. The result saves time and money and by all accounts is highly accurate. Having started out as an aid for the profession, computers may just a short step away from being a substitute for using a lawyer altogether.

If a web based legal advice service were set up offering services direct to the public it could probably be done without coming into conflict with the Law Society, especially if based extra-territorially.

Another system already operating, again in Australia, is used to consider Legal Aid applications. The programme makes an assessment of the likely outcome of a case based upon information supplied by the applicant coupled with a review of reported cases. The results are being used in Victoria and will shortly be used by New South Wales in determination of applications for Legal Aid. Apparently the time saved is prodigious as the present assessment process takes up 60% of the Legal Aid authority's operating budget. Accuracy is not an issue, according to reports. A test of 500 applications carried out during 2004 demonstrated that the result was predicted in 98% of cases. The remainder could be seen to be 'borderline' on closer examination.

The concept of the on-line lawyer is not exactly new. A program was developed in England 20 years ago to interpret immigration law. That program was accessible to lawyers and others, causing some uproar in the profession. Similar concerns will no doubt be aired when new programs are seen to work and become available on-line to 'Joe-Public'. However, these may be some years way. In the interim it may comfort practitioners to learn that most software under development is designed for the profession, NOT the public. The next wave of programs is likely to be sentencing software for judges and adjudicators. Anything delivering transparency and consistency in this field is to be welcomed. In the interim the moralists and the ethicists can decide if it is right and proper for the public to be able to seek reliable advice before calling their lawyer. Perhaps if such systems were generally available the public might, just might, look for advice BEFORE taking risky actions. Whatever the outcome the function of the computer in the law office may revolutionise access to justice, by-passing lawyers along the way.

The prospect of legal advice being available as a 'dial-up' information service is something many lawyers will relish. It makes the reforms of the Lawyers and Conveyancers Bill somewhat irrelevant by comparison.

If readers would like more reading on this topic please email our office for a reading list.

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