HON. JUSTICE P. O. ADEREMI ESSAY COMPETITION

'THE ROLE OF ARTIFICIAL INTELLIGENCE (AI) IN

CREATING A SUSTAINABLE LAW PRACTICE IN NIGERIA'

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The Role Of Artificial Intelligence (Ai) In Creating A Sustainable Law Practice In Nigeria'
[Journal of Advanced Public International Law Vol. 2 Issue 2 (Essay series)]
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Artificial Intelligence (AI) simply refers to the ability of a digital computer or computer controlled robot to perform tasks commonly associated with intelligent beings. The term is frequently applied to the project of developing systems endowed with the intellectual processes characteristic of humans, such as the ability to reason, discover meaning, generalize or learn from past experience.[1]

While the origin of AI generally is traceable to the historic workshop held on the campus of Dartmouth College in New Hampshire, USA during the summer of 1956[2], the innovative field of research did not make its way into the heart of legal practice until much later perhaps due to the traditionally conservative and monopolistic nature of law as a profession globally.

However, the landmark case of *Lola v Skadden*[3] signaled the nascence of the interrelationship between Artificial Intelligence and the practice of law and in essence tore down the barrier that once existed between the two fields. In Lola (supra), while distinguishing between mechanistic tasks and legal tasks, the Second Circuit underscored that "tasks that could otherwise be performed entirely by a machine" could not be said to fall under the "practice of Law".[3] This decision removed the shield of monopoly which had hitherto protected the practice of law and allowed AI to be used to a varying degree in the practice of law.

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[1] B. J. Copeland, 'Artificial Intelligence', *Encyclopaedia Britannica* (2021) <https://www.britannica.com/technology/artificial-intelligence> accessed 3 June 2021
[2] Andreas Kaplan and Michael Haenlein, 'Siri, Siri, in my hand: Who's the fairest in the land? On the interpretations, illustrations, and implications of artificial intelligence' (2019) 62(1) Business Horizons <https://www.sciencedirect.com/science/article/pii/S0007681318301393?via%3Dihub> accessed 3 June 2021 [3] Arps, Slate, Meagher & Flom LLP, 620 F.App'x 37 (2d Cir. 2015)
[3] Michael Simon and others, 'Lola v. Skadden and the Automation of the Legal Profession' (2018) 20 Yale Journal of Law and Technology 234 <https://yjolt.org.lola-v-skadden-and-automation-legal-profession> accessed 3 June 2021

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In Nigeria, Artificial Intelligence has also found its way into some areas of law practice in recent times. In 2016, at the 56th Annual General Conference of the Nigerian Bar Association held in Port-Harcourt, one of Nigeria's foremost legal technology software companies- Law Pavilion, launched its legal analytics software known as Law Pavilion Prime. Among other functions, the software was built with the ability to analyse legal positions and authorities, historical data, conflicting judgments among an array of other innovative functions, it was the first of its kind in Africa at the time of its launch.[4] Most recently in 2018, the same company went further and introduced its first legal assistant software known as 'TIMI'[5] in Nigeria.

As a preliminary point, it must be stated that AI does not exist or operate in vacuum. Its analysis and output is based solely on data and other inputs made available to it. As a reference point, for the legal analytics software developed by LawPavillion above to function effectively, accurate data of several decided case laws and authorities must be provided to the AI software to make valid projections and analysis. The main crux of AI is essentially data recognition and extrapolation.[6]

The focal point of this essay is the sustainability of law practice in Nigeria and how Artificial Intelligence may aid in the process of ensuring a maintainable practice of law into the future in

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[4] 'LawPavilion Launches First Legal Analytics Software in Africa at the 56th Annual General Conference of the NBA in Port-Harcourt' (*The LawPavilion Blog,* 30 August 2016) <https://lawpavilion.com/blog/lawpavilion-launches-thefirst-legal-analytics-software-in-africa-at-the-56th-annual-general-conference-of-the-nba-in port-harcourt/> accessed 5 June 2021

[5] Onazure Dania, 'LawPavilion set to release Nigeria's first Artificial Intelligence Legal Assistant' *Vanguard* (23 August 2018) <https://www.vanguardngr.com/2018/08/lawpavilion-set-to-release-nigerias-first-artificialintelligence-legal-assistant/amp/> accessed 5 June 2021

[6] Holly Urban, 'Artificial Intelligence and the Future of Legal Work: Why it's a good thing' (*Evolve the Law*, 7 August 2019) <https://abovethelaw.com/legal-innovation-centre/2019/08/07/artificial-intelligence-and-the-future-oflegal-work-why its-a-good-thing/?rf=1> accessed 5 June 2021

Nigeria. Incidentally, market research company Statista projects revenues from AI to grow from $1.62B in 2019 to over $31B in 2025.[7] This statistical data shows beyond doubt that it is important for law practitioners in Nigeria to key into the use and development of AI to guarantee sustained growth in the legal profession.

Globally, the practice of law in the 21st Century has seen a marked increase in the use of technology and commercialization, among many other global trends. Law practice in Nigeria has not been left out of this new progressive wave. A sustainable law practice in Nigeria therefore connotes a result-oriented, technology-driven, forward-looking, and most importantly, a profitable and lucrative practice of law.

The dawn of the 21st century in Nigeria has seen law practice shift from an era of sole proprietorships and simple partnerships to much larger and more complex firm structures and partnerships, involving an unprecedented number of law practitioners cutting across multifarious practice areas. This complex arrangement has also involved mergers, acquisitions and takeovers by various firms in different practice areas. While the motive behind this new wave of mergers is attributable to the need for more efficiency in client service delivery, it is no doubt also a way of ensuring sustainability in law practice for the participating firms.

This agglomeration of legal practitioners and law firms alike are consequently presented with a larger than usual scope of legal problems and the use of AI has created more innovative ways to save time and increase the level of accuracy of various legal tasks such as bulk document review, contract analysis and due diligence.

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[7] 'Enterprise artificial intelligence market revenue worldwide 2016-2025' (*Statista Research Department,* 12 September 2016) <https://www.statista.com/statistics/607612/worldwide-artificial-intelligence-for-enterpriseapplications/> accessed 5 June 2021

Furthermore, with the emergence and development of new practice areas such as Data Protection, Electricity, Alternative Dispute Resolution and other technology driven areas, it has become imperative, now more than ever, for legal practitioners in Nigeria to be equipped with the kind of efficiency guaranteed by the use of artificial intelligence.

While the use of AI is important in emerging areas of law, the traditional areas of law, such as litigation are also not immune to the use of AI. The pattern recognition function of AI is most useful in these areas of law practice. With accurate data, legal practitioners may be able to predict the outcome of a prospective law suit with decided cases and facts and advise their clients on the possibility and propriety of exploring other alternative means of dispute resolution. Indeed, as Lauri Donahae puts it "Because AI can access more of the relevant data, it can be better than lawyers at predicting the outcomes of legal disputes and proceedings, and thus helping clients make decisions."[8]

Most recently, the outbreak of the COVID-19 global pandemic has also put a new twist to the way law is practiced in Nigeria. Several legal practitioners have had to deliver legal services away from the comfort of their physical libraries and offices. There is no gainsaying that the use of a legal assistant with artificial intelligence such as LawPavillion's 'TIMI' would become more fashionable both during the pandemic and well into the future.

While the development and interrelationship between AI and law have been applauded in many quarters, one key issue which has often been raised cautiously is the seemingly overbearing nature of AI. Many legal practitioners have expressed concerns that the continuous development

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[8] Lauri Donahue, 'A Primer on Using Artificial Intelligence in the Legal Profession' (2018) Harvard Journal of Law and Technology <https://jolt.law.harvard.edu/digest/a-primer-on-using-artificial-intelligence-in the-legalprofession> accessed 5 June 2021

and use of AI in law practice may render many legal practitioners redundant. However, while it is true that the field of AI has a lot of potential, it also has its many limitations and several tasks such as advising clients, negotiating deals and making an appearance in court remain within the exclusive purview of legal practitioners.

Furthermore, the use of AI in law practice also raises some ethical concerns, chief among which is the operational framework of AI against the background of the Rules of Professional Conduct (RPC) for legal practitioners in Nigeria as well as the Legal Practitioners Act (LPA). It is clear that the current rules might require some amendments to enable AI to develop and operate optimally in Nigeria. There have also been issues concerning liability for errors contained in the output of AI and the responsibility for same. These and many more issues would need to be addressed conclusively to ensure a smooth operation of AI in law practice in Nigeria.

Conclusively, it is crystal clear that Artificial Intelligence has a very important role to play in the emergence of a sustainable law practice in Nigeria. It is indeed advisable for law firms and legal practitioners to key into this innovative collaboration between AI and law while it is still in its relatively early years. Law practice with the use of AI is without doubt a more efficient, time saving and lucrative practice of law.

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