Human Intelligence v/s Artificial Intelligence in Legal Profession

MISS PRIYADARSHINI RAWAT ACADEMICIAN/FACULTY
MJP Rohilkhand University,Bareilly

I.   Introduction
Human Intelligence
Human intelligence is, generally speaking, the mental quality that consists of the abilities to learn from experience, adapt to new situations, understand and tackle abstract concepts, to use knowledge to control an environment. In humans, intelligence is commonly defined as the sum of mental capacities such as abstract thinking, understanding, communication, reasoning, learning and memory formation, action planning, and problem solving.Usually, human intelligence is measured by intelligence tests and expressed in intelligence quotient (IQ) values expressing different contents

Artificial Intelligence
Artificial intelligence (AI) technology allows computers and machines to simulate human intelligence and problem-solving tasks. The ideal characteristic of artificial intelligence is its ability to rationalize and take action to achieve a specific goal. A subset of artificial intelligence is machine learning, concept that computer programs can automatically learn from and adapt data without human assistance. Artificial intelligence, in its broadest sense, is intelligence exhibited by machines, particularly computer systems. AI is using, as we know in every field of study but we are discussing the use of AI in legal profession and its impacts by using it completely in future.

Human Intelligence v/s Artificial Intelligence
*   AI is an advancement made by human insights, while HI is the cognitive abilities of humans.

*   Computers can handle more data at a speedier rate than humans.

*   AI is best suited for handling repetitive, data-driven tasks and making data-driven decisions, while human skills such as creativity, critical thinking, Human intelligence revolves around adapting to the environment using a combination of several cognitive processes, while the field of Artificial intelligence focuses on designing machines that can mimic human behavior. Smartness, brainpower, ability to reason, sharpness and wisdom. These are terms typically used to indicate human intelligence. Human and artificial intelligence differ in significant ways, however. Humans tend to be superior to AI in contexts and at tasks that require empathy. Human intelligence encompasses the ability to understand and relate to the feelings of fellow humans.

Related activities such as judgment, intuition, subtle yet effective communication, and imagination are all domains in which human intelligence is much more useful and valuable and simply better than AI in any of its present forms.

Can AI do better than humans?
Artificial intelligence systems outperform humans in a range of important categories.AI, particularly machine algorithms, is strikingly effective at processing and integrating new information and sharing new knowledge among separate AI models. The endurance of AI is also superior to human intelligence; machines do not require rest and do not get distracted.

Generative AI's impact
Generative AI (GenAI) assistants will become indispensable to practically every lawyer. The use of GenAI can automate routine tasks, such as creating a solid first draft of a brief, a contract based on a set of facts, or an RFP response. Even with a human checking and editing the draft, the time needed can be greatly reduced. This frees up time to add value with skills only humans can provide– analyzing results, strategic thinking, and advising clients. GenAI brings different opportunities for different-sized firms. Solo attorneys can cut significant time from transactional and litigation matters. Small firms have more freedom to experiment and explore new practice areas and global law firms can drive cost

savings through automation at scale. Potential benefits of AI in the legal profession

Law Firms & Advocates

The development of AI technology provides an opportunity for lawyers to improve their efficiency, reduce costs and focus on more strategic work. AI can handle mechanical and routine tasks like document and contract review, legal research and data analysis. This can ultimately lead to increased productivity and profitability for law firms. However, AI is not yet capable of handling more complex tasks such as deal structuring, negotiation, advocacy and representation in court. While larger firms may have the means to implement AI systems, smaller firms may struggle to keep up with the cost of technology and remain cost-effective.

Indian Judiciary

Since 2021, the Supreme Court has been using an AI-controlled tool designed to process information and make it available to judges for decisions. It does not participate in the decision-making process. Another tool that is used by the Supreme Court of India is SUVAS (Supreme Court Vidhik Anuvaad Software) which translates legal papers from English into vernacular languages and vice versa.

In the case of **Jaswinder Singh v. State of Punjab, the Punjab & Haryana,** High Court rejected a bail petition due to allegations from the prosecution that the petitioner was involved in a brutal fatal assault. The presiding judge requested input from ChatGPT to gain a wider perspective on the granting of bail when cruelty is involved. However, it is important to note that this reference to ChatGPT does not express an opinion on the case's merits, and the trial court will not consider these comments. The reference was solely intended to provide a broader understanding of bail jurisprudence when cruelty is a factor.

Usage of AI in the judiciary: Comparitive study
USA

AI-powered tools such as COMPAS (Correctional Offender Management Profiling for Alternative Solutions) assist judges in risk assessment by analyzing factors such as criminal history, social and economic background. For fair and just punishment, the US Sentencing Commission also utilizes AI to create and enforce sentencing guidelines

The US court system utilizes chatbots to offer answers to frequently asked questions about court procedures, schedules and other related subjects to the general public. This helps lessen the workload of court staff and enhances accessibility of information for everyone.

China

In China Smart Court system aids judges with AI technology that can analyze past cases and suggest applicable laws and precedents. It also suggest sentences based on similar cases, allow judges to make informed decisions and deliver justice fastly.

United Kingdom

United Kingdom Ministry of Justice introduced the Digital Case System in 2020 for the crown courts. It offers real-time case updates and remote court participation and allows for the digital submission of evidence to reduce paper usage. The Bar Council's Ethics Committee provides also guidelines for criminal law barristers accessing the online portal.

Indian Perspective:

Currently, there are no specific laws in India with regard to regulating AI. The Ministry of Electronics and information Technology (MEITY), is the executive agency for AI-related strategies and had constituted committees to bring in a policy framework for AI.

The Niti Ayog has developed a set of seven responsible Ai principles, which include safety & **dependability, equality, inclusivity and non-discrimination, privacy and security, transparency, accountability and the protection and reinforcement of positive human values.** In India, the primary legislation for data protection is the Information Technology Act,2000 and its associated rules. Digital Personal Data Protection Act, 2023, Act shall apply to the processing of Personal Data in India, including both online and digitized offline data, and shall further extend to the processing of such data outside India relating to the offering of goods or services in India.

The Act also lays the foundation for various other laws such as the Digital India Act and other industry-specific laws around privacy and data protection to augment India's march towards the adoption of Artificial Intelligence (AI) and other future technologies while protecting Personal Data. Act may aid Indian businesses to enhance collaboration with other businesses located internationally under reciprocal arrangements while safeguarding Personal Data.

This Act is the first-ever central law in India to use she/her pronouns while referring to individuals.