

AI AND ACCESS TO JUSTICE: IMPROVING LEGAL SERVICES AND EQUALITY*

ABSTRACT

The expeditious progress of Artificial Intelligence (AI) technology has generated substantial attention towards its capability to enhance accessibility to justice. This article intends to explore how AI can bridge the disparity between legal services and underprivileged groups, thereby instigating greater equity in our society. By scrutinizing current research and practical instances of AI assimilation in legal environments, we endeavour to furnish discernment into the advantages and obstructions related to these nascent technologies. Our primary goal is to demonstrate how embracing innovation can lead to more efficient and inclusive legal services for all members of our community.

INTRODUCTION

The objective of the legal system is to ensure individuals' rights are protected and society remains orderly. Nevertheless, it has become evident that despite its honourable intentions, this system frequently fails to provide equal justice accessibility for all. For many individuals, navigating the intricate web of laws and regulations can be a challenging task that necessitates both time and money they cannot afford. Luckily, technological advancements have introduced innovative techniques to enhance access to justice via artificial intelligence (AI). By utilizing AI tools such as natural language processing (NLP) and machine learning algorithms, legal professionals can now rapidly and accurately process huge amounts of information.

Artificial intelligence (AI) has undergone various definitions throughout its existence, but in the legal context, it refers to the capacity of a machine to imitate intelligent human behaviour. This encompasses tasks such as speech and object recognition, data-driven decision-making, and language translation. AI can simulate human intelligence through two primary methods: first, AI programs can be trained through data input, which historically was the primary approach to mimic human intelligence; second, more advanced AI programs can learn autonomously through trial and error.¹

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Although the concept of AI has been around for a significant period, its utilization in the legal field has seen recent advancements. Initially, AI had a modest introduction in the legal field, with only a few companies developing AI programs tailored specifically to legal tasks. These programs primarily focused on functions such as Discovery, contract review, and due diligence. Moreover, initially, AI adoption in the legal field was limited to the largest law firms handling significant cases and deals.

However, over time, the applications, developers, and users of AI in the legal field have expanded. Today, more companies within the legal industry are exploring the potential uses of AI and how it can effectively support their operations. AI is being employed in various legal tasks beyond Discovery, contract review, and due diligence. Its capabilities are being explored in areas such as legal research, predictive analytics, virtual assistants, document automation, and compliance support.²

The broader adoption of AI in the legal field signifies a significant shift in the way legal professionals approach their work. It offers the potential to enhance efficiency, accuracy, and accessibility while enabling legal practitioners to focus on higher-value tasks that require human judgment and expertise. Nevertheless, it is important to recognize that AI should supplement, rather than replace, legal professionals, as their expertise, critical thinking, and ethical decision-making remain fundamental to the practice of law.

Thus, the potential of AI to revolutionize the legal industry by enhancing access to justice for marginalized communities will be explored in this essay. The focus will be on how these technologies can boost efficiency by automating routine tasks such as document review and contract analysis.³

Ultimately, our thesis is simple yet powerful: AI has the potential to promote greater equality within our legal system by allowing more people than ever before access critical resources necessary for success in courtrooms across Nigeria today. Through increased efficiency and innovative solutions made possible only with these ground-breaking techniques being developed right here at home - like those found within NLP structures specifically designed

¹ David L Poole, *Artificial Intelligence* (Cambridge University Press 2017).

² Noah Waisberg, *AI for Lawyers* (John Wiley & Sons 2021).

³ Ted Claypoole, *Law of Artificial Intelligence and Smart Machines* (2019).

around optimizing search results based on user intent rather than keyword density alone - there's no limit on what we might achieve together when it comes down not just taking care each other but truly ensuring all citizens receive fair representation under law regardless their background socioeconomic status nationality, ethnicity, religion, gender, sexual orientation, age, disability or any other factor imaginable.

METHOD

To conduct research on the topic "AI and Access to Justice: Improving Legal Services and Equality," a thorough examination of educational articles was undertaken. The sources were chosen for their relevance, reliability, and currency in providing insights into the impact of AI on legal services. These articles were analysed using critical reading techniques to extract relevant data points that could inform the essay's arguments.⁴ The initial stage involved selecting articles from various academic databases such as JSTOR, Google Scholar, and EBSCOhost. These searches employed keywords related to artificial intelligence (AI) in law practice, access to justice issues, legal technology tools used by lawyers or firms. Additionally, social media platforms like Twitter and LinkedIn provided valuable sources for current trends in legal tech innovation. After finding relevant materials, close reading techniques were applied to extract critical information about AI tools' effectiveness in improving access to justice in different contexts. Moreover, specific case studies featuring different countries' judicial systems with varying degrees of adoption of AI technologies were also studied.

HARNESSING AI IN LEGAL SERVICES

The legal industry has always been a complex and multifaceted field, with the potential to impact individuals' lives in profound ways. However, despite its importance, there have long been issues with access to justice for underprivileged populations. Fortunately, AI could be the key to revolutionizing this industry and promoting greater equality. As Simshaw notes, the implementation of AI in legal services has enormous potential for closing the justice gap. By using machine learning algorithms to automate certain tasks that were once performed exclusively by human lawyers, we can

⁴ 'Evaluating Arguments' <10.5040/9781350934269.ch-016> accessed 31 May 2023.

increase efficiency and reduce costs for clients.⁵ This is especially important because many people cannot afford traditional legal services; by making these services more affordable through technology such as AI-driven tools and mobile apps, we can help ensure everyone has equal access to them.⁶ However, it's not all sunshine and roses when it comes to integrating AI into law firms. Watson highlights some of the potential drawbacks associated with adopting this technology: concerns around data privacy and security breaches are significant issues that must be addressed before widespread adoption is feasible. Despite these challenges though Engstrom⁷ maintain that innovation in technology can aid access to justice while also augmenting lawyers' abilities or even replacing them altogether with non-legal services where appropriate. Indeed, they suggest that advances like machine learning algorithms may ultimately result in more just outcomes overall. Ultimately though achieving true equity will require regulatory oversight prioritizing reforms focused on overcoming resource resilience relationship barriers which limit low-income citizens' ability from accessing quality representation available through automation tech like Artificial Intelligence.⁸ As such, AI presents both opportunities as well as challenges for those seeking progress towards a fairer society. By working together across disciplines, however - including collaborating between technical experts who design these systems alongside their legal counterparts -it may still be possible yet attainable establish equitable standards within our societies while leveraging Technology to augment justice for all.

EXAMINING THE VARIOUS WAYS AI IS TRANSFORMING THE DELIVERY OF LEGAL SERVICES

⁵ Drew Simshaw, 'Title IX in the Technological Age--Challenging Rape Culture and Myths Through Fairer Use of Electronic Communications' SSRN Journal <10.2139/ssrn.3135467> accessed 31 May 2023.

⁶ Douglas Walton, *Argumentation Methods for Artificial Intelligence in Law* (Springer Science & Business Media 2005).

⁷ David Freeman Engstrom, *Legal Tech and the Future of Civil Justice* (Cambridge University Press 2023).

⁸ Bart Custers, *Law and Artificial Intelligence* (Springer Nature 2022).

The legal industry has been experiencing a major transformation with the increasing integration of artificial intelligence (AI) and automation technologies in delivering legal services. As Corrales⁹ argue, recent technological developments in AI promise to disrupt the very foundations of how legal work is practiced and delivered. This shift towards an AI-enhanced practice of law is significantly changing the role of lawyers and the structure of legal organizations. One crucial area where AI-powered tools are revolutionizing the delivery of legal services is research. According to Pavón,¹⁰ an AI-enhanced application will be able to conduct legal research intelligently, eliminating the need for lawyers and law librarians to engage in research activities themselves. This development can allow lawyers to focus more on analysing information instead of spending countless hours searching for it manually. Another significant way that AI is transforming the delivery of legal services pertains to accuracy. As Waisberg¹¹ assert, "the practice of law is being transformed by AI." The use of intelligent algorithms allows for higher precision when reviewing large documents such as contracts or court rulings leading to fewer human errors which could have severe consequences. Moreover, accessibility represents another critical area where AI technology promises improvements within this field as well as reductions in costs associated with manual labour-intensive tasks performed by humans alone when processing massive amounts data say Waisberg.¹² These improvements facilitate access to justice by enabling individuals from underprivileged backgrounds who would otherwise not afford traditional methods access top-quality service at affordable rates which ultimately increases efficiency. Overall, it's evident that AI has already made significant strides towards revolutionizing how we deliver legal services today than ever before. By improving efficiency through intelligent automation processes like document review or contract analysis using machine learning models generated through deep learning techniques, bringing increased accuracy into play now achievable thanks due precise language translation

capabilities only possible with advanced Natural Language Processing techniques- thus reducing costly human errors and improving accessibility for

⁹ Marcelo Corrales, *Robotics, AI and the Future of Law* (Springer 2018).

¹⁰ Juan Pavón, *An Introductory Guide to Artificial Intelligence for Legal Professionals* (Kluwer Law International BV 2020).

¹¹ Noah Waisberg, *AI for Lawyers* (John Wiley & Sons 2021).

¹² *Ibid.*

all parties regardless of their status in society. AI has become an essential tool that is increasingly shaping the future of the legal industry.

Furthermore, the use of AI in delivering legal services could lead to a shift away from traditional billable hour models towards alternative fee structures based on outcomes achieved rather than hours worked. This could benefit clients' interests while also challenging law firms' billing practices.

By using AI tools like predictive analytics software, data analysis tools, speech recognition technologies among others; law firms can minimize human error while simultaneously improving outcomes through better predictions. Additionally, accessibility is another benefit offered by AI-powered legal solutions. With digital platforms becoming increasingly prevalent across industries worldwide including healthcare systems where telemedicine has significantly increased patient access to medical care; it's no wonder that law firms have also embraced virtual consultations via video conferencing platforms like Zoom or Microsoft Teams. In conclusion, there are vast opportunities available within the field of artificial intelligence for further research focused on enhancing its effectiveness in delivering quality legal service provision to those who require them most urgently – especially vulnerable populations whose rights need protection under existing laws or regulations yet face barriers accessing justice due to financial constraints etcetera. Future studies could explore areas such as ethical considerations surrounding implementation strategies involving various stakeholders affected includes consumers along regulatory agencies overseeing compliance issues when adopting new technologies offering novel approaches towards providing equitable accessibilities throughout society without discrimination based upon socio-economic circumstances adversely impacting marginalized groups disproportionately impacted historically oppressed communities around world today.

AI IN THE LEGAL FIELD: ADDRESSING RISKS AND CHALLENGES

The integration of artificial intelligence (AI) into the legal profession has brought about numerous benefits, such as increased efficiency and improved accuracy. However, it is essential to acknowledge and address the risks and challenges associated with AI adoption in the legal field. This article examines

the potential risks and provides insights into the need for regulatory measures and ethical considerations in the context of AI applications in legal services.

One significant concern surrounding the use of AI in legal services is the potential job displacement within the legal profession. While AI has the potential to automate certain tasks traditionally performed by paralegals and junior positions, the impact on lawyers is expected to be relatively limited. Deloitte estimates that approximately 39% of legal jobs can be automated, and McKinsey Global Institute suggests that around 23% of a lawyer's job could be automated.¹³ However, it is crucial to recognize that AI should be viewed as an efficiency tool that enhances the work of legal professionals rather than replacing them entirely.

Another concern in the adoption of AI in the legal field is the vulnerability to cyber-attacks. AI tools used in legal services rely on extensive data access and generate significant amounts of information, which increases the potential surface area for cybercriminals to exploit. Organizations must address the cybersecurity risks associated with AI systems to protect sensitive legal data. The European Commission emphasizes the importance of secure and reliable AI systems and software as a fundamental requirement.¹⁴ Implementing robust cybersecurity measures, conducting vulnerability assessments, and ensuring data encryption are essential steps in safeguarding AI systems from cyber threats.

The adoption of AI in legal services comes with significant costs for acquiring, maintaining, and continuously updating the technology. These expenses may limit access to AI solutions, especially for smaller firms or organizations with limited resources. While the benefits of AI in terms of efficiency and improved legal services are apparent, the return on investment and cost-effectiveness of AI implementation should be carefully evaluated.

¹³ Riya Sil and others, 'Artificial Intelligence and Machine Learning Based Legal Application: The State-of-the-Art and Future Research Trends' <10.1109/icccis48478.2019.8974479> accessed 31 May 2023.

¹⁴ Jozef Andraško, Matúš Mesarčík and Ondrej Hamulák, 'The Regulatory Intersections between Artificial Intelligence, Data Protection and Cyber Security: Challenges and Opportunities for the EU Legal Framework' [2021] *AI & Soc* <10.1007/s00146-020-01125-5> accessed 31 May 2023.

Striking a balance between the costs and benefits is crucial to ensure that AI technologies are accessible to a broader range of legal professionals.

The introduction of AI in the legal profession raises concerns about the training and skills required for legal professionals. Senior lawyers may face challenges in adapting to AI technologies due to a lack of technical expertise. Law schools and educational institutions are beginning to offer specialized programs in AI, legaltech, and project management to equip future legal professionals with the necessary skills. However, the potential for AI to automate entry-level tasks may result in a shortage of trained professionals at the junior associate and paralegal levels. It is important to strike a balance between leveraging AI technology and maintaining the essential skills and expertise of legal professionals.¹⁵

The use of AI in legal services involves handling large amounts of data, raising concerns about privacy and data protection. Inappropriate data sharing or misuse can lead to privacy breaches and intellectual property rights violations. It is crucial to ensure that AI systems comply with existing privacy laws, data protection regulations, and intellectual property rights. The EU's guidelines on AI emphasize the need for secure and reliable AI systems that protect personal data and respect fundamental rights.¹⁶ Robust data governance practices, anonymization techniques, and ethical considerations should be implemented to mitigate these risks.

The evolving nature of AI technology has outpaced the development of comprehensive legal frameworks and regulations. Regulators worldwide are recognizing the need for legislation and ethical regulations to address the risks associated with AI. The European Union has taken the lead in proposing regulations specific to AI, with the introduction of the Artificial Intelligence Act (AI Act).¹⁷ This proposed regulation aims to ensure the safety, legal compliance, and ethical use.

¹⁵ I Glenn Cohen and others, 'The European Artificial Intelligence Strategy: Implications and Challenges for Digital Health' (2020) 2 *The Lancet Digital Health* e376 <10.1016/s2589-7500(20)30112-6> accessed 31 May 2023.

¹⁶ *Ibid.*

¹⁷ Rostam J Neuwirth, 'The European Union's Proposed Artificial Intelligence Act (AIA)' 9 <10.4324/9781003319436-2> accessed 31 May 2023.

Another issue, concerns law firm billing, as smart AI systems can perform searches and analyses within seconds, tasks that would have previously taken weeks of billable time from an associate. This raises questions about how law firms will adapt their billing practices to reflect this shift in efficiency.

AI's impact on the competitive landscape of the legal profession is another significant consideration. Will large law firms maintain their advantage, or will smaller and medium-sized firms be able to compete on equal footing by leveraging AI tools? Furthermore, the possibility of companies obtaining legal services directly from legal technology vendors, bypassing law firms entirely, raises questions about the future role and relevance of traditional law firms.

The potential risks associated with AI in legal practice must also be carefully examined. Concerns over unauthorized practice of law by AI systems may arise, as well as issues related to the accuracy, legality, and fairness of AI decisions. Ensuring transparency and accountability in AI systems becomes crucial to maintain public trust and confidence in the legal profession. Additionally, questions of liability may arise, such as whether lawyers can be held responsible for negligence if they rely on AI systems that make mistakes, or if lawyers can be accused of malpractice for not utilizing AI systems that surpass human capabilities in certain tasks. Moreover, the role of self-learning AI systems and their potential involvement as witnesses in legal proceedings adds a new layer of complexity to the legal landscape.

It is evident that the adoption or rejection of AI will determine winners and losers within the legal profession. Senior lawyers recognize that engaging with new technology is essential to remain relevant to clients. The AI train is already departing, and it is incumbent upon lawyers to embrace this transformative technology to stay competitive and deliver legal services efficiently and effectively. By keeping pace with AI advancements, legal professionals can position themselves as leaders in the evolving legal landscape and ensure their continued relevance in an AI-driven world.

TRANSFORMING THE NIGERIAN LEGAL SYSTEM WITH AI-POWERED TECHNOLOGY

The Nigerian legal system is also poised to benefit from the transformative power of artificial intelligence (AI) in the delivery of judicial services.¹⁸ The advent of AI-powered legal technology, commonly known as "robot lawyers," has the potential to revolutionize the Nigerian legal landscape by providing innovative tools and applications.

Nigerian legal professionals, including lawyers and judges, can utilize AI-powered tools to retrieve relevant precedents, analyse similarities and differences, and obtain valuable insights to support their legal arguments and decision-making processes. This efficient retrieval of information can significantly reduce the time and effort required for legal research, allowing legal professionals to focus on more strategic aspects of their work.

Moreover, AI can assist Nigerian courts in managing their workload more effectively. By leveraging AI algorithms, judges can prioritize cases based on potential violations or other relevant factors, expediting the decision-making process and reducing delays. Administrative tasks can also be streamlined using AI tools, freeing up judicial resources to handle more complex legal matters. These advancements can contribute to a more efficient and accessible judicial system in Nigeria.

It is essential, however, to differentiate between the potential benefits of AI tools and their actual deployment in Nigerian courts. While studies conducted by the Council of Europe, through its European Commission for the Efficiency of Justice (CEPEJ), indicate limited practical usage of predictive software by judges in Europe, local tests and academic research have explored the potential of these applications. Notably, tests conducted at the European Court of Human Rights achieved a 79% accuracy in outcome prediction using machine learning.¹⁹

¹⁸Izuoma Egeruoh Egeruoh-Adindu, 'Technology and the Law: The Impact of Artificial Intelligence (AI) on Litigation and Dispute Resolution in Africa' 413 <10.1007/978-3-030-69594-1_18> accessed 31 May 2023.

¹⁹РаминГурбанов and Ramin Gurbanov, 'CEPEJ AS THE CONSULTATIVE BODY OF THE COUNCIL OF EUROPE, GRANTED WITH THE RESPONSIBILITY OF

Another significant concern is the potential bias inherent in AI algorithms, which can perpetuate existing disparities and prejudices. To mitigate this risk, the Nigerian legal community needs to ensure that the data used to train AI models is diverse, representative, and free from biases. Regular monitoring and evaluation of AI systems' performance are necessary to ensure fairness and impartiality in their application.

Another critical aspect to consider is the protection of privacy and data security within AI-powered legal technology. Given the sensitive nature of legal information and personal data, robust security measures must be in place to safeguard against unauthorized access or data breaches. Striking the right balance between technological advancements and protecting individual rights and confidentiality is of utmost importance.

To navigate these challenges, Nigerian policymakers, legal professionals, and relevant stakeholders should collaborate in establishing ethical guidelines and regulations specific to AI in the legal field. By developing a framework similar to the European Ethical Charter on the Use of Artificial Intelligence in Judicial Systems, Nigeria can ensure the responsible use of AI while promoting respect for fundamental rights, transparency, and user control.²⁰

In summary, the application of AI-powered legal technology can have a profound impact on the Nigerian legal system. By leveraging AI tools for legal research, case analysis, and workload management, Nigerian legal professionals and courts can benefit from increased efficiency, accuracy, and accessibility. However, it is crucial to prioritize ethical considerations and address potential biases and limitations associated with AI. With careful implementation, AI has the potential to revolutionize the Nigerian legal landscape, improving access to justice and delivering more efficient judicial services.

DEVELOPING AND IMPLEMENTING COMMON STANDARDS IN THE SPHERE OF THE DELIVERY OF JUSTICE' (2016) 10 <10.12737/17114> accessed 31 May 2023.

²⁰ Nicola Palladino, 'The Role of Epistemic Communities in the "Constitutionalization" of Internet Governance: The Example of the European Commission High-Level Expert Group on Artificial Intelligence' (2021) 45 Telecommunications Policy 102149 <10.1016/j.telpol.2021.102149> accessed 31 May 2023.

UPHOLDING LEGAL RIGHTS IN THE AGE OF AI: THE NEED FOR A RIGHTS-RESPECTING AI POLICY IN NIGERIA

The impact of AI-based technologies on the fundamental rights of Nigerians requires careful consideration. It is important to evaluate how these technologies can either advance or undermine human rights protections throughout their lifecycle, from design to sale and ultimate use. The Nigerian constitution's Section 18 (2) emphasizes the government's commitment to promoting science and technology, making AI a priority in policy agendas at regional and international levels.

A complete framework for AI systems that includes research, development, application, coordination, and regulation should be established by Nigeria to support the court in its decision making in an effort to transform the Nigerian Legal system agenda. Nonetheless, it is crucial for the Nigerian government and other interested parties to create a national AI policy that adheres to principles such as accountability in algorithms, safeguarding of data privacy, clarity in decision-making methods, and the preservation of human rights for citizens.

Understanding the potential contributions of AI and related technologies to the legal system goals and addressing litigation issues is important for developing an effective AI policy. The use of AI is set to bring about a significant impact on litigants, commercial transactions, and the delivery of justice. The COVID-19 pandemic has further emphasized Nigeria's dependence on digital technologies for cultural activities, economic, educational, health care and judicial purposes. For example, speech-to-text transcription technology is being used in Zoom court sessions by judges and AI-equipped robots are being utilized by the Federal Ministry of Aviation for passenger safety screening.²¹

It is crucial to create an AI policy in Nigerian legal system that prioritizes the country's democratic principles, constitutional provisions, and socioeconomic requirements due to the high stakes involved. By doing so, it can encourage responsible and innovative data usage within a strong AI ecosystem that focuses on protecting and promoting the rights of Nigerians. Policymakers have a vital responsibility in achieving this objective by making sure that AI

²¹ Michael Legg, *Artificial Intelligence and the Legal Profession* (2020).

development adheres to Nigeria's democratic values and respects its people's rights right from the start.²²

CONCLUSION

In conclusion, as AI-based technologies continue to advance in Nigeria, it is imperative to prioritize the protection of rights through the formulation of a rights-respecting AI policy. The legal system plays a vital role in upholding individuals' rights and maintaining societal order. However, there are persistent challenges in ensuring equal access to justice for all segments of society. AI has the potential to bridge this disparity and foster greater equity.

By embracing AI tools and applications in the legal field, we can enhance the efficiency and inclusivity of legal services. Through advanced natural language processing and machine learning algorithms, legal professionals can process vast amounts of information rapidly and accurately. This automation of routine tasks allows lawyers to focus on higher-value activities that require human judgment and expertise.

However, the integration of AI in the legal system also brings risks and challenges that must be addressed. Job displacement, cybersecurity vulnerabilities, cost considerations, and skills training are critical factors that require attention. Efforts should be made to strike a balance between leveraging AI technology and preserving the essential skills and expertise of legal professionals.

The deployment of AI in legal services necessitates a comprehensive approach to ensure privacy protection, data security, and fairness. It is essential to mitigate biases in AI algorithms and ensure that training data is diverse and representative. Regulatory measures and ethical guidelines specific to AI in the legal field are needed to safeguard individual rights, promote transparency, and maintain user control.

By developing a rights-respecting AI policy in Nigeria, policymakers, legal professionals, and relevant stakeholders can harness the potential of AI while upholding democratic values, constitutional provisions, and socioeconomic

²² Thomas Wischmeyer, *Regulating Artificial Intelligence* (Springer Nature 2019).

needs. Such a policy can contribute to a more efficient, accessible, and equitable legal system, ensuring that all Nigerians have equal access to justice.

In conclusion, a rights-respecting AI policy can pave the way for a future where AI technology supports the protection and advancement of human rights in Nigeria, leading to a more inclusive and just society.