ARTIFICIAL INTELLIGENCE AND THE LAW OF THE FUTURE

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Abstract

The chapter presents an analysis of the digital transformation of Brazilian Justice and the second phase of this transformation, driven by exponential technologies, such as artificial intelligence, *machine learning* , *big data* and cloud computing. The objective is to contribute to the training of future legal professionals for this new era of artificial intelligence. The chapter highlights the importance of AI in the field of law, such as automation of routine tasks, virtual legal assistance, predictive analytics and decision-making, as well as addressing ethical issues and legal challenges. It is concluded that AI is transforming the legal profession, bringing efficiency and practicality to lawyers, judges and clients, and that it is essential that legal professionals are prepared to use AI in an ethical and responsible manner.

Keywords: advocacy 4.0, artificial intelligence, professional of the future.

Introduction

Brazilian Justice has experienced an unprecedented digital transformation in the last decade, with the replacement of the physical process by the digital one. This resulted in greater efficiency in the provision of services to society, with increased productivity, access, transparency, savings and sustainability. We are currently entering a second phase of this transformation, driven by exponential technologies such as artificial intelligence, *machine learning* , *big data* and cloud computing. Professionals need to be more than prepared for this moment.

With the aim of fostering discussions, presenting news and expanding the knowledge base on the topic, this chapter aims to contribute to the training of future legal professionals for this new era of artificial intelligence (AI). According to a study by global consultancy Deloitte, by 2036, Artificial Intelligence systems will automate 100,000 jobs in the area of Law.

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AI has proven to be one of the most promising and impactful technologies in recent times (Silva et al., 2021). With the exponential advancement of AI, several industries have been transformed, and the field of law is no exception (Marques et al., 2021). The application of AI in the legal profession is revolutionizing the way lawyers work and the prospects for the future are promising (Andrade et al., 2020).

AI uses machine learning and artificial neural networks to analyze large volumes of data and provide faster and more accurate diagnoses, according to Silva et al. (2021), reducing diagnostic errors in dental radiology, for example. This ability of AI to process large amounts of information efficiently and accurately is also applied in the field of law. AI can analyze large volumes of legal data, such as past cases and case law, to assist lawyers in making decisions (Andrade et al., 2020). The application of AI in private law, for example, can bring benefits such as analyzing legal data and predicting case outcomes (Andrade et al., 2020).

Furthermore, AI can also contribute to the humanization of machines. The ability of AI to adapt language to the target audience is still a demand to be explored, but the linguistic description developed by Sociolinguistics in Brazil can attribute a human personality to the machine (Freitag , 2021). This can be especially useful in the field of law, where effective communication with clients is essential.

In this context, it is important to emphasize that AI should not replace legal professionals, but only complement their operational functions. Although AI can assist in data analysis and decision-making, there are still limitations in reproducing high-intelligence cognitive skills (Marques et al., 2021). Legal professionals must be trained to use AI as a complementary tool in their work and assume roles in coordinating technologies (Aydogdu , 2022).

Artificial intelligence is revolutionizing the legal profession, offering new possibilities and challenges and its application in the field of law can improve the efficiency and accuracy of legal activities, but it is important that legal professionals are prepared to use AI ethically and responsible. The future of artificial intelligence in law is promising, and it is essential that professionals are updated and trained to make the most of this technology (Andrade et al., 2020).

This chapter will address the context of AI as the new technology that will transform future professionals in the area of law, and the following topics will be covered: Law in the digital age; Application of Artificial intelligence in the field of Law; Ethics and safety in AI; Artificial Intelligence regulatory framework; Law 4.0; and The

new skills of the professional of the future. Finally, a conclusion reconciling the main summaries of the topics covered. This chapter aims to make a contribution to how legal professionals can look at their professional future in the context of digital transformation and artificial intelligence technology.

1. Law in the digital age

Da Rosa (2019) discusses the impact of artificial intelligence in the legal field, highlighting the urgency of thinking about a new digital vision for law, which takes into account the technological transformations that are occurring in society. In fact, one of the issues that arises with great importance for new professionals is the guarantee of the protection of personal data in the application of artificial intelligence in law, since data for artificial intelligence often loses its origin and identity. . Another extremely important point in this new digital scenario is what parameters are necessary for the safe application of artificial intelligence in the machine learning modality, since capabilities such as ambiguity analysis and critical thinking are programmed through criteria in AI.

Although it is possible to find countless examples of how artificial intelligence can be used to improve the quality of judicial decisions and reduce the rate of congestion in the Brazilian Judiciary, it is important to highlight that professionals need to be trained to deal with changes. that technology brings to the legal field. To achieve this, it is necessary to guarantee in a transparent and accessible way the understanding of the criteria used by the algorithms, as well as the responsibility of legal operators in decision-making.

Using the metaphor of judge Hércules and the use of artificial intelligence to support judicial decisions, Da Rosa (2019) makes an analogy highlighting the importance of thinking about an approach that takes into account the complementarity between artificial intelligence and human action in the legal field. In fact, digital tools can be important for the legal field, but they cannot be the final decision-making criterion, only advisory. To this end, it is necessary to establish, in addition to ethical and legal parameters for its use, the level of importance for the final process.

Another major challenge for society as a whole is the large volume of information, *Big Data* , and for the area of law mainly. The volume of information in the digitalized society grows exponentially over the years. It is common to associate

it with those colloquial phrases from the legal field where judges have to analyze piles and piles of cases. Today bytes and bytes of data are analyzed. Hoffmann-Riem (2020) presents the evolution of *big data* and its application in law, drawing a parallel with the development of artificial intelligence, highlighting the importance of establishing ethical and legal parameters for its use. The reference to the issue of protecting personal data in the application of artificial intelligence and big *data* in law again emerges as a sensitive and important topic in this context, especially taking into account the challenges of transparency and traceability of the digital systems used.

It is clear to see that the use of artificial intelligence to analyze big *data* will improve the efficiency of the Brazilian Judiciary, also contributing to the quality of judicial decisions, but professionals need to be trained in the need to think about a new digital vision for law. , which takes into account how the technological transformations that are occurring in society can impact, both positively and negatively, professional performance. In this sense, one of the challenges of applying artificial intelligence and big *data* in the legal field is also the importance of establishing ethical and legal parameters for their use.

2. Application of Artificial Intelligence in the field of Law

Maranhão (2017) carries out extensive research on the use of artificial intelligence within the field of law in the country, and even though the research was carried out before the AI popularization boom in 2023, its discussions still remain current and relevant. The author highlights that several computer programs have been created to increase the efficiency of legal operators, and that other initiatives have emerged within universities with the rapprochement between the Law and Computer Science faculties.

One of Maranhão's (2017) important contributions, which continue to guide all discussions about the applications of AI in the field of Law, are the important convictions that must be present in investigations in this new research horizon. There are four important convictions that should guide research at the intersection between artificial intelligence and law in Brazil:

1. The need for AI tools to be based on knowledge representation, analysis and inferences typical of jurists;

2. The importance of developing AI systems that can be explained and justified, in order to guarantee the transparency and *accountability* of these tools;

3. The potential of AI to improve the quality and productivity of legal work, freeing up time spent on repetitive tasks and providing quick access to necessary knowledge;

4. The need to promote research into logical systems that can serve as a basis for AI applications in law.

More than ever, it is necessary to study artificial intelligence from a multidisciplinary perspective, considering not only its technical conditions, but the economic, social and cultural impacts that arise from the use of this technology. Although AI can improve the quality of judicial decisions and reduce the congestion rate of the Brazilian Judiciary, it is necessary to include the discussion on regulating the use and creation of AI applications in Law.

In 2021, the author published an article entitled "Artificial intelligence applied to law and the law of artificial intelligence" (MARANHÃO et al, 2021), which examines possible solutions to the regulatory and application problems of artificial intelligence in law, proposing themes for research at the interface between Law and artificial intelligence.

Peixoto and Silva (2019) explore the relationship between artificial intelligence and the legal field, discussing how artificial intelligence can be applied to optimize the execution of tasks, establish connections with clients, identify patterns and solve problems in the legal field, making a important contribution to the concept of "law of the future", which refers to legal trends expected to occur in the coming years. These trends include the increasingly significant presence of technologies such as *Big Data* and AI in law firms. The work highlights the need for legal professionals to be prepared and qualified.

Maia Filho and Junquilho (2018), in their work that presents the potential of AI to impact the law, address how technological-algorithmic tools can contribute to reducing the high rate of congestion in the Brazilian Judiciary, bringing as a success case the Project Victor.

High Court STF

The Victor Project is the result of a partnership between the Federal Supreme Court (STF) and the University of Brasília (UnB), which provides for the

creation of *machine models learning* to analyze the resources received by the STF regarding topics of general repercussion. The robot performs four functions in digital processes: converting images into texts; separation of the beginning and end of collection documents; classification of the most used procedural documents; and identification of topics with the greatest impact.

High Court STJ

In June 2018, the Superior Court of Justice (STJ) announced a project to automate tasks related to the digital process. The project is already operating at the Judiciary Secretariat, where a system automates procedural classification. The system is capable of reading the content of the processes and identifying the topic with an accuracy rate of 86%. Today, all processes that enter the STJ go through this algorithm.

Fraud analysis

In a fraud investigation, the UK's Serious Fraud Office (SFO) gathered a pile of 30 million documents from the Rolls-Royce company over four years. While countless interns were able to comb through 3,000 documents a day, RAVN, a startup using trained AI, processed 60,000 with a lower error rate. The investigation resulted in a £671 million fine, and the SFO saved time and money through the use of AI.

Controversy and risk analysis in courts

In American courts, risk analysis software is a common example of Artificial Intelligence in Justice. This software crosses data from previous cases with the defendant's history to define a probability of criminal recidivism. With this, they help judges define bail, precautionary measures and even sentences. Two examples of risk analysis software are *Public Safety Assessment* , used in the State of New Jersey exclusively for pre-trial cases, and COMPAS, used to support sentences.

3. Ethics and Safety in AI

With so many AI applications impacting the area of law, the big discussion that still raises a solution is about the ethical and safety issues in the use of AI. In the context of ethics, it is important to ensure that AI systems are developed and used in a fair and impartial way. It is necessary to prevent these systems from being used to discriminate or harm certain groups of people. In terms of security, it is important to ensure that AI systems are protected against cyber attacks. A successful attack on an

AI system could lead to the disclosure of confidential information or the manipulation of court decisions. It is necessary to guarantee the Privacy and Authenticity of systems, preventing Prejudices and Trends from affecting their use.

Nunes and Marques (2018) explore algorithmic biases and the risks of attributing a decision-making role to machines in the application of artificial intelligence in procedural law. The possibility of algorithmic biases and the lack of transparency of algorithms can lead to discriminatory and unfair decisions, highlighting the importance of guaranteeing the transparency and accountability *of* artificial intelligence systems used in the legal field.

Accountability , or traceability, requires that Artificial Intelligence systems be imbued with algorithmic responsibility, which encompasses preserving the quality of privacy and data integrity, as well as access to these same data . In this context, safeguarding privacy emerges as a fundamental right of paramount importance, being especially susceptible to the impacts of AI systems, in close connection with the principle of damage prevention.

It is clear that the use of AI assumes both the risks and benefits of its application in procedural law, highlighting again the importance of ensuring the transparency and traceability of the systems used and the need to establish ethical and legal parameters for its use .

Peixoto (2020) brings to light the concept of Ethical and Strategic Convergence, addressing the relationship between artificial intelligence and law, as well as the importance of seeking to improve the use of artificial intelligence in the legal field. In addition to ethical and legal parameters for its use, the author discusses the need to think about a new digital vision for law, which takes into account the technological transformations that are taking place in society, with a new digital vision for law.

Takakura and Duarte (2022) discuss the dilemmas and contributions of artificial intelligence in the legal field, presenting the evolution of artificial intelligence and its application in law, also discussing the dilemmas of applying artificial intelligence in law, including the possibility of algorithmic biases and the lack of transparency of algorithms, which can lead to discriminatory and unfair decisions.

The authors present examples of how artificial intelligence can be used to analyze data and documents, in addition to discussing the possibility of using *chatbots* for customer service

The paths that must be taken by professionals along with new technologies are discussed by Santana (2023), presenting the importance of artificial intelligence in the legal field and the paths that must be taken by professionals to deal with new technologies. The author highlights the importance of legal professionals being trained to deal with the changes that technology brings to the legal field, in addition to discussing the need to think about a new digital vision for law.

Here are some recommendations to mitigate ethics and safety concerns in using AI for the field of law:

- Transparency: AI systems must be transparent about their algorithms and training data. This will help identify and mitigate bias.
- *Accountability* : Developers and users of AI systems must be responsible for their actions. This will help ensure systems are used responsibly.
- Education: It is important to educate legal professionals about the ethics and safety issues in using AI. This will help ensure that AI is used ethically and safely.

4. Artificial Intelligence Regulatory Framework

A Regulatory Framework in Brazil is discussed by De Moraes et al. (2022), presenting the relationship between artificial intelligence and human rights, and the contributions to a regulatory framework in Brazil. Ehrardt Júnior and França Netto (2023) highlight in their work the advances and setbacks in the regulation of AI technology in the country, highlighting the need to establish a regulatory framework that guarantees the transparency and traceability of the systems used. The authors also discuss the issue of protecting personal data in the application of artificial intelligence in law, in addition to addressing the issue of civil liability in the application of technology in the legal field.

The use of artificial intelligence can put several human rights principles at risk, such as:

Human dignity : AI can be used to make decisions that affect people's lives, such as in cases of medical screening, and it is important that these decisions are made fairly and impartially, respecting human dignity.

Discrimination : AI can perpetuate or even magnify existing inequalities in society, such as racial or gender discrimination, if it is not programmed to avoid these biases

Transparency : it is important that decisions made by AI systems are transparent, so that people can understand how they were made and challenge them if necessary

Participation : AI can affect people's participation in decision-making processes if it is used to automate decisions that were previously made by humans

Security : AI can be used for malicious purposes, such as cyberattacks or mass surveillance, which can put people's safety at risk

Therefore, it is important that there is a regulatory framework for the use of AI that takes these human rights principles into account, so that the technology is used ethically and responsibly.

The Regulatory Framework at the time of publication of this book is Bill 759/23, which regulates artificial intelligence (AI) systems in Brazil and determines that the Executive Branch define a National Artificial Intelligence Policy. As a National Artificial Intelligence Policy, the project provides the following guidelines:

- respect for social limits and protection of public and private assets;
- establishing ethical and moral standards in the use of AI;
- promoting sustainable and inclusive development in the area of innovation and technology;
- encouraging investment in AI research and development;
- encouragement and international cooperation in AI research and development;
- promoting cooperation between public and private entities and research centers for the development of AI;
- development of mechanisms to promote innovation and digital entrepreneurship, with tax incentives aimed at companies that invest in research and innovation;
- training of technology professionals in AI;
- stimulating research and innovation activities in science, technology and innovation institutions; It is

- improving the quality and efficiency of services offered to the population.

The proposal establishes that artificial intelligence solutions, programs and projects must be developed and used in an ethical and responsible manner. They must respect human life and cannot be used as weapons of war or defense or for the purpose of mass destruction.

5. Law 4.0

Faced with the great process of Digital Transformation that our society is going through, the concept of law 4.0 emerges as an analogy to industry 4.0. The term "Law 4.0" refers to a modern and innovative approach to law that incorporates Industry 4.0 technologies and other technological trends to transform legal practice and the legal system.

Industry 4.0 is an industrial revolution that combines advanced automation, data analytics, the Internet of Things (IoT), artificial intelligence and other technologies to create highly efficient and interconnected production and operations systems. In the context of Law 4.0, these technologies are applied to improve the efficiency, accessibility and quality of legal services.

The Reflections and Impacts on the Professional Life of Lawyers are presented by Oliveira and Nascimento (2022). The authors address the evolution of technology and its application in law and present examples of how technology can be used to improve efficiency and productivity in modern law.

The use of advanced technologies, such as artificial intelligence, blockchain and *big data* , to improve the efficiency and quality of legal services. This transformation is bringing several consequences to the professional lives of lawyers, such as:

- Need for constant updating of knowledge and skills, to keep up with technological changes and new customer demands;
- Possibility of automating routine tasks, such as contract review and document analysis, which can free up time for more strategic activities;
- Adaptation to new ways of working, such as home office and real-time collaboration with other professionals; It is

- Ethical and regulatory challenges, such as protecting customer privacy and accountability for results generated by AI systems.

Advocacy 4.0 is transforming legal practice and offering new opportunities for lawyers, but it also requires constant adaptation and special care with ethical and regulatory issues, which are not yet defined.

In the article "The Future of Law: The Challenges of Law in the Face of Society 5.0" by Goulart (2022), he discusses the challenges of law in the face of society 5.0. The author highlights that all professions will need to adapt to survive the new era. As law has always followed social changes, law will also need to adapt, with emphasis on the importance of establishing ethical and legal parameters for the use of technology in law, ensuring the protection of human rights.

Goulart (2022) proposes a new approach to law, more collaborative and humanized, aligned with the precepts brought by society 5.0, also highlighting the need for an adaptation in the curriculum of law schools to prepare future lawyers for this new reality. Advocacy in the face of Society 5.0 faces several challenges, such as:

- Adaptation to new technologies, such as artificial intelligence, robotics, cryptography, *big data* , augmented reality, IoT and jurimetrics , which are transforming legal practice;
- Need to develop new behavioral skills, such as collaboration, creativity and critical thinking, to deal with the demands of society 5.0;
- Ethical and regulatory challenges, such as protecting privacy and information security, digital inequality and algorithmic biases;
- Need for a new approach to law, more collaborative and humanized, aligned with the precepts brought by society 5.0; It is
- Adaptation of the law school curriculum to prepare future lawyers for this new reality.

Therefore, Advocacy in the face of Society 5.0 faces several challenges that require constant adaptation and a new stance for the profession, and in this context, Startups, the disruptive formation of companies in the new economy, cannot be left out. Santos (2022), discusses the application of law 4.0 and startups as instruments of legal advice in the innovation market.

Law 4.0 can be an important ally for startups, which face specific legal challenges, such as the need to protect intellectual property and the complexity of regulations. Santo (2022) proposes a basic set of knowledge and specializations necessary for the startup lawyer to be able to advise the activity of startups at an early stage, involving multidisciplinary knowledge and new working methods, exploring the relationship between law 4.0 and startups, such as legal advice instruments in the innovation market. The functions of the new lawyer for startups can be:

- Specialized legal advice for startups, with knowledge in areas such as intellectual property, contracts, regulations and compliance;
- Identifying and mitigating legal risks, such as protecting intellectual property and complying with regulations ;
- Advice on strategic issues, such as corporate structuring and attracting investments;
- Multidisciplinary knowledge, involving areas such as technology, finance and marketing, to understand the specific needs of startups; It is
- New working methods, such as the use of advanced technologies, to improve the efficiency and quality of legal services;

Therefore, the new lawyer for startups must have a basic set of knowledge and specializations necessary to advise the activity of startups at an early stage, involving multidisciplinary knowledge and new working methods.

6. The new skills of the professional of the future

Finally, the new context demands from the future professional skills and abilities to be acquired by the legal professional in the 4.0 scenario. Rodrigues (2022) discusses the skills and abilities required of legal professionals in the 4.0 scenario, based on the perception of legal professionals.

The article presents the evolution of technology and its application in the legal field, highlighting the importance of seeking to improve the use of technology in the legal field, ensuring transparency and accountability *of* the systems used. This evolution requires the legal professional to have the skills and abilities required of the

legal professional in the 4.0 scenario, highlighting the importance of adapting to technological changes.

The skills and abilities most valued by legal professionals in the 4.0 scenario include:

- Ability to adapt to new technologies and ability to work with them;
- Ability to work in a multidisciplinary team;
- Communication capacity;
- Ability to solve complex problems;
- Knowledge in areas such as artificial intelligence, blockchain and *big data* ;
- Emotional intelligence;
- Critical thinking;
- Collaborative attitude;
- Project management;
- Financial knowledge; It is
- Mastery of work ethics.

In summary, the legal professional in the 4.0 scenario needs to develop a set of skills and competencies that go beyond legal knowledge, including behavioral, multidisciplinary skills and new working methods.

Conclusion

Considering the studies raised on the role of artificial intelligence in the field of law, we can consider 4 major fields of action for the future as elementary, listing the following as opportunities:

- **Automation of routine tasks** : With the use of artificial intelligence, routine and repetitive tasks, such as reviewing contracts, analyzing legal documents and researching case law, can be performed faster and more accurately. Advanced natural language processing algorithms enable AI to analyze large volumes of legal information in a matter of minutes, saving legal professionals time and resources.
- **Virtual legal assistance** : *Chatbots* and virtual assistants are becoming increasingly common in the field of law. These AI-based tools can provide instant answers to basic legal questions, guide clients

through their rights, and help draft simple legal documents. This allows for easier and quicker access to legal assistance, especially for those who do not have the resources to hire a lawyer.

- **Predictive analysis and decision making Decisions** : Artificial intelligence is also being used for predictive analytics, i.e. predicting legal outcomes based on historical data and identified patterns. This analysis can assist lawyers and judges in making informed decisions, identifying the likelihood of success of a case or predicting litigation outcomes. This can help save time and resources, as well as improve the efficiency of the judicial system.

- **Ethics and legal challenges** : Despite all the benefits brought by artificial intelligence in the field of law, ethical concerns and legal challenges also arise. Issues such as data privacy, algorithmic bias and liability for decisions made by machines are just some of the issues that need to be addressed. It is critical that legal professionals are prepared to address these issues and ensure that AI is used responsibly and fairly.

Artificial intelligence is transforming the legal profession, bringing efficiency and practicality to lawyers, judges and clients. Although there are challenges to be overcome, the future of AI in the field of law is promising. Those who know how to adapt and take advantage of the opportunities offered by artificial intelligence will be at the forefront of this technological revolution.

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