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LAWYER'S CHALLENGE WITH THE IMPACT OF ARTIFICIAL INTELLIGENCE

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Abstract
This study investigates the impact of Artificial Intelligence (AI) on the practice of law, analyzing the challenges and opportunities lawyers face amid this technological transformation. Given the growing integration of AI into legal research, document analysis, and decision-making, we examine how this technology affects legal professionals' work. We observe that while AI can save time and improve efficiency in delivering legal services, it also presents ethical, legal, and practical challenges, including concerns about confidentiality, transparency, and impartiality. We highlight the importance of professional training and continuing education for lawyers to help them adapt to technological changes and capitalize on the opportunities AI offers. We conclude that AI is redefining legal practice, providing new tools for lawyers as they continue to play their fundamental role as defenders of individual rights and promoters of a more effective and accessible administration of justice.
Keywords: Artificial Intelligence, legal practice, legal automation.

1. Introduction

Nowadays, Artificial Intelligence (AI) is emerging as a disruptive force, reshaping paradigms across sectors, including the legal field, and presenting a substantial challenge for legal professionals.

This study aims to examine the intersection between AI and advocacy, focusing on identifying the challenges posed by this new technological era to legal operators.

As AI establishes itself as a ubiquitous tool in legal research, document analysis, and even legal decision-making, it becomes necessary to understand its implications for lawyers and explore the opportunities arising from this symbiosis between technology and law. Finally, we will seek to find a balance between the role of the legal operator and the presence of AI.

Faced with the challenge posed by artificial intelligence to lawyers, this study investigates the following research problem: How is artificial intelligence influencing the practice of law, and what are the main challenges lawyers face as a result of this technological transformation?

Based on the selected topic, we will address the following hypotheses: The increased use of artificial intelligence in legal research and document analysis saves lawyers time, allowing them to focus on more strategic tasks. Lawyers who adopt artificial intelligence solutions in

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their practices face ethical challenges related to confidentiality, transparency, and impartiality in legal decisions. The reliability of decisions made by artificial intelligence systems in the legal field is a growing concern for lawyers and can be affected by the quality of training data and algorithms. The training and continuous updating of lawyers

Artificial intelligence is fundamental to success in the market, and lawyers who are better trained in this area are better prepared to face technological challenges.

The general objective of this article is to analyze the impact of artificial intelligence on the practice of law, understand the challenges faced by lawyers, and identify the opportunities that arise from this scenario, seeking the necessary balance.

Specific objectives include: investigating the applications of AI in the legal field and their evolution over time; identify and analyze the key ethical and legal challenges faced by lawyers due to the adoption of AI; Assess the importance of professional training and updating so that lawyers can adapt to the changes brought about by AI; Analyze the opportunities provided by AI to optimize efficiency in the delivery of legal services.

This study is justified by the undeniable relevance of AI in the current landscape, as its advances are revolutionizing legal practice. The need to understand the nuances of this impact stems from lawyers' responsibility to adapt to the technological environment while preserving ethical principles and the quality of legal services.

In this regard, research on this topic is pertinent, as inadequate preparation to deal with AI can lead to ethical, legal, and practical challenges that compromise the effectiveness of advocacy and the administration of justice.

2. Theoretical Reference

2.1 What is AI?

Called cognitive computing or machine learning, Artificial Intelligence (AI), according to Magalhães (2015), is a computer system designed to perform tasks that would be performed by humans. Azevedo1 (2019) highlights that one way AI has influenced the legal domain is its ability to process data, identify patterns, perform tests, analyze information, and evaluate it to produce specific results.

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According to Azevedo (2019), the structure of legal rules makes the legal field conducive to the application of AI systems, in which computers can process these rules and perform tasks that would otherwise be performed by lawyers. AI technology operates by delivering a dataset and sample results to a cognitive system that can process large volumes of data at high speed, generating faster, more accurate results.

The goal of AI is not to change the essence of legal work or replace human lawyers, but rather to allow them to focus on more cognitive tasks, such as developing legal arguments, rather than dedicating long hours to routine activities, such as drafting and reviewing lengthy documents or conducting detailed research in case files and other tasks unrelated to fee collection (Figueiredo, 2018).

Borruso (2019) highlights that the application of artificial intelligence saves time in several areas and reduces human error and fatigue. However, AI comes with its own risks, including technological or algorithmic glitches and inaccurate applications, which could open space for future changes in the roles and responsibilities of legal professionals.

2.2 Application of AI in Law

The application of artificial intelligence in the field of Law faces the challenge of diverse exposure to written language, resulting in the unstructured nature of legal data (Soares et al., 2020).

For example, legal opinions differ from court decisions. While opinions follow a pattern - reporting the facts, discussing the relevant jurisprudence, and applying the law to the facts - judges are individualistic in their way of presenting information (Azevedo, 2018).

Although a sentence or judgment can be divided into report, reasoning, and disposition, interlocutory decisions do not necessarily follow this pattern. They vary considerably in writing style, including grammar and word choice (Rosenthal; Yoon, 2011).

When there are disagreements, judges resort to various legal precedents to support their analyses (Alarie, Niblett, and Yoon, 2018). Additionally, contextualized writing can complicate the identification of decision-making patterns, leading to inaccuracies in algorithms that rely on natural language processing (Soares et al., 2020).

However, it is possible to convert this unstructured data into structured data, though the

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process is laborious and demanding. As data becomes more structured, the cost of applying machine learning decreases, becoming more accessible over time. This enables the digitization of law combined with artificial intelligence, resulting in unlimited economies of scale available to anyone (Andreessen, 2011).

Although the initial investment is concentrated, once artificial intelligence is installed in solutions capable of identifying legal issues and extracting relevant information from documents, the work is completed (Soares et al., 2020).

Continuous progress is driven by machines' learning capacity, enabling predictions of how courts will decide certain legal issues based on analysis of previous cases (Alarie, Niblett, and Yoon, 2016). However, incorporating artificial intelligence in cases without defined parameters brings additional challenges. Formulating relevant questions is a complex and restrictive process, especially in specialized cases (Peermohamed, 2013).

The next step is to codify all decisions, transforming unstructured data into structured data (Rosenthal, Yoon, 2011). Artificial intelligence then provides written reports with the likely outcome, the probability of that outcome, a detailed explanation of the reasons, and references to relevant precedents (Soares et al., 2020).

Despite these advances, artificial intelligence tools will not be available for all legal matters. Even so, they have the potential to transform the production and consumption of legal services, making them more objective and predictable (Alarie, Niblett, and Yoon, 2016).

In the long run, artificial intelligence can revolutionize the delivery of legal services, increasing access to justice and promoting greater efficiency. However, it is important to remember that these tools are complementary to lawyers and do not replace the fundamental role they play10 (Soares et al., 2020).

The performance of a lawyer goes beyond answering legal questions. He is responsible for identifying the appropriate question, considering the client's general circumstances and interests, and guiding and conducting actions, which require reasoned judgment to assess the accuracy of the facts and the suitability of the technology to resolve the legal dispute 11 (Soares et al., 2020).

This analogy can be observed in medicine. While people can get information online and even self-diagnose, this is no substitute for the expertise of a doctor, who has a comprehensive understanding of medicine and the patient. Likewise, artificial intelligence applied to law

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cannot replace the reasoned judgment of the lawyer (Soares et al., 2020).

However, if artificial intelligence provides accurate predictions about subtle legal issues, lawyers can use them in a variety of situations, offering objective assessments for plaintiffs and defendants, minimizing interpretive disputes, and focusing on crucial fact-based areas of disagreement. This promotes transparency in legal interpretation and benefits both parties throughout all phases of litigation (Soares et al., 2020).

Additionally, the government can utilize artificial intelligence to evaluate claims and manage litigation risk. This allows public officials to provide consistent and accurate opinions, increasing the quality of work. These tools can also help determine whether the government should challenge taxpayer allegations or resolve them administratively, contributing to efficiency and transparency in the legal system (Soares et al., 2020).

Artificial intelligence enables machines to analyze data from judicial decisions and identify trends, thereby helping avoid distortions and inconsistencies in results. This results in financial savings and benefits lawyers by allowing them to serve a larger client base, diversify their practice areas, and provide customized reports. As technology continues to develop, future legislation is likely to require lawyers to use artificial intelligence in their practice (Soares et al., 2020).

2.3 Ethical and Legal Challenges of AI in the Practice of Law

The history of the legal profession is characterized by the exercise of a function that has occupied a fundamental place in society. Since time immemorial, although its exact origin is difficult to pinpoint, the lawyer has always served as a defender of individual rights against violations (De Marco, 2009).

Law is one of the oldest professions in human history; even when it was not recognized as a formal profession, it already played an important role in people's lives.

According to De Marco (2009), in ancient times, some citizens, driven by a sense of solidarity, took on the defense of their neighbors, often without understanding the importance of their actions. The search for collective harmony required the intervention of third parties in private matters, who acted impartially to help resolve conflicts arising from population growth.

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To this day, individuals in society continue to demonstrate an inability to mediate conflicts among themselves, resorting to guidance and judgments based on personal conveniences (Soares et al., 2020).

In antiquity, this role played by individuals had relevance, since there were no qualified professionals to assume such a function. They served as arbitrators in disputes and, even with limited legal knowledge, helped maintain social order (De Marco, 2009).

Lôbo (2015) points out that records dating back to the third millennium BC, such as fragments of the Code of Manu, suggest the practice of having legal scholars defend individuals before the courts of the time. In Roman society, representation in court by individuals involved in the dispute was permitted. Representation by third parties began with figures such as the cognitor (the knower), the attorney, and the defender, who guided and clarified the conflicting parties, advising and seeking the best solution to the situation, including presenting arguments before the judge (speaker).

As can be seen, this concept dates to a time when disputes were resolved in a lay way and based on the law of the strongest, or, at most, by the most astute, without the intervention of the State.

However, as the State assumes the role of administering justice, organizing the judicial and legal system to resolve conflicts, the presence of the lawyer becomes mandatory, who starts to act as an intermediary between the injured party in his rights and the person in charge of repairing them: the judge, leader, or sovereign (Ribeiro, 2021).

As the system of conflict resolution through heterocomposition evolved and grew in complexity, the State assumed responsibility for judging, given the public importance of applying the laws. With this state intervention, the lawyer's presence and participation in the processes became necessary, thereby integrating him into the judicial organization.

Thus, as States developed and established themselves through laws, there was also an organization of justice and related activities (Ribeiro, 2021). In this context, advocacy arose from the very need for justice, with individuals who had a broader knowledge of the law acting as defenders in claims of violated rights. (Kemp, 2021).

Silva (2019, p. 71) defines advocacy as:

> Practice of the profession of a lawyer. The act of seeking in court, exercised by a person who is qualified and authorized. It is considered a public

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> function. Attorney's Office. The legal profession is classified as civil, labor, or criminal, according to the exercise of the functions, which are pertinent to them, whether performed in the civil, criminal, or labor forums. When the person exercises attorney activities, or advocates the interest of others, with public offices, where he maintains close links with officials there or with high authorities, who exert influence in these offices, it is said that he exercises administrative law".

In this way, the lawyer acts as a public servant, an interpreter of the law, requiring technical knowledge, legal culture, respect for the code of ethics, and, above all, sensitivity to address the problems of human life, advising and defending citizens. He is, at the same time, a servant of the State, being indispensable to the administration of justice in the daily struggle to maintain a fair legal order, and a defender of constitutional principles (Ribeiro, 2021).

The origin of advocacy as representation is linked to public needs, such as freedom, protection or any threat to the rights of society. Therefore, advocacy is, by nature, a public activity. Due to the profession's public nature, there was a prohibition on payment for legal services during part of Roman history. However, as social complexities in the Empire increased, legal services began to be remunerated despite the prohibition (Bittar, 2016).

It is important to note that, due to the profession's public nature, it was only under Emperor Claudius that it was possible to establish a fair and moderate remuneration for lawyers, and under Nero, this remuneration became demandable, including in procedural matters (Ribeiro, 2021).

It was in the second century of the Christian Era that the law began to be a publicly remunerated profession under certain conditions. It is worth noting that lawyers' remuneration has also evolved over time. Initially, it was a percentage of the case value; later, it was contingent on an agreement under which the lawyer received payment only upon victory. Nowadays, lawyers are paid through fees.

Therefore, the legal profession, since the beginning of history, has played a public role, defending violated rights and contributing to the search for justice23 (Hermes, 2018). As society evolves, the profession adapts to changes, maintaining its social function as an essential pillar of legal order.

As highlighted by Paulo and Alexandrino (2018), the impact of artificial intelligence on the legal sector follows patterns like those observed in other disciplines. One of the main

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advantages of AI is its ability to process large volumes of data and apply comparative methods, enabling advanced knowledge management.

It is noteworthy that AI-based document analysis is comparable to traditional methods of legal research in databases, but with the added ability to analyze document concepts, structures, and keywords (Scapini, 2020).

In addition, Silva (2019) points out that artificial intelligence enables the rapid study of large amounts of documents, facilitating the identification of risk areas that require special attention.

Another use of AI in international companies, as Silva (2019) highlights, is the ability to identify experts in specific sectors or subjects, thereby optimizing the use of human resources in organizations with a global presence.

Silva (2019) also emphasizes that AI provides precise control of resources and spending budgets, contributing to the efficiency of business processes.

Finally, Ravagnani (2018) highlights the potential of AI to improve engagement through consultation methods, such as interactive chats, which allow for more personalized and accurate interactions.

However, the biggest challenge, as noted by Silva (2019), lies in understanding the purpose of using artificial intelligence and investing in the development and training of professionals to maximize the benefits of this technology and optimize the return on investment.

2.4 Opportunities of AI in Law

Legal action in private law essentially involves formulating arguments and theses to protect or reconcile interests by interpreting the legal rule in specific situations (Scapini, 2020). Lawyers conduct legal investigations to identify relevant legislation – including statutes, case law, regulations, or precedents – and apply them to the facts, seeking to safely anticipate the most favorable arguments. Therefore, conducting accurate legal research is a crucial skill for success in law, minimizing risks and strengthening legal thinking27 (Andrade; Rosa; Pinto, 2020).

For an effective legal analysis based on predictability patterns, artificial intelligence emerges as a valuable tool, reducing the time spent, optimizing functions, and identifying relevant

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terms for consultation, automating searches, and simplifying work on demands that could be automated28 (Perrota; Costa Felipe, 2018).

Legal analysis based on economic analysis (analytics) uses document mining to extract information that can provide innovative insights into the behavior of various agents in the judicial system, including judges, lawyers, and organizations involved in legal proceedings, such as parties, courts, and law firms. Such analyses can reveal trends and patterns in previous cases, providing strategic direction and offering a reasonable forecast of lawyers' performance (Andrade, Rosa, and Pinto, 2020). The insights derived from data-driven legal analytics are not a substitute for legal research or reasoning, but rather complement these processes, both before and during litigation (Alarie, Niblett, and Yoon, 2018).

The adoption of artificial intelligence in legal practice is the result of extensive studies aimed at optimizing time and standardizing procedures, thereby promoting greater cohesion and administrative integration in the Brazilian Judiciary. Legal tech solutions are designed to improve legal operations, from the simplest to the most complex (Andrade, Rosa, & Pinto, 2020).

Advances in information technology, with the development of metadata analysis software, have the potential to usher in a new era for Law by addressing challenges such as slow procedural analysis, reducing time spent on repetitive tasks by identifying patterns, and improving the quality of data entered into systems. These advances can also help reduce congestion and increase productivity (Junquilho; Maia Filho, 2018).

On the Litigation Analytics platform, legal professionals enter data into software that analyzes it and verifies its compatibility, automatically establishing standards. The platform searches documents through content analysis, using keywords or previously defined related terms, to identify arguments, issues, and patterns of facts relevant to the case (Andrade, Rosa, and Pinto, 2020).

In addition, Litigation Analytics saves time by searching through extensive records, such as complete court decisions over the years. The list of results is displayed based on algorithms that identify matches to the search terms, allowing refinements and restrictions by location, the names of those involved, court, and type of case (Beithon, 2019).

Convex Legal Analytics is a platform designed to deliver savings and risk reduction by anticipating the likelihood of success for each demand (Kemp, 2021). It uses jurimetrics,

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predictive analytics, and artificial intelligence to predict positions by comparing with previous litigation. The platform analyzes the probability of success, identifies decision trends, simulates strategies and alternatives, and projects scenarios through descriptive and diagnostic analyses using a combination of algorithms (Convex, 2019).

The PeticionaMais platform brings together, in a single virtual space, diverse petitions for different courts through a combination of algorithms. It does not require complex configurations and adapts legal documents to each court's requirements (Junquilho; Maia Filho, 2018).

Among the benefits offered are data reuse, routine monitoring, automatic adaptation of the pieces to the size required by each court's virtual systems, and intelligent verification of the sending systems to ensure availability at the time of filing. In addition, it is accessible on any mobile device connected to the internet (PetitionMore, 2019).

The Virtual Vault is a tool designed to ensure information security and is compatible with operating systems such as Microsoft Windows and Mac OS X, as well as with home banking and the Federal Revenue website. It monitors the protection of the digital certificate, essential for lawyers. With the digital certificate's technological preservation, contracts and petitions can be filed on other computers without the need for tokens, smart cards, or card readers. The system is integrated with the SAJ Courts, the SAJ ADV, the SAJ Attorneys' Offices, and the SAJ Public Prosecutor's Offices, allowing the digital signature of various documents adjacent (Andrade; Rosa; Pinto, 2020).

Despite the transformations in the application of artificial intelligence in the legal field, these derive from information technology processes, such as data processing, storage, retrieval, and management, combined with communication networks (Paliwala, 2016).

Testing a strategy based on data from similar past cases and exploring alternatives when the strategy appears unpromising reflects the effectiveness and promise of legal analysis. However, such analyses would not be feasible without implementing a comprehensive automation system for the Brazilian Judiciary, including the virtualization of processes and the computerization of practices (Andrade, Rosa, and Pinto, 2020).

The Brazilian Judiciary has adopted a crucial digital transformation tool to modernize processes and streamline certain procedural steps. The Justice Automation System (SAJ) is a technological resource designed to manage a large volume of cases in state courts, facilitating

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connections among judicial institutions, parties involved in the processes, and citizens under jurisdiction (Andrade, Rosa, and Pinto, 2020).

Artificial intelligence also represents an advance in implementing electronic judicial processes, promoting greater use of existing systems and improving communication among the different sectors of the Judiciary and all participants in the process, thereby facilitating cohesive, integrated interaction (Andrade, Rosa, and Pinto, 2020).

CNJ Resolution No. 185 of 2013, which introduced the Electronic Judicial Process System (PJe) as a means of processing information and performing procedural acts, contributed to an increase in the proportion of cases filed electronically, from 30.4% in 2013 to 79.7% in 201739 (CNJ, 2018).

The virtualization of processes, as evidenced using new access and storage technologies, represents indispensable technological advances for the legal field, facilitating the performance of private law, especially in the submission of petitions, appeals, and performance of procedural acts (Andrade, Rosa, and Pinto, 2020).

The technology incorporated into the SAJ's operations is regularly updated to simplify routine forensic tasks, anticipate procedures, and ensure a more agile progression of procedural steps (Andrade, Rosa, and Pinto, 2020). The history of the SAJ dates to the creation of the Softplan System in 1990, which introduced dissolutions aimed at standardizing the collection and arrangement of data for consultation, based on analysis, data science, and artificial intelligence (Softplan, 2019).

Although the Courts of Justice across the country already use technologies for various processes, such as petitions, monitoring, archiving, and processing, there are still disparities in time management and in the standardization of procedures (Andrade, Rosa, and Pinto, 2020).

The SAJ Public Prosecutor's Office directs the work of prosecutors, analysts, and other employees, coordinating procedures and streamlining institutional processes (Andrade, Rosa, and Pinto, 2020).

SAJ ADV is a technological solution designed to support the practice of private law, accessible on any online platform and compatible with operating systems such as Microsoft Windows and Mac OS X, working through cloud computing. It facilitates the registration and monitoring of processes, as well as financial management, simplifying the activities of many lawyers and offices. According to the SAJ DIGITAL portal, SAJ ADV optimizes the

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operations of more than 15 thousand lawyers throughout Brazil42 (Balardim, 2015).

2.5 AI trends in law

The use of cognitive technologies, such as AI, in legal areas that require extensive document analysis, such as due diligence, research, and compliance, is increasing in law firms. This provides benefits such as time and cost savings, as well as greater accuracy43 (Scapini, 2020). Harari (2018) highlights that AI-based predictive coding techniques enable faster, more accurate document review, saving time and money. This technology benefits businesses of all sizes, allowing even smaller businesses to tackle more complex cases without the need to hire additional staff.

The use of predictive coding in electronic disclosure has been supported by higher courts, indicating a change in the recognition and acceptance of this technology. In addition, AI has the potential to predict the outcomes of legal disputes by analyzing previous case records, which can assist lawyers in overall case management and probability-based decision-making (Hermes, 2018).

Another trend is the use of AI for simple legal advisory services, providing answers to common legal questions and referrals to support, which can be a viable alternative for clients seeking professional advice without the costs associated with traditional legal advice (Figueiredo, 2018).

These trends indicate a shift in how AI is applied in the legal space, offering tangible benefits for both lawyers and clients.

In the interview, Robson Ferreira gave to the AASP Talks podcast, held on April 10, 2024, the impact of artificial intelligence on the legal profession and society was discussed. One of the topics addressed was the concern about the increase in social disparities resulting from the advancement of AI. Robson raised the question of whether AI would contribute to the creation of a caste of privileged professionals, made up of those who master this new technology, while others are left behind, digitally excluded.

He highlighted the difficulties faced by public schools in remote areas of the country without access to technology, emphasizing that social evolution often widens existing inequalities. In addition, he emphasized the importance of considering those in Brazil who still lack access to

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basic services, such as digital signatures, when discussing access to digital media (Ferreira, 2024).

Robson also addressed the inevitability of artificial intelligence's advancement and the need to reflect on the benefits and challenges it presents. He pointed out that, in the face of the increasing presence of AI in our lives, it is no longer a matter of being for or against, but rather of understanding and dealing with this reality (Ferreira, 2024). The interview underscored the importance of debating these issues to ensure that AI development takes place in an ethical and inclusive manner.

In this exposé, the connections between artificial intelligence and the law reflect a transformation in how law firms operate and deliver legal services to clients. The application of cognitive technologies, such as AI, offers benefits including time savings, cost reduction, and increased accuracy in analyzing legal documents. In addition, AI is increasingly being used to predict legal outcomes and facilitate case management; however, these innovations also raise concerns about widening social inequalities and digital exclusion.

Final Thoughts

In the face of the rapid advancement of Artificial Intelligence (AI) and its increasing integration into legal practice, lawyers face both challenges and opportunities. In this way, the study explored the impacts of AI on the legal profession, highlighting ethical, legal, and practical issues arising at the intersection of technology and law.

AI advancements in legal research and document analysis have the potential to save lawyers time, allowing them to devote more energy to strategic tasks. However, the ethical and transparent use of AI has obstacles regarding the confidentiality and impartiality of legal decisions. The quality of training data and algorithms also influences the reliability of AI decisions, underscoring the importance of human surveillance and supervision.

Despite the challenges, AI offers opportunities to optimize the efficiency of legal services. Predictive analytics and jurimetrics platforms, such as Convex Legal Analytics, can anticipate judicial outcomes and inform legal strategies. In addition, electronic judicial process systems, such as the PJe, simplify procedures and promote greater integration in the judicial system.

The training and ongoing updates for lawyers on AI are essential for them to adapt to

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technological changes and maximize the opportunities it offers. Although AI can provide answers to common legal questions, it does not replace the reasoned judgment of the lawyer, who plays an active role in interpreting the legal rules in specific situations.

Thus, it is concluded that AI is redefining legal practice, providing new tools for lawyers who can continue to defend individual rights and promote a more effective and accessible administration of justice.

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