Kill the lawyers

The rule of law is precious but most people would probably wish for a world with fewer legal professionals. "The first thing we do, let's kill all the lawyers," proclaims Dick the Butcher in Shakespeare's *King Henry VI, Part Two*. Until recently the law has been one of the sectors least touched by data; it is a domain of written arguments and human judgment. But this is changing. By 2050 data will be at the core of the legal profession and indeed the concept of justice.

Already, data are used to identify unbalanced police activity and sentencing, such as the frequency with which young black men in the US are frisked or convicted compared with white men. Several firms offer jury-selection services to trial attorneys, providing data on the likelihood that, say, an Asian woman will vote to convict a female defendant, when the legal team is vetting potential jurors. The system works by correlating mountains of demographic data on jurors with trial outcomes, allowing lawyers to improve the odds that they make a good pick.

Another area is called e-discovery. Complex corporate litigation may involve the need to review millions of pages of documents. In the past, armies of young lawyers culled the material. It was expensive and inefficient. But algorithms can scan for keywords or map e-mail traffic to reveal suspicious behaviour – in a fraction of the time and at a fraction of the cost, and with better accuracy than humans.

Other data-intensive practices are on their way. A start-up called Ravel has placed mountains of US case law – motions, orders, verdicts and the like – into a massive data warehouse in order to extract details and find correlations. The aim is to revolutionise legal research. Eventually lawyers will not only find relevant precedents (as current systems do), but also see which precedents are more commonly cited in winning versus losing cases, down to the level of the district or judge. They will be able to identify the most common arguments the opposing counsel uses, and what are the most effective strategies against them.

By 2050, most legal briefs and contracts will at least initially be drafted by an algorithm tapping into mountains of data to find what is most advantageous. But the documents will need to be reviewed and approved by a human attorney to make sure that the claims are ones the client and counsel stand by. Likewise, although an algorithm could produce reliable and consistent verdicts for basic disputes, the bar associations will still require a human judge so the parties and the public have at least the feeling that the specific merits of the case are being weighed. Just as a staple of jurisprudence is that justice not simply be done, but that it be seen to be done, so too the new thinking

will be that everyone deserves a day in court – with a human, not a bot.

Data will improve the administration of law, and create a more just society. By 2050 there will never be a case of bail being denied to a defendant because a judge has an inkling that the fellow is a flight risk. Instead, the amount will be based on data, just as banks now determine mortgage rates using data. Similarly, the idea that members of a parole board can look a prisoner in the eye and know if he can be released early without being a threat to society will be understood as the fiction that it is. Instead, the decision will be based on the statistical likelihood that the prisoner will reoffend.

One effect of the fusion between data and law is that the legal profession will become more efficient, with better arguments and faster resolutions. (Whether clients will get lower bills remains to be seen.) With big data, law will be easier and cheaper. It will also be more abundant, in that access to justice is expanded. Today, the idea of turning to the judicial system to settle a dispute is a luxury not a right. Many people are shut out – the law simply cannot help them because the mistreatment does not reach the level where the resolution is worth the rigmarole. The cost of seeking redress through the law may decline and the ability to provide representation will expand as data change the economics of legal services. We may find that the rule of law becomes broader and deeper in society, much as the cost of storing and transmitting information fell because of the printing press, enabling the dissemination of knowledge to expand.