THE USE OF ARTIFICIAL INTELLIGENCE IN DISPUTE RESOLUTION

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Executive Summary:

- Artificial Intelligence is transforming legal practice, allowing tasks such as searching for information and drafting documents to be performed more efficiently and cost-effectively. While these tools benefit both lawyers and clients, their use must be careful to avoid mistakes and preserve professional ethics.

- While AI enables dispute resolution, it should not replace human judgment. When used properly, it can be a valuable support in the legal field, improving performance without compromising the quality of service.

We live in a globalized world where technological developments and advances are moving at an accelerated pace, generally impacting human lives positively, whether by solving problems, meeting needs, or improving and streamlining processes, among other things.

This year, the phenomenon known as "Artificial Intelligence" has begun to take on a more prominent role in our lives, with various virtual "Chat" platforms becoming essential technological tools across multiple sectors, such as education, literature, financial services, e-commerce, media, entertainment, technology services, healthcare, and more recently — in what concerns us— the provision of legal services.

Could this mark the beginning of the end for some professions affected by the use of these technologies? What will happen to teachers, accountants, journalists, writers, marketers and lawyers? Is it possible that these professions could be "easily" replaced by Artificial Intelligence tools?

The use of such technological tools is undeniably an advancement, one that initially seemed far-fetched for us to experience and interact with in our lives. Today, it's a reality. From my perspective, we shouldn't fear these tools; rather, we should be proactive and embrace them as valuable allies in performing our work as lawyers.

As I mentioned earlier, artificial intelligence and its technological tools are increasingly used by people in their daily lives. As lawyers, with recent advances in these tools —even if to a lesser extent— we have heard of colleagues who use tools like "ChatGPT" for various purposes: information searches, legal opinions, jurisprudence, reviewing and drafting legal documents (including, in some cases, claims, responses, appeals, etc.), and even creating automated systems to diagnose and solve specific legal situations.

All of this implies, in essence, greater efficiency, less time, and reduced costs for meeting clients' needs.

Thus, it is clear that even though the advantages of using these tools are noticeably visible and attractive

—for both practitioners and those requiring services—, their use must be done carefully and should supplement, not replace, our profession. At the end of the day, tools like "ChatGPT" and similar ones primarily draw on information from online sources. Let's take this tool as a learning example.

"…ChatGPT is a tool developed by OpenAI that uses GPT-3 artificial intelligence and was initially intended to offer real-time customer service. Similar to the chat services offered by numerous customer support platforms, but with a far more advanced level of comprehension, contextualization, naturalness, and creativity.

In other words, it's a virtual robot we can converse with—a chatbot that, unlike those used by some companies for customer support, can generate text in a very coherent way and adapt to each context, much like a human would.

(…)

It's a mix between Google and your smartest friend. It works based on text, that is, questions and requests. However, unlike a search engine that provides a list of web pages in response to a query, asking ChatGPT something yields a coherent and personalized text response…"[1]

This description summarizes the essence of this artificial intelligence tool. It's no secret that today, lawyers worldwide use "ChatGPT" daily. The key lies in knowing how to use it, understanding its functionality and purpose, and, as a personal recommendation, not blindly trusting it.

An example of this is the case of certain lawyers in New York who allegedly used "ChatGPT" to draft legal documents that included fake case citations due to the tool's search capabilities.[2]

This incident has caused a stir among New York lawyers and the involved firm, to the extent that the Manhattan judge handling the case imposed a financial sanction on the responsible lawyers.[3]
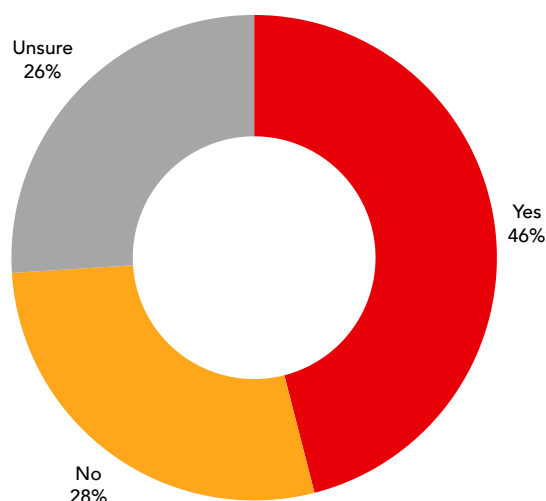
Our profession involves ethical and moral responsibility in providing our services, and this should never mean that using these tools replaces our knowledge, experience, and legal judgment. Instead, they should serve as a conscious aid, as

otherwise, such tools could overtake us and, in some cases, even compromise our honor and reputation.
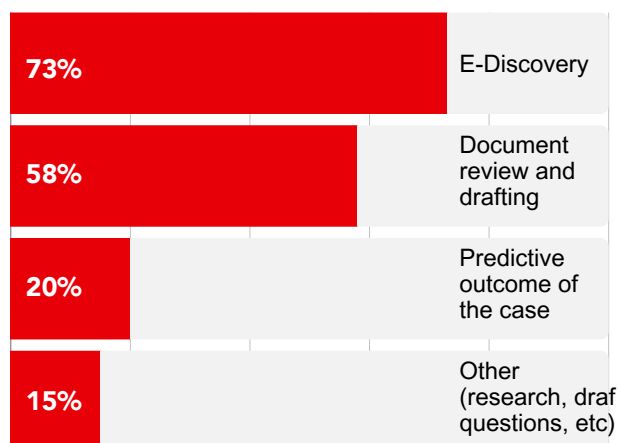
That said, it's clear that Artificial Intelligence in dispute resolution offers an opportunity that could be highly advantageous for lawyers. Nonetheless, a survey by "FTI Consulting": (https://www.fticonsulting.com/-/media/files/insights/reports/2023/nov/power-ai-navigating-paradigm-shift-dispute-resolution-services.pdf) reveals the aspects where Artificial Intelligence tools are most commonly used by lawyers, including "e-discovery" and reviewing and drafting certain types of legal documents. However, to a much lesser extent, some lawyers have used these technological tools for predicting case outcomes or other matters. Let's take a look:

Prior use of AI (in any form) in Dispute Resolution

Unsure 26%
Yes 46%
No 28%

Ways firms currently leverage AI in Dispute Resolution

73%	E-Discovery
58%	Document review and drafting
20%	Predictive outcome of the case
15%	Other (research, draf questions, etc)

Thus, it will undoubtedly be interesting to see how, day by day, law firms worldwide increasingly engage in the use of these tools, making dispute resolution an important sector that stands to benefit greatly from these advancements, always prioritizing the ethical standards that our profession must uphold.

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[1]https://www.forbes.com.mx/chat-gpt-el-chat-de-inteligencia-artificial/

[2]https://www.abajournal.com/news/article/judge-finds-out-why-brief-cited-nonexistent-cases-chatgpt-did-the-research/?

[3]   https://expansion.mx/tecnologia/2023/06/24/abogados-que-usaron-chatgpt-fueron-multados

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