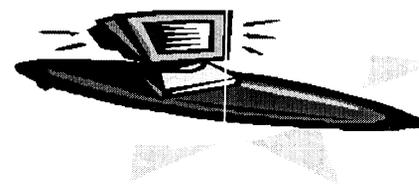


CYBERLEX



Arthur C Clarke in 2001: A Space Odyssey gave the world HAL, a thinking computer. Much has been written (especially fiction) about artificial intelligence and forms it could and still might take.

However, the day when a person talks to a computer about a legal problem and is given an outcome or a course of action may seem far off, but in reality it is happening today. Expert systems are a category of artificial intelligence and are being used by law (and accounting) firms to provide clients with reliable, economical and timely advice.

Expert systems are said to be systems that function at a level equal or higher to that of an expert in a particular field, in this case, law. Current commercially available expert systems are predominantly rule based or logic systems. Essentially a user provides information, usually through answering a series of questions. The "rule based" expert system then applies the programmed rules to the information provided resulting in a logical conclusion. The output of the expert system can vary from a simple statement of whether a definition is met, to the creation of a legal document. Document assembly programs are good example of an expert system. In fact, any practitioner who has created precedents using merge fields has already created a very simple expert system.

More advanced document assembly systems work such that the person preparing the document answers a series of questions and depending on the answers certain clauses or paragraphs are inserted into the document. Again, this is a relatively simple example of an expert system, but the principles are the same.

The knowledge of the lawyer in preparing the legal document or advice is encapsulated in the system — this input cannot be stressed enough. Often called maps or decision trees, they

represent hours of billable time and are the core of the expert system.

More sophisticated expert systems have been created by some large law firms. Blake Dawson Waldron has developed a system that prepares a preliminary report on an advertisement. A brand manager answers questions asked by the "Virtual Lawyer-Advertising" about the terms used in an advertisement. A verdict on whether the advertisement breaches advertising law or regulations is then provided. In the UK Linklaters have produced a range of products including Blue Flag Confirms. This system provides the confirmations generated in derivatives trading and can handle up to 24 transactions. The feature of these and other expert systems is the response to the client's need to have expert legal advice while reducing the cost of legal transactions. While not specifically mentioned in any material I would also think that the development process would also bring a closer relationship between the client and the law firm.

While expert systems provide consistent and timely advice the development costs are still prohibitive for the majority of law firms and clients. Further, the usual criticisms of the legal fraternity and its traditionally slow adoption of technology raises its ugly head, yet again. Another limitation of expert (at least rule-based) systems is from a theoretical level which boils down to how you categorise law: a determinate set of rules; or a set of rule is an oversimplification since interpretation is a fundamental part of the adversarial system which by its nature elicits different interpretations of the same "rules".

Expert systems are being developed for application in a range of legal areas.

As clients push to use these systems more and more the role of the "lawyer" changes. Indeed, expert systems pose a challenge for lawyers as the billable unit comes under increasing pressure from clients demanding lower transaction costs.

Expert systems may see a part of every day practice becoming the creation and maintenance of the decision trees underlying them. While this may seem boring and unfulfilling, take solace in the fact that the nature of law is such that the decision tree or map will only, at least for now, be applicable to the routine and/or procedural components of your practice and areas of law that are "predictable". Expert systems provide the potential to free you up to take on more challenging work, work not yet capable of being done by a computer..... Yet!

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The database provides summaries of recent human rights decisions from national courts in Commonwealth jurisdictions including unpublished decisions which are not readily available in other jurisdictions.

The address for the Commonwealth Human Rights Case Law Database is www.interights.org.