Original Paper

An Analysis of the Feasibility of Artificial Intelligence to Replace Lawyers

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Abstract

The application of artificial intelligence in justice is an irreversible trend, and it is going through a process of development from shallow to deep and from narrow to wide. It is in this context that the discussion on whether artificial intelligence can replace lawyers in the future and whether there is a need for the existence of lawyers begins. The impact and challenge of artificial intelligence to replace the lawyer system is still in the ethical, effectiveness and fairness of the three aspects of the controversy, lawyers also have the unique advantages of artificial intelligence can not replace. Therefore, this paper advocates that artificial intelligence in a narrow sense cannot replace lawyers, and has reservations about whether strong artificial intelligence can replace lawyers. Should adhere to the legal role of lawyers, to achieve the limited intervention of artificial intelligence, the use of a degree, to assist powerful.

Keywords

Lawyers, artificial intelligence, impartiality

1. Introduction

With technological innovation as the engine, human society has evolved from an agricultural society, an industrial society to an information society, with the Internet, big data, and artificial intelligence as the main features. The term artificial intelligence is commonly understood as "the programming and construction of a computer to have knowledge and responses similar to those of people, to understand their expressions, to learn, to make inferences, to solve problems, and to remember". There is a distinction between general AI (strong artificial intelligence) and narrow AI (weak artificial intelligence). General AI is a computer system that exhibits human or superhuman intelligence in all domains, and it can transfer knowledge from one domain to another, which is difficult to achieve yet in the short term. So far, all human achievements in artificial intelligence fall under the category of

narrow AI. Narrow AI does not involve full consciousness (i.e., intelligence comparable to that of humans), but it can have a huge impact on society through increased efficiency and automation. This paper builds on the narrow AI by exploring whether AI can replace lawyers.

In criminal justice, for example, AI is used in crime prediction, crime detection and crime prevention because of its ability to analyze and process large amounts of information in a short period of time; in predicting the likelihood that an individual will commit another crime, appear in court on a court date, etc., thereby influencing decisions on bail and probation; in analyzing overall sentencing trends, thereby influencing decisions by prosecutors and judges on sentencing; and in assessing the risk level of an offender, thereby influencing decisions on parole and correctional measures; Applied to assessing the risk level of an offender, thereby influencing decisions on parole and correctional measures. It is foreseeable that the scope of application of AI in justice will gradually expand in the future. And where is the boundary of the expansion of the scope of application of artificial intelligence? Can it replace the role of the advocate in our procedural law? How to respond to the use of artificial intelligence has become an urgent issue to be studied.

Some developers have already created legal artificial intelligence and put it into the market, including IBM's personal intelligent lawyer ROSS, robot lawyer DoNotPay, and China's "Law Dog" computer system. Among the above legal AI, some of them can draft simple legal documents for clients, while others can predict the verdict of a case for clients and estimate the admissibility of evidence in a lawsuit. From this point of view, due to the limitations of the technology and the different support from the state in the judicial field, the existing legal AI development is far from being able to replace the work of lawyers.

However, it should not be ignored that, with the growing maturity of artificial intelligence, it will be more widely used in various legal services, and the discussion of whether artificial intelligence can completely replace lawyers should be placed in a broader space and time. If artificial intelligence is to completely replace lawyers, from a technical point of view, at least it needs to be able to simulate human thinking ability in a real sense. Current AI may not be able to take into account events that have not occurred or data that has not been input, and it can only make projections based on existing data models. If AI only analyzes a large amount of data and cases without sufficient discrete thinking about individual cases, AI may only be able to give a general "answer" and not be able to personalize the case and give clear enough legal advice. If AI can truly simulate human thinking in the future, an automated system generated by legal AI may replace the work of lawyers in certain areas, which can make full use of data to conduct forensics, due diligence, contract analysis, compliance review and so on. Even the work of lawyers in collecting and organizing materials, representing cases, attending court hearings, etc. will likely be done by AI based on a rich data collection and analysis system. Perhaps in the near future, legal AI may replace lawyers to complete simple or clerical legal work independently. Some simple legal advice will also be completely answered by AI online. Because the above work has a strong technical feasibility, reduce the cost of the parties to solve disputes, so that the parties can access legal

services at any time and anywhere.

For example, Allen & Overy, a top UK law firm, has partnered with Harvey to introduce generative artificial intelligence called Harvey to assist lawyers with tasks such as contract analysis, due diligence and regulatory compliance. This initiative has the potential to drive digital transformation and promote innovative competitiveness in the legal industry globally. The application of artificial intelligence technology in the legal industry is promising, promising to provide more efficient and accurate services to lawyers and to reduce costs and improve the competitiveness of law firms. However, in promoting AI technologies, attention needs to be paid to relevant legal and ethical issues and to ensure legal compliance. For example, how to protect the privacy and data security of clients, how to protect the neutrality and objectivity of AI technology, and how to prevent AI technology from being used for fraud and misconduct. Therefore, while promoting AI technologies, relevant legal and ethical norms need to be established to ensure their safe and reliable application in the legal industry. In addition, although AI technology can improve the efficiency and reduce the cost of law firms, it may also have an impact on some of the work. For example, some mechanized and repetitive tasks may be automated, leading to the reduction of some positions. A new study published by investment bank Goldman Sachs shows that the latest breakthroughs in generative AI systems, such as ChatGPT, will bring major disruptions to the global labor market, with 300 million jobs expected to be replaced by generative AI worldwide, with lawyers being the most likely to be laid off.

On top of that, the lawyer's clientele may be reduced as a result. For external client acquisition, when most of the basic work of all lawyers that can be seen can be done by AI tools such as ChatGPT, it also means that the lower limit of paperwork quality of all lawyers will be raised significantly. In the old manual era, a lawyer's high quality and professionalism in all types of paperwork was easily recognized by clients, which in turn enhanced trust in that lawyer and gave positive incentives. But today, an ordinary person with no legal expertise background can easily and efficiently obtain a high-quality legal document when involved in a legal dispute through artificial intelligence software such as ChatGPT. Even if the paperwork done manually by lawyers is still better in quality than the paperwork provided by ChatGPT, the gap between the quality of the paperwork done by ChatGPT and the paperwork done manually by lawyers is narrowing on the one hand, but on the other hand, in the field of professional intellectual services, it is difficult for a layman to distinguish between two paperwork with only a slight difference in level the difference between the quality of the documents done manually is shrinking. Then, for small and simple legal documents in general, instead of spending high attorney's fees to have a lawyer write them manually, the client may seek the assistance of ChatGPT for free.

In addition, ChatGPT has the ability to give appropriate advice by addressing legal issues in conjunction with legal texts. In some simple cases with simple rights and obligations and a low number of subject matter, clients are likely to stop seeking lawyers for advice and turn to artificial intelligence such as ChatGPT on the Internet. The above two situations have led to a decreasing clientele for

163

lawyers, and with the development and popularity of ChatGPT, it will become more obvious that the clientele of lawyers will decrease, and the competition between lawyers and ChatGPT will become more and more intense. If lawyers want to gain an advantage in the battle with ChatGPT, I am afraid that they have to provide legal services through "intangible value" to gain the trust of clients.

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164

replaced by ChatGPT and other artificial intelligence. Some strategic, research-based, advanced legal advice and decision-making work, on the other hand, will not only not be replaced, but can be made easier while improving quality with the assistance of artificial intelligence.

"For clients, litigation is only a means to an end; problem solving is the ultimate goal." This is an axiom that is widely circulated in judicial practice. When a client seeks legal services, whether it is a "cheap labor" artificial intelligence represented by ChatGPT or a "barrister" who charges by the hour, the fundamental purpose is to solve the problem and achieve the desired result. Simple legal work, because of its mechanical and repetitive nature, reduces the creativity and devalues the work, and can already be replaced by AI. But the creative legal profession with intrinsic, constitutive and generative values is an inseparable part of human moral life and moral practice, which is related to human subjectivity and meaning of life, and has ethical values that cannot be abandoned or replaced. This part of legal service work, in the era of artificial intelligence, due to the complexity and variability of social life, its service value is more prominent.

Therefore, in the era of artificial intelligence, the legal service market will be divided into high, medium and low end markets based on the quality and content of services. The middle and low-end legal service market will face the risk of being replaced, and after the development of strong AI reaches a certain stage, the middle and low-end service industry may even become ChatGPT's "operators", and will no longer generate value itself; while the high-end legal service market will ride on the east wind of ChatGPT and use strong AI technology to improve the quality of work. The high-end legal service market, on the other hand, will take advantage of ChatGPT to improve the quality and efficiency of its work and reap better returns by using strong artificial intelligence technology. The value of legal services, and thus the trust of clients.

2. Risk Analysis of Artificial Intelligence Replacing Lawyers

However, it is difficult to avoid the ethical and legal risks involved when legal artificial intelligence replaces the work of lawyers, regardless of the degree of substitution. First, the lawyer profession has strong professionalism and professional conduct standards. If a legal AI replaces a lawyer's work, can the legal AI also comply with the lawyer's practice ethics to serve the client? For example, lawyers are required by law to maintain confidentiality of client information and are not permitted to represent clients in conflict-of-interest situations. Legal AI, on the other hand, often requires the collection and collation of large amounts of information, which may include personal information from various clients. Without proper supervision, there is a risk that this personal information could be stolen and leaked. Furthermore, if legal AI makes mistakes or errors in legal services, who should be held responsible for the faults? How?

From this perspective, the replacement of lawyers by artificial intelligence may bring the following dimensions of risk, and the following risks not only will not decline but also may rise as the development of artificial intelligence technology matures. First, is the ethical risk. Machine learning

poses a challenge to human free will. In the process of applying AI, the anthropomorphization of machines and the mechanization or naturalization of human beings go hand in hand, and the difference between the artificial and the "true intelligence" - the mind - becomes increasingly blurred, and in the long run, whether human governance will be replaced by machine governance is The development and application of artificial intelligence is a potential concern and ethical controversy. Applying AI to legal activities requires addressing the questions of how much the relevant subject has the ability to decide on the autonomous learning in the AI system and how much control it has over the results produced by the AI system. Second, the risk of effectiveness. If the legal advice provided by artificial intelligence in legal services is significantly better than the results of human judgment in terms of efficiency and cost for the parties to the case, then the use of artificial intelligence is undoubtedly acceptable. However, there is no clear answer to this question. Artificial intelligence systems are based on statistics on the real side, and it is often difficult to incorporate social expectations on the contingent side. When seeking legal services, clients expect legal service providers to make a comprehensive assessment based on the dispute or risk matter they present, rather than using past group information or impressions as a basis for judgment. By identifying a present dispute or risk matter based on past information, case facts and legal opinions, there is a risk that the individual information it screens out is the key to distinguishing an individual case from a class case, resulting in improper advice and adverse consequences for the client. Third, impartiality risk. In the absence of contextual knowledge, prior notification, use after consent and other due process mechanisms, the collection and processing of case information by artificial intelligence may create a greater risk of infringement of citizens' privacy. For example, there are difficulties in confirming the consent of the client, non-transparent use of image data, unanticipated collection of data by the client, and incidental acquisition of sensitive data, which cause the risk of infringement of citizens' privacy rights. At the same time, there is a "legal black box" and a "technical black box" in the application of artificial intelligence instead of lawyers in litigation activities. The automated nature of AI usually makes it difficult for those affected by it to perceive and know, and even if it can be perceived and known to some extent, the process and methods of decision-making by AI systems often lack detailed descriptions, and it is difficult to monitor and review whether their decision-making process and results are fair. It is difficult to trace the responsibility of the algorithm and the responsibility of the person when the decision is made by an AI system. Since there are no relevant records made into decisions for verification, the person lacks sufficient information to reconstruct the decision process, and therefore it is difficult to judge whether the decision is wrong. This lack of transparency and difficulty in accountability in artificial intelligence applications may hollow out the values protected by due process of law.

3. Analysis of the Irreplaceability of the Advantages of Lawyers

From another perspective, the unique advantages that lawyers have in legal services cannot be replaced by artificial intelligence. According to China's lawyer law, a lawyer is a practitioner who obtains a

166

lawyer's practice certificate according to the law and accepts the commission or designation to provide legal services for clients. The object of lawyer service is human, and the legal service provided by lawyers is not just a commodity, but a whole set of service process that combines professional knowledge, industry practice, the use of technology and skills, and the practice of human feelings and customs. Lawyers can even bring a certain degree of emotional comfort to the client, this kind of temperature is incomparable to artificial intelligence. In terms of the current development of artificial intelligence, all mechanized, fixed output, legal rules and regulations to answer the lawyer, that is, the retrieval type lawyer, will certainly be replaced. This is because the application of artificial intelligence technology allows people to get answers faster, more accurately and at lower cost. However, more often than not, our reliance on lawyers is not solely on laws and regulations. The complexity of cases, as well as the complexity of human nature, causes us to rely on lawyers to include more of an emotional, psychological level of demand.

Second, at present and for a considerable period of time, artificial intelligence does not yet make good use of creative thinking, which is one of the criteria for a good lawyer. Law is a philosophy of discernment, embodied in the process of confrontation and logical thinking, not just an algorithmic model exercise based on rules of thumb. Therefore, artificial intelligence can become an auxiliary tool and competent assistant for lawyers, if it is to completely replace human lawyers, it will not be able to meet the client's entrustment needs. Especially with the current rapid development of AI technology, taking ChatGPT, which has exploded since 2022, as an example, some professionals believe that the emergence of wisdom embodied in a general model like ChatGPT may bring new opportunities to the legal industry. For example, ChatGPT can be used in intelligent legal search engines that can search for relevant legal provisions and class cases more quickly and intelligently. Secondly, ChatGPT can be used to develop intelligent legal consultation products such as intelligent legal Q&A bots, which can answer users' legal questions more quickly and accurately and provide more efficient and convenient legal consultation services. Users can interact with ChatGPT via voice or text to receive legal advice and guidance. This helps lower the threshold of basic legal services and makes it more convenient for the public to access general legal services. Third, intelligent text analysis. ChatGPT can help analyze legal data and texts to extract key information and patterns from them. For example, ChatGPT can be used to automate contract review and dispute resolution, enabling faster identification of problems and disputes in contracts and providing solutions. This type of AI technology can also be used to generate abstracts, reviews, and other tasks to facilitate research on legal issues. Fourth, intelligent document writing. ChatGPT can assist in writing legal documents such as contracts. We all know that the power of law comes from the power of language, and language is fundamental and central to law. ChatGPT, as a large language model, has the potential to impact the legal profession by making it possible to use legal language proficiently in conversational and argumentative scenarios, based on learning a large number of legal texts (from jurisprudence to judgments, from contracts to articles of incorporation). ChatGPT, as well as other large language models, can greatly improve office efficiency and

167

productivity in the legal profession, making it possible for people such as lawyers to focus more able to focus and concentrate on more strategic areas. For example, these models can help the legal industry with its heavy document search workload, allowing it to more effectively complete legal services for client cases. In addition, ChatGPT and other large language models can help the legal industry automate the generation of legal documents, which allows attorneys and others to focus more on more challenging and innovative tasks, thereby enhancing their expertise and skills and helping the legal industry better achieve its growth goals.

However, ChatGPT is only a machine learning model and it cannot represent a human being to obtain a legal qualification exam. ChatGPT can help people understand the law, but it cannot be involved in actual legal actions such as legal orders, contracts and cases. This is because considering whether an individual is able to practice a certain profession requires not only examining his or her professional competence, but possibly also factors such as: whether he or she has relevant qualifications, credentials, appropriate legal knowledge base and practical skills, and possibly additional training, just like lawyers in general. Secondly, the lawyer profession is extremely local protectionist. In conclusion, although the AI technology associated with ChatGPT itself has professional capabilities, ChatGPT cannot participate in legal services and other work as a legal profession practitioner for the time being because the current requirement of the legal profession is to have relevant practical and interpersonal skills, which ChatGPT does not currently possess.

Beyond that, the current ChatGPT cannot fully replace the value that lawyers bring to their clients. First of all, the "warm value" provided by lawyers to clients cannot be replaced by ChatGPT. Lawyers need to uphold the service concept of truly understanding the clients' demands, effectively and efficiently solving the problems encountered by the clients, and safeguarding the legal rights and interests of the clients through the optimal path. In the process of service, the lawyer must be able to sense the client's emotion, and provide encouragement, confidence and comfort when the client is hurt by the infringement, so that the client can be stronger and more calm to cooperate with the lawyer to defend the rights, that is, the lawyer can provide "warm value" for the client. But on the contrary, as some researchers pointed out, the imitation of human behavior by artificial intelligence can be divided into four levels - mechanical behavior, analytical behavior, intuitive behavior, and emotional perception. For legal services, ChatGPT it can replace the mechanical behavior and analytical behavior of lawyers, but the imitation effect on intuitive behavior is not ideal, it is difficult to imitate lawyers rely on experience and intuition to adapt to changes in the situation to dynamically choose the path of rights defense and litigation procedures. For emotional perception, artificial intelligence does not have the ability to perceive and express human emotions, and is unable to provide "warm value" for the client through conversation, body language and other means like a lawyer. From the perspective of legal language, language is the carrier of culture, and legal language is also the carrier of rule of law culture. The use of legal language runs through every aspect of legal practice, and its use directly reflects the process of development of the rule of law in society. The more accurate, professional and rich the use of language,

168

in a sense, the level of development of the cultural level to which it belongs is also rising at the same level.As the established discipline language with obvious legal characteristics, legal language is the most important tool for legal practice by legal people. In their daily activities, lawyers create and use legal language, whether oral or written, complex or brief, and use language to create legal contexts in order to gain more space for themselves to apply the law and to maximize the rights and interests of their clients. Can artificial intelligence really do a detailed enough examination of the precise use of language and the many different scenarios of context-specific analysis?

Of course, technology is still developing, and we do not rule out the possibility that robots will have these abilities in the future, but this development faces more technological and ethical challenges than we can imagine.

Secondly, ChatGPT's technical rationality cannot solve the problem of legal value judgment ChatGPT is still a tool, which determines that it only has technical rationality at present, and cannot really understand the logic and value judgment behind the legal rules. But the legal problems encountered by the parties invariably contain value propositions. From the viewpoint of the trial, although the judge should be faithful to the law, it is not mechanical justice but more of a process of free mental evidence, whether it is "high degree of conclusiveness", "forming inner conviction", "beyond reasonable doubt Whether it is the requirement of "high degree of conclusiveness", "forming inner conviction", "beyond reasonable doubt" and other standards of proof, or the wide discretionary power of judges, it is decided that judges cannot rely solely on technical reason to adjudicate, and parties naturally cannot rely solely on the technical reason provided by ChatGPT to defend their rights in litigation. From the outside of the courtroom, the legal profession is widely circulated a saying "kung fu is outside the courtroom", and administrative litigation is even more so, not only outside the courtroom there are administrative review remedies more widespread mediation, settlement of the case, in these cases, lawyers in the negotiation, mediation often need to understand the value of the law behind and the application of the case. This is not something that ChatGPT, which merely provides technical rationality, can replace. Of course, artificial intelligence such as ChatGPT should not be pitted against each other. In fact, the development of AI can further enrich the toolbox of lawyers' work, further improve the efficiency of lawyers, increase the convenience of people's access to legal services, and reduce the cost of basic legal services to a certain extent. Legal professionals in general need to focus more on improving the temperature and precision of legal services, while having the ability to use AI-aided tools with skill and insight.

Finally, The value of a lawyer is more reflected in the experience. The same type of case, due to different details, different clients, different opponents, the different strategies and starting points, are driven by the lawyer's experience accumulated in the process of practice to make choices. These, in the algorithm of artificial intelligence, according to the existing data to "improvise", for it may still be a problem that can not be ignored. At the same time, the biggest difference between legal people and AI is that "legal people happen to be engaged in a profession that is both legal and highly emotional".

After all, artificial intelligence is only a machine integrated by big data, and its biggest weakness is probably that it cannot precisely understand the complex and complicated language of human beings. The application of the law is not a simple sense of "examination" - a question and answer form, nor is it a simple "A deduce B, B deduce C, so A deduce C " the inference process. In the actual operation and case handling process, the law has a more complex "language system": how to guide the parties to tell the objective facts, how to face the human nature of human beings to avoid harm, how to pacify the emotional parties, how to investigate and collect evidence for the existing case information, how to create a more favorable situation for their own parties. How to deal with the evidence presented by the other side against the client ...... Lawyer's work is no longer just to deal with the legal documents, many work beyond the legal documents themselves, lawyers need to explore, learn and complete the work. In the process of completing the work beyond the legal documents, a new "language system" for dealing with different types of cases and different types of clients is gradually formed. This kind of "language system" can not be fluently responded by AI without emotion through big data, because what big data can present is mostly an end result.

4. Path Analysis of Lawyer-Based, Artificial Intelligence-Supported

From the perspective of providing better quality legal services, artificial intelligence actually has a more positive significance. On the one hand, the cost of legal services will be greatly reduced, which will give more people the ability to enjoy high-quality legal services and better protect their legal rights and interests; on the other hand, the basic work that relies on a large amount of data collection and analysis will be replaced by artificial intelligence, and newcomers to the legal profession will not have to be trapped in those boring and repetitive tasks, but will have a higher starting point. Lawyers with little experience will be able to provide services beyond their original capabilities with the help of artificial intelligence. As human players with subjective initiative, we may be able to give full play to our own initiative in the face of AI, placing it in the position of "tool" and "assistant", allowing it to help us to complete simple basic tasks, in order to fully expand We can make full use of the time available to us, and use the "squeezed out" time for the development of our own abilities and the improvement of our education. Alternatively, we can make full use of its database function and turn it into our own "mobile library" and "skills supplement" to improve our own abilities and provide better services to our customers in a more efficient and faster way. The perfect combination of the intelligent advantages of big data and human empathy, making simple work more efficient and complex work better, is perhaps the meaning of the relentless exploration of artificial intelligence technology in the legal industry. The information age in which we live will eventually push us to continue to explore. The existing "Internet + legal services" model has broken the deadlock of the traditional legal service industry and brought a new legal service model to the development of the industry, while in the future development of the industry, the deep integration of "artificial intelligence" and legal services will also In the future development of the industry, the deep integration of "artificial intelligence" and legal

services will also promote the formation of a new pattern of legal business. ChatGPT, for example, has a rich database with "human brain-like neural network" technology, so it can quickly retrieve legal texts, and can also analyze the retrieved legal texts in conjunction with the specific cases given, and give appropriate opinions to provide reference for legal professionals to determine their ideas of handling cases. At the same time, ChatGPT can also integrate a large amount of legal knowledge, so that legal practitioners can quickly access it. Generative AI，such as ChatGPT, is based on a large-scale dataset of human language models with diverse tasks trained for Q&A. This makes it good at answering subjective questions, but because its language model is not a global model, ChatGPT is not yet mature in answering objective questions. In other words, in the foreseeable future, generative AI will not replace legal practitioners, but live in symbiosis with them; in the era of big models, human-machine interaction is the main form of legal work now and even in the near future; machines will not replace people, but those who can use machines will replace those who cannot, which requires legal people to use technology to strengthen their professional abilities.

5. Conclusion

In summary, the application of artificial intelligence in justice has been an irreversible trend, and it is going through the process of development from shallow to deep and from narrow to wide. It is in this context that the discussion on whether AI can replace lawyers in the future and whether there is a need for lawyers to exist in the future. In the fast-changing digital age, artificial intelligence uses statistical techniques of mathematical models and information technology, and is rapidly developing and perfecting to combine legal regulations with expert experience and case analysis, which has the benefits of improving efficiency, avoiding errors, and reducing costs, but also has various risks. In the era of artificial intelligence, it is still important to maintain the friendliness to human beings and uphold human dignity. The promising application of artificial intelligence in the legal industry will attract more highly qualified people to enter this promising field, thus reducing the pressure of the current mechanical and repetitive work of legal practitioners. The application of artificial intelligence gives those studying law a more convenient and efficient way to learn, and allows the majority of legal practitioners to focus more on the more complex and valuable areas of reality. In summary, the full replacement of lawyers by artificial intelligence is not justified and feasible at present and in the extrapolated future. We should adhere to the legal role of lawyers, so that AI can be used in a limited, appropriate and powerful way.

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171

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