

Techy but Tacky

The Legal Aid, Sentencing and Punishment of Offenders Act 2012 and local authority funding cuts forced over half of law centers and agencies offering free legal advice in Britain to close. The resulting adverse environment has seen a precipitous decline in access to justice among our society's most vulnerable. Where humans make a desert, technology often offers an oasis. This could also be true for law, were it not for the very same forces that made technology necessary in the first place.

To cut costs and liberate fee-earners from £200+ rates for proofreading, the private sector has rushed to adopt law-tech. As a result, sophisticated programs have imploded both in the back and front office. In terms of administrative work, applications like Kira and Relativity utilize artificial intelligence to extract vital pieces of information from documents, integrating case assessment, fact management, review, production, analytics and legal hold functionalities. These tech tools help save lawyers thousands of hours of administrative work, enabling them to focus on offering substantive legal advice. Meanwhile, frontline services like chatbots offer legal services when no lawyers are available, orienting clients towards the right remedies and sources of human advice. At their optimistic extreme, these tech tools dangle the promise of unprecedented empowerment, democratizing a legal sector that had long placed justice behind an intimidating paywall.

And yet, a paywall still stands in the way of public sector adoption of legal services. Cognizant of law centers' sparse funding, law-tech firms remain hesitant to develop non-commercial services. These fears are not unfounded as adoption of these tools would also require public agencies to purchase expensive hardware – which they often cannot afford. Even more problematically, law center workers typically lack the skills necessary to leverage existing tools and, already drowning in work due to funding cuts, have little time to develop them.

On the other side, the marginalized precariat that stands to benefit most from non-commercial legal technologies often lacks the necessary know-how and devices. These deprivations grow especially pronounced when we shift our kaleidoscope to the developing world, where such sophisticated solutions merit little mention.

Bringing our focus back to the UK, last year The Law Society laid out a number of recommendations to expedite the adoption of technology by

underfunded law centers. Although more government funding unsurprisingly tops the list, the report also emphasizes the importance of information sharing by the private sector and the creation of an open-source database that enables coordination, collective bargaining, and the gradual development of a best practice architecture. While adoption of legal technologies would certainly not come free, its costs are peanuts compared to the fees human legal aid incurs. In a world where everything seems solvable by the right line of code, the shortcomings of legal technologies in expanding access to legal aid offer an object lesson on the need to humanize our quest for justice. Indeed, technology could supercharge access to justice. But only if we let it.

Greg Berces, 20th December 2020