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Navigating Legal Advice through AI Chatbots

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Artificial intelligence (AI) is taking over almost all the fields in the world, and the legal field being no different has been competing with Artificial intelligence (AI) in terms of providing legal advice and relevant case laws. This article reflects the dependency of people including law students and lawyers on AI-powered chatbots such as ChatGPT by OpenAI or Gemini by Google for their research about a topic related to law or taking legal advice instead of consulting a lawyer. As a result, this article determines whether people rely on Artificial intelligence (AI) chatbots or not, and if yes how reliable are they in giving legal advice? This article aims to explain the pros and cons of using AI-powered chatbots for seeking legal advice and determining the laws related to Artificial intelligence (AI), who takes responsibility for incorrect or misleading outputs of the chatbots, and the steps that a person can take in case of getting a wrong legal advice from Artificial intelligence (AI) chatbots.

Keywords: *artificial intelligence, legal advice, chatbots, chatgpt, reliability.*

INTRODUCTION

In the contemporary world, where individuals are increasingly dependent on AI chatbots such as ChatGPT to obtain answers to their inquiries, legal advice is no exception. Most of the people including law students and lawyers are relying on AI chatbots for legal advice as they provide quick output to the input of users and are easily accessible 24/7 but is the output provided by AI-powered chatbots reliable?

The answer to this question is complex and has various aspects to it. The reason behind this is the growing popularity of AI-powered chatbots, and their being easily accessible to everyone 24/7. People are relying on the outputs of these chatbots blindly without even rechecking the facts and sources. They believe it to be true because of the sole reason that the trust of humans is growing in aspect to AI chatbots and they find it similar to asking a professional who has full knowledge about the field they are asking their query and is as accurate as a professional lawyer who has been practising from decades. It can be observed by various studies that in regards to Legal Advice AI chatbots like ChatGPT are INACCURATE and PROBLEMATIC.¹

ARTIFICIAL INTELLIGENCE

The term artificial intelligence (AI) refers to the idea of creating computers that are capable of thinking like humans do, including learning, reasoning, adapting, and self-learning. The definition keeps changing because of rapid developments in this field but as for now most of the definitions related to Artificial Intelligence (AI) can be classified into 4 categories:

- A system that thinks like humans.
- A system that acts like humans.
- A system that thinks rationally.
- A system that acts rationally².

Artificial Intelligence (AI) these days is used in almost every field as it can be used for creating Chatbots, be installed in automobiles, and give user personalized shopping, healthcare, and entertainment experiences by analyzing their data and uses.

¹ Andrew Perlman, 'The implications of CHATGPT for Legal Services and Society, Harvard Law School Center on the Legal Profession' (*Centre on the Legal Profession*, March/April 2023)

<<https://clp.law.harvard.edu/knowledge-hub/magazine/issues/generative-ai-in-the-legal-profession/the-implications-of-chatgpt-for-legal-services-and-society/>> accessed 06 May 2024

² Joost N. Kok et al., *Knowledge for sustainable development: an insight into the Encyclopaedia of life support systems* (1st edn, UNESCO Publishing 2002)

CHATBOT

A chatbot is a computer program designed to answer questions by emulating human speech and help people solve the problems they have by accessing it. Chatbots can be useful in various fields such as customer support chatbots present on shopping websites such as Flipkart and Amazon, and telephonic customer care where you choose the options according to your need. Conversations with these chatbots can be in the form of Chat, voice, or a hybrid of both the form of conversation. They are helping to enhance customer experience by providing 24/7 support to the customers, reducing their wait time, and that too in a cost-effective manner. Chatbots present in the market are using the latest technologies such as artificial intelligence (AI), machine learning (ML), natural language understanding (NLU), natural language processing (NLP), etc. to provide human-like responses to the queries of humans.³

ChatGPT: ChatGPT is an Artificial Intelligence (AI) chatbot created by OpenAI which is an artificial intelligence research company, November 2022 saw its introduction. Natural language processing is used by ChatGPT to create conversational discourse that sounds human. ChatGPT is a language model that is designed in a way that it can answer various types of questions and respond to those questions, it can also Write a variety of written material, such as emails, code, essays, social media posts, and articles. The use of ChatGPT is growing because it is cost-effective, gives instant output, and can give personalized responses to users' preferences and behaviours based on previous interactions.⁴

INDIA'S FIRST LEGAL CHATBOT

In India, innovation in legal chatbots is frequent since Law Bot Pro which is a free legal AI app developed by Mandaar Mukesh Giri, a final-year law student from VIPS, GGSIPU. The developers' vision is to provide legal aid to not just a selective sect of society but everyone 24/7 with the help of a user-friendly and informative chatbot. It is a pro-bono initiative by Rare Labs, an Indian legal tech company that makes AI-powered tools for the legal community founded by

³ Shweta 'What is a chatbot? everything you need to know' (*Forbes*, 21 August 2022)
<<https://www.forbes.com/advisor/business/software/what-is-a-chatbot/>> accessed 06 May 2024

⁴ Amanda Hetler, 'What is ChatGPT? everything you need to know' (*TechTarget*, December 2023)
<<https://www.techtarget.com/whatis/definition/ChatGPT>> accessed 07 May 2024

Mandaar Mukesh Giri. The developers accept that this chatbot has its limitations and it is preferred only in understanding basic laws and rights, for proper legal advice, consulting a lawyer is suggested.⁵

THE ETHICAL DILEMMA OF AI

AI systems create responses according to the data it is trained on, it lacks the consciousness to think and generate an output that is ethically and morally correct. If the creators manipulate that data, the Chatbot will give biased outputs. These biases of AI can be observed in various aspects such as Gender bias and Racial bias which can be seen when Someone asks Chatbots for the Greatest leaders it shows prominent male personalities and when there is an image search for School girls it shows various Women and girls in Costumes which is sort of sexual and inappropriate. AI reflects society to an extent that it shows gender stereotypical roles for men and Women, this is also because of the male developers who have trained the AI.⁶

In an analysis by analysts of the Center for Equity, Gender, and Leadership (EGAL), It was found that among 133 biased systems 44.2 percent (59 systems) demonstrate gender bias, with 25.7 percent (34 systems) exhibiting both gender and racial bias.⁷ Also, AI can affect a person's behaviour and interaction as people can communicate with others depending on their interaction with AI chatbots.⁸

⁵ 'Law Student Develops Law Bot pro, a Free Legal AI App' (*Bar and Bench*, 08 May 2023)
<<https://www.barandbench.com/apprentice-lawyer/law-student-develops-indias-first-free-legal-ai-app>>
accessed 04 May 2024

⁶ 'Artificial Intelligence and Gender Equality' (*UN Women – Headquarters*, 22 May 2024)
<<https://www.unwomen.org/en/news-stories/explainer/2024/05/artificial-intelligence-and-gender-equality>>
accessed 26 May 2024

⁷ Genevieve Smith & Ishita Rustagi, 'When Good Algorithms Go Sexist: Why and How to Advance AI Gender Equity' (*Stanford Social Innovation Review*, 31 March 2021)
<https://ssir.org/articles/entry/when_good_algorithms_go_sexist_why_and_how_to_advance_ai_gender_equity>
accessed 15 May 2024

⁸ Julia Bossmann, 'Top 9 Ethical Issues in Artificial Intelligence' (*World Economic Forum*, 21 October 2016)
<<https://www.weforum.org/agenda/2016/10/top-10-ethical-issues-in-artificial-intelligence/>> accessed 24 May 2024

CHALLENGES WITH LEGAL CHATBOTS

ChatGPT creates fake cases in such a realistic way by providing relevant facts and provisions that anyone can be deceived, one such case arrived last year in May 2023 when Mr. Steven A. Schwartz, who is a lawyer of the firm Levidow, Levidow & Oberman and has practised law in New York for 30 years was in the case of *Roberto Mata v Avianca Airline* found using fake cases when Mr. Steven A. Schwartz submitting a 10-page brief that cited more than half a dozen relevant court decisions and there were cases like *Martinez v Delta Air Lines*, *Zicherman v Korean Air Lines* and, of course, *Varghese v China Southern Airlines* which did not exist. Mr. Schwartz admitted that he used the artificial intelligence program (ChatGPT) to do his legal research thinking that it was a reliable source but has revealed itself to be unreliable. Mr. Schwartz also mentioned that he had never used ChatGPT, and 'therefore was unaware of the possibility that its content could be false.'⁹ This incident caused Mr. Schwartz a lot of embarrassment because people questioned his skills after 30 years of honest work, just because he used ChatGPT once thinking it to be a reliable source because it showed all the cases and citations in a way that it looked the same, the chatbot nowhere mentioned that these are the fake cases.¹⁰ This case became a landmark case because of this reason that a lawyer used bogus cases created by ChatGPT in the court in 2023.

ACCOUNTABILITY OF OUTPUT

The liability of output generated by Artificial intelligence (AI) is difficult to determine as it involves the function of the user, the AI system, and the developers. When it comes to work created by AI, Copyright laws must be complied with by those who develop and use AI-generated content. However, discovering the actual copyright holder gets more challenging when the AI system generates content without human interaction provided by humans, and problems might arise when it comes to infringement upon copyright because Artificial intelligence (AI) is not considered to have a legal entity of its own. People are often held liable

⁹ Kathryn Armstrong, 'ChatGPT: US lawyer admits using AI for case research' *BCC* (Canada, 28 May 2023) <<https://www.bbc.com/news/world-us-canada-65735769>> accessed 02 May 2024

¹⁰ Benjamin Weiser and Nate Schweber, 'The CHATGPT lawyer explains himself' *The New York Times* (New York, 8 June 2023) <<https://www.nytimes.com/2023/06/08/nyregion/lawyer-chatgpt-sanctions.html>> accessed 16 May 2024

for infringement under the Copyright Act, even if AI is not recognized as a legal entity. It is very important that a precise framework of assigning accountability to the developers of AI, owners, or operators of AI to address liability issues be created. Several nations like India, Ireland, and New Zealand have adopted the policy of assigning copyright rights to AI system programmers and developers.¹¹ This is because developers are the closest humans when AI creates output in any form and is based on the assumption that the developer does not sell or license the Artificial Intelligence to anyone else but uses it to create work.

LAWS RELATED TO AI & CHATBOTS IN INDIA

European Union has passed the world's first Artificial Intelligence (AI) Act, The AI Act represents the world's first comprehensive set of regulations aimed at governing artificial intelligence¹². However, In India, there is no specific codified law that is directly related to artificial intelligence (AI) and Chatbots, the laws are still evolving in India in this field. However, several existing provisions apply to AI-related activities. The Ministry of Electronic and Information Technology released a proposed National strategy on Artificial Intelligence (AI) in 2020, offering a framework for AI policy. This draft discussed the role of The Information Technology Act of 2000, the Right to Information Act of 2005, and the Digital Person Data Protection Bill of 2022.¹³ The Information Technology Act of 2000, does not allow intermediaries to host, publish, or distribute any content which is defamatory and harmful.¹⁴ The Right to Information Act of 2005 is used in requesting information on Artificial Intelligence (AI) projects by the government. This information included the project's purpose, data used, and algorithms involved to achieve transparency in areas related to AI and its development.¹⁵ Since the Digital

¹¹ Shubhangi Gupta, 'Artificial Intelligence: India Lacks Clear IP Laws around Ai Results' (*Live Law*, 16 February 2024) <<https://www.livelaw.in/articles/artificial-intelligence-india-lacks-clear-ip-laws-around-ai-results-249693>> accessed 18 May 2024

¹² Rajesh Kumar, 'EU Passes World's First Artificial Intelligence Act' (*Live Law*, 22 March 2024) <<https://www.livelaw.in/more/international/eu-passes-worlds-first-artificial-intelligence-act-253179>> accessed 18 May 2024

¹³ *National Strategy for Artificial Intelligence* NITI Aayog (2018)

¹⁴ Information Technology Act 2000

¹⁵ Right to Information Act 2005

Person Data Protection Bill, of 2022, governs the management of personal data, AI systems must be transparent, auditable, and most importantly unbiased.¹⁶

ChatGPT RESPONSE ON THIS TOPIC

The researcher tried asking the question to ChatGPT and here is the response:

Input: “Can I rely on you for Legal advice?”

Output: “While I can provide general information and explanations about legal concepts, I'm not a substitute for professional legal advice. Laws can vary significantly based on jurisdiction and specific circumstances, and relying solely on information from a language model like mine may not cover all aspects of your situation. For specific legal matters, it's always best to consult with a qualified attorney who can provide personalized advice based on your unique circumstances.”¹⁷

This response clearly states that AI-powered chatbots can only be used for general information and explanations, it is nowhere mentioned in its output that it can provide legal assistance to any person in any way and it cannot be used for professional advice. It also mentions that one should seek legal assistance from a qualified lawyer and not a chatbot. But still, we see that there are a majority of people who use ChatGPT for legal assistance and rely on that misleading and fake output.¹⁸

COMPARATIVE ANALYSIS

The researcher performed a comparative analysis between ChatGPT and Lawyers to find the reasons why people choose ChatGPT over Lawyers for seeking Legal advice. Here are some reasons mentioned below:

¹⁶ Digital Person Data Protection Bill 2022

¹⁷ ‘ChatGPT’ (OpenAI) <<https://chat.openai.com>> accessed 10 May 2024

¹⁸ Perlman (n 1)

Accessibility – ChatGPT is easily accessible 24/7 to everyone¹⁹ as it does not require an application to be installed from a digital distribution service such as the Google Play store, it is a website available across all browsers such as Google Chrome, and Microsoft Edge. Anyone who wants to use it can easily access it by typing ChatGPT and a link will appear through which anyone can access the AI chatbot and get an answer to all the queries within seconds.

On the other hand, it is known to everyone that lawyers are not easily accessible; a person can't chat with a random lawyer on his phone, he needs to go to the lawyer physically and seek legal assistance which takes time and effort and he can't get answers in seconds as sometimes even the lawyers are not well-versed with the provisions and take days to provide proper legal assistance.

Cost-Effectiveness – ChatGPT is free, and anyone who wants to use it isn't required to pay any charges for using it.²⁰ However, there is a charge for accessing its new model GPT-4 even if that is comparatively cheap to the average fee of a lawyer in India. ChatGPT also doesn't charge for the number of questions, one can ask unlimited questions from various fields of law without paying any extra charge.

Lawyers charge a fee; it can vary from lawyer to lawyer depending on experience, location, and various other factors but it is not for free at any instance and many lawyers charge hefty fees.²¹ If anyone wants to take a bit of legal advice from a lawyer, he needs to pay a fee which is growing high in India and can be observed by seeing the average fee of lawyers in India²² Even after paying a fee he can only ask questions related to a particular case, a person can't expect him to keep answering your nonstop questions.

¹⁹ Sarah Oh, 'What the CHATGPT Store Means for AI Accessibility' *Forbes* (10 January 2024) <<https://www.forbes.com/sites/sarahoh/2024/01/10/what-the-chatgpt-store-means-for-ai-accessibility/>> accessed 18 May 2024

²⁰ Jose B, 'Explained: GPT-4o, OpenAI's Newest AI Model That Makes ChatGPT Smarter and Free for All' *The Indian Express* (14 May 2024) <<https://indianexpress.com/article/explained/explained-sci-tech/gpt-4o-openai-new-ai-model-capabilities-9327407/>> accessed 5 May 2024

²¹ Ashok Bagriya, 'Supreme Court Favours Law to Regulate Hefty Fees Charged by Lawyers' *Hindustan Times* (07 December 2017) <<https://www.hindustantimes.com/india-news/sc-favours-law-to-regulate-hefty-fees-charged-by-lawyers/story-n1OdH52JcfVi5IPdwPgxvI.html>> accessed 4 May 2024

²² Vandana Chatlani, 'The Business of Billing' (*Law Asia*, 21 December 2022) <<https://law.asia/india-law-firm-billing-rates/>> accessed 15 May 2024

Anonymity - ChatGPT can be accessed on the internet without even logging in, which makes it preferable for the person seeking legal information to a sensitive case if they do not want to let anyone know about or share the information, in that case, ChatGPT seems to be the best resort available to them.

Lawyers are trusted with their client's sensitive data as they promise to keep the anonymity of the person and data of their clients private.²³ However, people might still hesitate to share their details fearing the privacy breach from the side of a lawyer and fear of getting the sensitive information leaked which will cause them a great threat.

FUTURE OF AI IN THE LEGAL FIELD

AI represents both the biggest opportunity and potentially the greatest threat to the legal profession since its formation.²⁴ If used properly AI can be the most useful tool in the future in the legal field as AI can help the litigants in making decisions by using its analytical skills and predict legal outcomes. AI is a tool that has the potential to enhance the agency of legal practitioners and facilitate improved access to justice.²⁵ The firms are ready to adopt AI and integrate them into their law firm for various help. The Future of AI has a wide scope in the legal field, AI can do the work of lawyers in seconds and if integrated properly can lead to great success. AI can be useful in drafting legal documents, giving legal advice, and solving complex problems by use of its wide database.²⁶

CONCLUSION

Surely, Artificial Intelligence (AI) Chatbots are the future for Legal fields and they will be the leading this field with accurate legal advice, but for the present someone should not rely on AI chatbots for seeking legal advice because no one, not even companies claims that their chatbots

²³ Indian Evidence Act 1872, s 126

²⁴ Joanna Goodman, *Robots in Law: How Artificial Intelligence is Transforming Legal Services* (Global Law and Business 2016)

²⁵ Tshilidzi Marwala, 'AI and the Law - Navigating the Future Together' (UNU, 13 February 2024) <<https://unu.edu/article/ai-and-law-navigating-future-together>> accessed 25 May 2024

²⁶ Daniel Farrar, 'Council Post: To Future-Proof Their Firms, Attorneys Must Embrace AI' *Forbes* (13 July 2023) <<https://www.forbes.com/sites/forbesbusinesscouncil/2023/07/13/to-future-proof-their-firms-attorneys-must-embrace-ai/>> accessed 26 May 2024

are capable of giving legal advice because of incapability of the chatbots in providing it via a proper source. Although, some chatbots can give a basic idea about the provisions and the law but not legal advice and more importantly they have again and again clarified that AI chatbots are not 100% accurate. So, instead of seeking legal advice from AI Chatbots because of the reason that it's cheap and easily accessible, one should rely on Professionals such as Lawyers for legal advice as they go through years of training in the field and give advice that is not inaccurate or false. Also, at present there is no specific law for Artificial intelligence and the outputs created by Chatbots in India which makes the process of blaming someone for the wrong output generated more difficult. However, with the rise in the field of Artificial intelligence, developers might soon come up with a model that will give accurate legal advice with real case laws.