

YOUNG LAWYERS

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LEGAL RESEARCH IN THE AGE OF MACHINE-LEARNING

How do you discover information these days? In your everyday life, the answer probably involves using keywords to direct a browser-based search engine, such as Google, to quickly find the most relevant results. For a growing segment of the population, simple questions are being answered considerably faster by artificial intelligence (AI) personalities like Apple's Siri and Amazon's Alexa. But when it comes to your job as an attorney, how much faith are you willing to place in technology? The truth: you've been doing it for a while.

Once upon a time, the law library was an essential part of every attorney's legal research process. Tables were routinely filled with stacks of reporters and hornbooks as attorneys furiously flipped through pages, searching for that perfectly reasoned argument or binding caselaw. Attorneys adapted when the research databases appeared on computers, learning Boolean search terms and basic typing skills, but they never quite abandoned their law books altogether. Most firm and public law libraries shifted quickly to a hybrid model, adopting computers while continuing to update their print subscriptions.¹

Today, those firm libraries are largely either gone completely or relegated to a single set of shelves in a hallway or conference room. And while it is true that public library usage has experienced a substantial decline by older metrics, it is equally true that the way users interface with information has changed dramatically in the same time.² The law library of 2018 still contains books on a shelf, but that's where the similarities to its 1998 counterpart end.

Your public law library today is not concerned with triage—every task has been carefully pared down to eliminate tedious work like reshelving books and organizing card catalogs. With fewer patrons walking through the door, reference desk staff can focus on familiarizing new and

returning users with today's resources, which often include unlimited access to expensive online databases such as Westlaw, LexisNexis and Hein Online. They can plan, promote and execute free public legal education courses, including CLE classes for attorneys. Staff members are also able to expand eReference services to provide sample forms through document deliveries, or to answer questions about community resources.

Most importantly, law library staff members can direct their energies to topics and projects they're passionate about, just as attorneys do when they select an area of practice. The concept of passion is largely foreign to AI, out of necessity, and is the beginning of understanding why it will never truly replace law libraries or attorneys. Rather, the mainstream adoption of AI assistance in the legal profession will help us all to become more efficient researchers, so attorneys can continue to focus on advocacy for clients through individualized legal strategies.

In the last 20 years, legal databases like LexisNexis have worked hard to lower barriers to effective research through the introduction of keyword searches and data visualization. In turn, pro se litigants have become more self-reliant without hindering or decimating the legal profession. Today, the giants of the industry continue to refine and improve their services, but the AI revolution is taking root in rising competitors like Casetext and Fastcase.

For example, Casetext's CARA A.I. allows users to upload a document in its primary search bar right from the homepage.³ Once the user submits the request, CARA A.I. contextualizes its results to find cases with fact patterns and legal issues similar to those contained within the document. This feature is an example of machine-learning that has been subtly integrated throughout our everyday interactions with internet-enabled devices. Over the next decade, you may not even notice when the shift occurs from keyword to machine-assisted legal research.

For now, we must continue to innovate our practice as legal researchers by utilizing the most effective tools at our disposal. While machines are increasingly effective at providing relevant search results, they have not progressed



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to the point where they can replace an attorney's judgment in adapting legal strategies to those results. For example, CARA A.I. may be able to locate the best 10 cases for the facts and legal issues within an uploaded document, but it cannot extrapolate from there that a client should file a particular motion or set a meeting with opposing counsel.

The promise of AI has not yet advanced into an arena in which we need to be concerned about killer robots or holographic doctors, so professions focused on linguistics and persuasion should be insulated for decades to come. We must, however, continue to cede routine tasks to the machines we design in favor of those jobs that utilize the essential human spark of creativity and passion.

Thus, the AI revolution will not replace us, nor fundamentally change the work we do as legal researchers—only the way we go about it. **NL**

1. Richard A. Leiter, *Law Librarians' Roles in Modern Law Libraries*, in *ACADEMIC LAW LIBRARY DIRECTOR PERSPECTIVES: CASE STUDIES AND INSIGHTS* 319 (Michelle M. Wu ed., 2015).
2. Christopher Ingraham, *An Awful Lot Of People Use And Love Their Public Library, As An Economics Professor Discovered This Weekend*, WASH. POST (July 23, 2018), <https://www.washingtonpost.com/business/2018/07/23/an-awful-hot-people-use-love-their-public-library-an-economics-professor-discovered-this-weekend/>.
3. CASETEXT, <https://casetext.com> (last visited Aug. 19, 2018).

JUSTIN IVERSON is a law librarian with the Clark County Law Library, and chair of the Young Lawyers Section's Home Safe Home Program. He is primarily responsible for providing legal research to nearly 4,000 inmates at the Clark County Detention Center.