

Relief from Repetition: AI and ML to the Rescue

BY JONATHAN HERR

Nothing is more inefficient than doing something that has already been done.

For far too long, legal professionals have dreamed of taking an axe to the cost and dreariness of high-volume, repetitive (yet necessary) business processes. In recent years, robotic process automation (RPA) has been leveraged to automate repeatable tasks using structured inputs and logic. More recently, machine learning (ML) and artificial intelligence (AI) applications, which use unstructured inputs and develop their own logic, have been gaining ground in automating more complex processes.

We're all familiar with the concept that, with certain repeatable activities, machines are able not only to work faster than people but also deliver more accurate and predictable outcomes. RPA was an early starter in this field, automating rote tasks with relatively straightforward, rule-based bots and agents and rapidly proliferated as a solution for tasks like e-discovery, due diligence, file processing, and billing.

When you receive an email in response to a web click, you can usually thank an RPA tool. It has become a highly functional element of many organizations' automation processes. The trouble is, it's bound by its intrinsic design. RPA was never meant to be adaptable or intelligent. It cannot react to change without substantial intervention. For processes that are not simple, routine, repetitive and stable, or that require intelligent, intuitive decision-making – as with many in the legal field – RPA is out of its depth.

Recognizing this, many RPA technology providers are now attempting to morph their offerings into something less static, introducing new add-ons such as “hyper-automation” – which automates complex work that relies on knowledge inputs from people, and “intelligent automation”, which combines RPA with AI. These hybrid products are most often geared towards data analytics. While they demonstrate increasing multi-tasking capabilities, they are still RPA offerings, hobbled by their design origins from achieving the true intuitive, evolutionary capabilities of AI.

At the opposite end of the scale we find AI and ML technologies, which are anything but static. They're engineered with complex algorithms both to replicate intuitive user activity and improve over time. The “Aha!” of AI is that it allows for the automation of tasks which don't conform to a fixed set of rules, where user input triggers ongoing adaptation, and where new data reshapes the way the task is completed. Unlike RPA, AI and ML tools are on a constant learning curve which is accelerated by

BONUS CONTENT

frequent (usually at least daily) human supervision and refinement of an application's response to the data.

In the legal field, traction for AI has gained momentum over the past decade since its earliest uses in technology-assisted review (TAR) in e-discovery, but there's still room for growth. According to the [CLOC Report](#) for 2019, 45% of firms were exploring the use of AI while 18% are currently using AI. The Altman Weil [Law Firms in Transition Survey](#) for 2020 suggests that, facing a market that has already changed, clients will be pushing for new strategies to create winning outcomes including improvements to pricing, staffing, and more sophisticated utilization of technologies. With that in mind, we are likely to see an uptick in AI usage as firms seek to achieve [substantial efficiencies](#) in cycle time and cost containment in the post-pandemic environment.

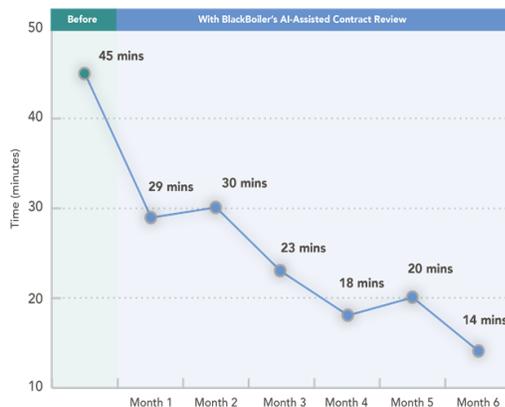
Take high-volume contract review as an example. Reviewing and negotiating contracts takes up time and money. Lawyers are constantly reviewing and charging for work that has already been done and charged for previously. Contract review is tedious and repetitive with all of its iterations, which means the problem becomes even more acute at scale. Automated contract markup offers a solution here, because contract language is far more [repetitive and formulaic](#) than natural language, so it naturally supports automation. Through continuously learning user preferences, powerful machine learning algorithms are able to capture a user's negotiation playbook. Subsequently, they suggest revisions to future contracts under review by users from the same organization. This also allows companies to turn their historical contracts into an institutional knowledge dataset.

Like TAR for document review, automated contract markup is just one innovative new application that, as the graph illustrates, can deliver as much as a 68.9% reduction in review time compared to in-person review while solving an ongoing and unpopular problem.

As more AI applications evolve to support lawyers in complex everyday tasks, they emphasize the limitations of static RPA solutions that cannot scale beyond routine processes. Enhancing the capabilities of RPA tools with AI and ML requires complex and cumbersome retrofitting and can't entirely overcome the original design restrictions.

Nevertheless, RPA certainly has its place in the arsenal of automation tools. AI, on the other hand, is rapidly evolving to become an even more important strategic tool for legal professionals. AI has been described as a form of technology that can replace human labor and automate from end to end of a process without human intervention. But don't worry – the robot lawyer is nothing but a Halloween fantasy. AI will never replace lawyers – although lawyers who use AI will replace lawyers who don't. [ILTA](#)

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