

# Automating (in)justice:

Thinking beyond the hype of AI and  
automated-decision making

Lizzie O'Shea, Chair, Digital Rights Watch



**We believe in an internet  
where human rights are  
respected, so that  
connection and creativity  
can flourish.**



## **I will cover:**

1. What do we mean when we talk about AI?
2. What are the human rights implications of AI and automated decision making systems?
3. How is generative AI impacting the legal profession?

# 1. What do we mean when we talk about AI?

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*AI system:* A machine-based system that, for explicit or implicit objectives, infers, from the input it receives, how to generate outputs such as predictions, content, recommendations, or decisions that can influence physical or virtual environments. Different AI systems vary in their levels of autonomy and adaptiveness after deployment.

*Used in Australian standards  
derived from the OECD*



# 1. What do we mean when we talk about AI?

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*AI model:* Representation of an entity, phenomenon, process or data, employing various AI algorithms to interpret, predict, or generate responses based on input.

*Machine learning model:* mathematical construct that generates an inference or prediction based on input data or information.

*Used in Australian standards  
derived from the ISO*



# 1. What do we mean when we talk about AI?

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A.I. will probably most likely lead to the end of the world, but in the meantime, there'll be great companies.

*Sam Altman*

*CEO of OpenAI*



# 1. What do we mean when we talk about AI?

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A floating signifier.

*Zizi Papacharissi*

*University of Chicago*



# 1. What do we mean when we talk about AI?

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*Technically*, AI is a field of computer science that uses advanced methods of computing.

*Socially*, AI is a set of extractive tools used to concentrate power and wealth.

*Careful Industries*





# 1. What do we mean when we talk about AI?

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Large Language Models (LLMs), information retrieval, pattern detection, image generation

Instead of a programmer specifying operations, “machine learning algorithms are fed a sample of the required results and use statistical estimation to figure out how to reproduce them”

Dan McQuillan, *Resisting AI*



# 1. What do we mean when we talk about AI?

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AI as a set of material resources:

1. Large data sets;
2. Computing power;
3. Software (for facilitating access to these components above); and
4. People with the skills who can build and manage the technology.

Governed by social and political relations:

1. Market has monopolistic tendencies;
2. Uptake is vendor driven;
3. Dependence on US companies;
4. Impact on natural resources (water, power, space);
5. Access to skills is critical.



# 1. What do we mean when we talk about AI?

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*Doomers:* AI Safety, deaccelerationists, pessimists, expect AI to be the end of humanity

*Boomers:* Libertarian, accelerationists, AI will mean utopias of space travel, abundance and longevity

*Human rights?*



## 2. What are the human rights implications of AI and automated decision making systems?

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Human rights:

- bureaucratic regulation
- a procedural requirement, without accountability
- a tool for surfacing harm and advocating for change

## 2. What are the human rights implications of AI and automated decision making systems?

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*Impoverishment:* automation of work and social services

*Social exclusion:* increased marginalization of communities

*Surveillance:* unification of corporate and government data

*Authoritarianism:* weakening of democracy

## 2. What are the human rights implications of AI and automated decision making systems?

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*Social:* de-prioritisation of human relationships

*Intellectual:* diminishing critical thinking skills

*Cultural:* flattening difference, devaluing cultural labour

*Environmental:* acceleration of climate change

## 2. What are the human rights implications of AI and automated decision making systems?

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*Exposure of bias:* reexamining human decision making

*Acceleration of certain tools:* pattern detection and information retrieval

*Improved access to expertise:* accessible specialist knowledge and capacity



## 2. What are the human rights implications of AI and automated decision making systems?

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Regulation will be shaped by global forces: geopolitics and cross-border companies

But also local contexts: domestic political concerns, local industries, availability of data





## 2. What are the human rights implications of AI and automated decision making systems?

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### Current regulation:

1. AI Ethics Principles: principles for the responsible design, development and implementation of AI, which are consistent with the OECD's Principles on AI
2. Voluntary AI standards: aims to be practical guidance for Australian organisations to mitigate risks while leveraging the benefits of AI.

## 2. What are the human rights implications of AI and automated decision making systems?

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Good regulation:

1. Transparency over lawful datasets used for training
2. Disclosure of algorithmic design
3. Timely feedback that is acted upon
4. Involvement of those affected

### 3. How is generative AI impacting the legal profession?

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**LAW FIRM OPERATIONS**

Office & Dragons, SIMPLY CONVERT, Vispo, MyLegal, deepjudge, LEGA, propenseai, lupl, Apperio, Reso, Querious, ATICAS, Coyaa, Legalyze.ai, modinsight, aiwyn, Tempello, PointOne, Postillize, LANDROID

**CORPORATE PRACTICE**

ndaOK, yellowpad, MARVERI, Standd, Deelligence, Due, Walter, centari, noetica, simyra, Bummock.AI

**OTHER PRACTICE AREAS**

Formally, Lawfully, CaseBlink, AORA, validit.ai, visalaw.ai, AI-LAW, webnyay, philer

**RESEARCH**

antro.ai, descrybe.ai, atla, Legau, Harvey, moonlit, trellis, SOLOMON, Rhetoric, JURISDEED, wexler.ai, Lex, JUSMUNDI, 100 FUTURE.AI, LEXROOM.AI, responsiv, Laya, SafeSign, CompetitionAI, 2ND, EISPHORIA, alexi, LawBotica

**LITIGATION PRACTICE**

bench iq, Briefpoint, Abel, Theo Ai, MatterMind.AI, Clearbrief, Scribe, SMARTDEPO, mary technology, LAER.AI, Optimalx, Uncover, claimscore, casemark, CLOUDCOURT, PRE/DICTA, justicetext, EvenUp, Parrot, tackleai, Proof, midpage, Lexintel.ai, OWL Global, LEXLINK.AI, ai.law, predict.law, Litigiven, prevail, LEXTER.AI, DepoDash, Texta, Nexlaw, Calibri, VoiceScrip, AMICUS, scribe, PREMORITION, SUPERINSIGHT, Pillar, DARROW, PRECEDENT, BriefCatch, Quench

**CONTRACTING**

ContractKen, thecontractnetwork, DraftWise, henchman, docsum, PINCITES, LexHero, Common Paper, SPEEDLEGAL, kaveat, CLEARLAW, Ozeki, Catylex, aline, kelson, BeringLab, BLACKBOILER, MELIOR.AI, Avvoka, Rooka, Avokaado, MACRO, Lawgeed, TERM, Robin AI, DocuEase, RIVERUS, DIOPTRA, Spellbook, COGNIZER AI, ZUVA, definitely, PACTUM, NEURON, Priori, PAXTON, Advocat, LEGARTIS, markups.ai, PostSig, ivor, Atticus AI, LexIQ

**IP MANAGEMENT**

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**CONSUMER & SMB**

CLOCOR, muse, CAZE, Grant Teacher AI, Justify, CaptableAI, rasa, outtake, VikkAI, Clawdia, Corpora, Brief, William, FILLME, Forms, LifeLegacy, legalucy, AI Lawyer, Scamnetic, My Legacy.ai, legal nodes, LegalScout AI, INHOUSE, ClearLegal

**LEGAL OPERATIONS & GRC**

enquire.ai, Greenlite, effectiv, traide, LEGALITY, Legafly, NormAI, COMPASS REG, CLOVERLEAF AI, COGNITIVE VIEW, Global-Regulation, CoComply, DynamofL, LIXVERIFY, @tennis, LighthouseAI, Deasle, NYMZ, PrivacyCode, Gracenote, Josef, Boltive, VAML, RELYANCE AI, 4ERISK.ai, Saidot, raindrop, abstract, HData, ODINSEYE, Pickle, GapApp, Fides, Openpolicy, Solidintel, deeptrust, credo.ai, Holistic AI, CLEVERBRIDGE, Legal Hat, ProcessBolt, HENCE, elroi, fairnow, SingleFile, checkbox, Composure, Klea, streamline, Inspira, LEX, FibonAI, DRAGONO, Trusli, Seer, SageCounsel, Octonight, tillion, GC AI, askLo, arteria, MERCULES AI, VISTO, Coheso, FINTELLIGENCE, voyc, FAIRLY

**CORPORATE FINANCE**

RealRate, CLAIRA, dili, Hadrius, Lexata, DealMKR, scribestar, semeris, Velvet, UpLink, Talking Tree, Booke.ai, QUANTUMERGE, fairplay, WealthBlock



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Legal tech Clio raises \$900M at a \$3B valuation, plans to double down on AI and fintech

Josef secures more funding to enhance legal AI offering

Legal tech startup Robin AI raises another \$25 million —and what that says about the AI boom

**Harvey: \$300 Million (Series D) Raised At \$3 Billion Valuation For Legal AI Platform**

Lawhive raises \$40M to expand its legal AI platform in the US

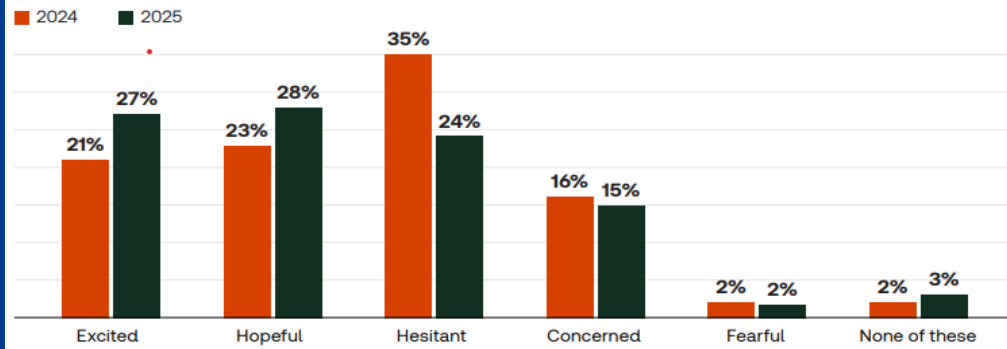
Ashurst Initiates Global Harvey Partnership After Firmwide Trial

**AI legaltech startup Mary Technology raises \$1.35M to automate chronology drafting**

Genie AI Raises \$17.8 Million to build Agentic Legal AI

Eve Secures \$47 Million to Fuel Era of AI-Native Law Firms

## Sentiment on the future of GenAI

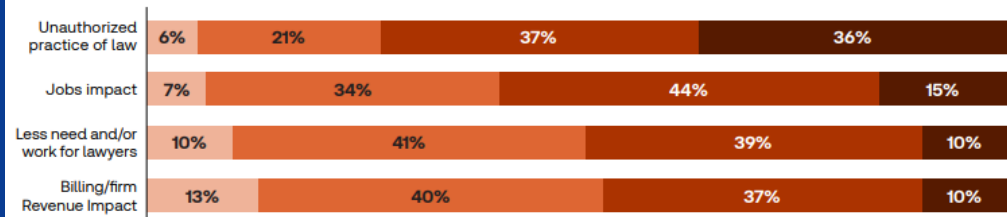


There is a degree of hesitancy towards GenAI in the legal sector

## GenAI's threat potential to industry

Is generative AI a threat to the legal industry?

■ 1 = no threat at all ■ 2 = minimal threat ■ 3 = somewhat of a threat ■ 4 = major threat



## The hesitancy is shared by courts

### NSW chief justice warns of artificial intelligence and its use in state's legal system on eve of restrictions



The chief justice issued a practice note in November regulating the technology's use in the Supreme Court of NSW. It includes a ban on using AI to generate the content of documents like affidavits, witness statements and character references. The use of AI to embellish, strengthen or dilute a witness's evidence is also prohibited.

"We know AI can be used to produce what looks like a person's evidence. But of course, if it's not the person's actual evidence, that undermines the whole process," Chief Justice Bell said

"I think if that were to be abdicated to machines, a very important part of our democratic fabric would be lost."



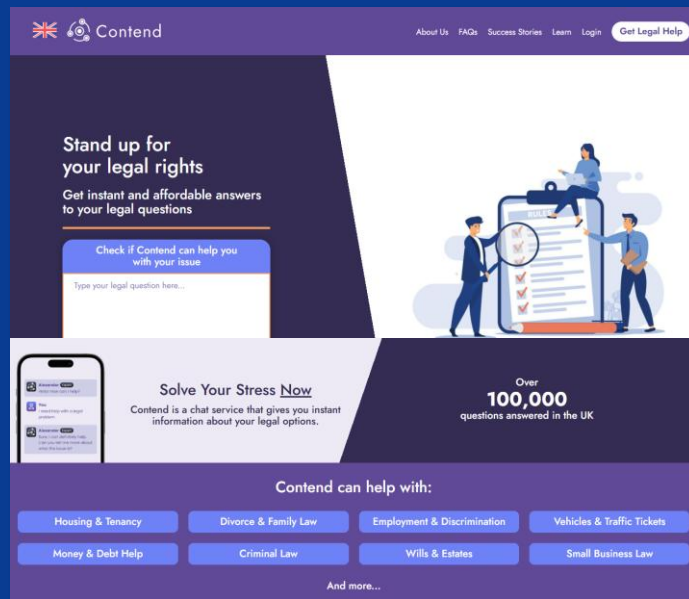
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**Could lawyers be replaced?**





## 30 days personal legal advice for \$60



The screenshot shows the Contend website homepage. At the top is a purple navigation bar with the Contend logo (a stylized 'C' with a UK flag) and links for 'About Us', 'FAQs', 'Success Stories', 'Learn', 'Login', and 'Get Legal Help'. The main content area is divided into two columns. The left column has a dark purple background with the text 'Stand up for your legal rights' and 'Get instant and affordable answers to your legal questions'. Below this is a button that says 'Check if Contend can help you with your issue' and a text input field 'Type your legal question here...'. The right column features an illustration of three people (two men and one woman) interacting with a large digital screen displaying a checklist. Below the illustration, it says 'Over 100,000 questions answered in the UK'. At the bottom, there's a section titled 'Solve Your Stress Now' with a sub-header 'Contend is a chat service that gives you instant information about your legal options.' and a list of legal issues: 'Housing & Tenancy', 'Divorce & Family Law', 'Employment & Discrimination', 'Vehicles & Traffic Tickets', 'Money & Debt Help', 'Criminal Law', 'Wills & Estates', and 'Small Business Law'. A link 'And more...' is at the bottom.

### How do you know the answer to my legal question? ^

Contend is built by lawyers and legal experts, and trained on a variety of UK legal data. It uses a type of artificial intelligence called a "Large Language Model" to find the right information for your issue.

### Is a human lawyer answering my questions? ^

No, Contend is an artificial intelligence that is trained like a lawyer. While you are chatting with Contend, you are not communicating with a human lawyer, but it can certainly feel like it sometimes.

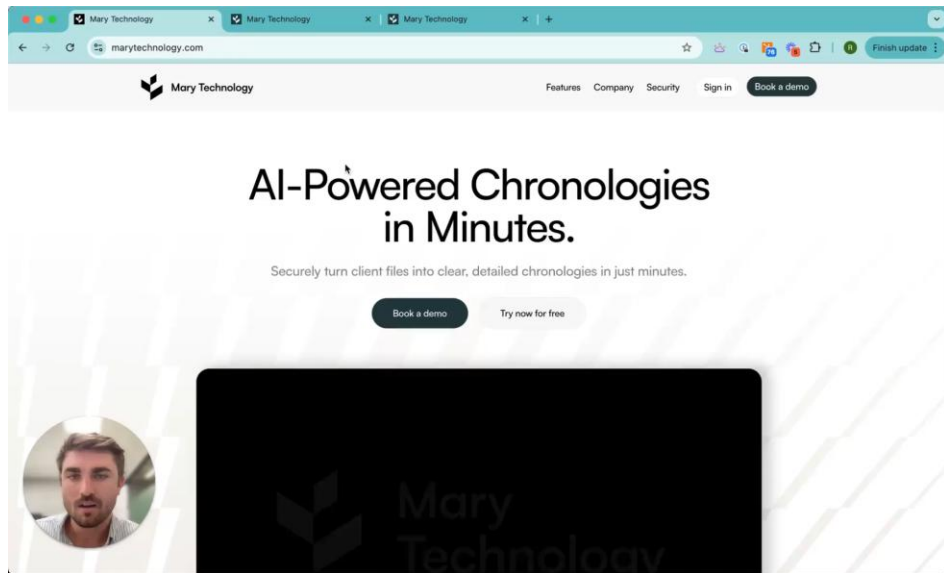
Also, Contend is smart enough to know when you need a human lawyer for a more complicated issue, and is able to help you find one if necessary.

### What does Contend cost? ^

Your first few messages are free, but after that, Contend costs £29 for access. This gives you up to 30 days of unlimited information and help.

# AI-Powered Chronologies in Minutes.

Securely turn client files into clear, detailed chronologies in just minutes.



Time savings

## 76%+

Time saved per matter on average

Drafting time

## <13mins

To generate a chronology

Customer Satisfaction

## 9.4/10

Average NPS (Net Promoter Score) rating

Accuracy

## 99.6%

User reported chronology quality

### 3. How is generative AI impacting the legal profession?

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*What does good look like? Redistributing the productivity dividend*

Invisible Bystanders research (Human Technology Institute, UTS and Essential)

- Establish an industry-wide AI works council.
- Impose a general duty of care on organisations around AI equivalent to workplace safety obligations.
- Develop industrial guardrails akin to minimum nurse-to-patient ratios.
- Introduce reforms that establish clear boundaries on worker surveillance.



1. What do we mean when we talk about AI?

*It depends on who is asking and why*

2. What are the human rights implications of AI and automated decision making systems?

*AI will amplify and accelerate both rights violations and rights protection; how it is deployed will depend on who we decide to put at the centre*

3. How is generative AI impacting the legal profession?

*It can be a powerful tool to assist clients but we shouldn't accept that this comes at the expense of quality legal representation*





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