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Artificial Intelligence in the Legal System: Efficiency, Risk, and Due Process

Introduction

The idea of society is based around a set of rules (laws) which have been created and enforced by humans based on the needs of the society they serve to maintain order and ensure success. Ideally, these laws are unbiased and fair in consideration for all people ruled by them. Though simple as it may seem, that same creation and enforcement has always been plagued with the fact that humans are inherently going to be biased one way or another.

*By: Monica Salmon
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That being said, we now have a very real opportunity to resolve (or complicate) that specific issue with the introduction of modern Artificial intelligence.



A.I. is increasingly asked to assist with decisions that shape real lives. For those with experience in paralegal work and criminal justice, this raises an unsettling question: can systems built on probability and pattern potentially serve a justice system rooted in fairness and accountability? Can the A.I. be truly fair and unbiased? Does the A.I. consider all potential aspects of a situation such as the ethics vs the legality of certain matters?

If Laws Are Written Clearly, Should Machines Enforce Them?

Laws are often described as objective and precise. From that perspective, it may seem logical to ask whether an unbiased AI would be well suited to determine whether a law has been broken. After all, machines do not tire, lose focus, or bring emotion into decision-making.

Yet legal judgment is rarely mechanical. Context, intent, and proportionality matter. An algorithm trained on past decisions inherits the values and biases of those decisions, even when designers strive for neutrality.

For example, a vehicle drives through a 25mph zone, and a speed trap catches them doing 25.5mph. On paper, that is illegal. However, most people would not enforce the rule simply because the difference is negligible for a multitude of reasons. While the speed trap state machine checks it as “illegal” and generates a ticket, a Modern A.I. could reason similarly to a human officer. So maybe A.I. could pass here.

However, the more pressing issues arise when you introduce involved cases to A.I. such as child custody, or perhaps we find a situation similar to O.J. Simpson’s infamous murder case. It is in these cases the empirical data is simply not enough to pass judgement. Maybe laws are still technically “unbroken”, but an A.I. would likely lack competency in terms of intent, ethics, and values.



Most humans would question leaving potentially life-changing judgement in the hands of an unseen machine, created by a group of people they have never met, and trained on data that is not unique to their case.

Can AI Be Trusted to Build Legal Cases?

AI tools are now widely used for legal research and drafting. They summarize evidence, propose arguments, and identify relevant precedent. But recent sanctions against attorneys who submitted AI-generated filings containing fabricated cases reveal a fundamental problem: fluency is not accuracy.

What Happens When Algorithms Influence Freedom?

Profiling is a heavily nuanced law enforcement practice that has frequently sparked numerous discussions at the highest courts in the U.S. This has historically been carried out by law enforcement agents who study patterns and demographics in an effort to accurately predict criminal activity.

At its core, an Artificial Intelligence would be an ideal agent specializing in this profiling, considering that it was created and trained on those same patterns.

Beyond case preparation, AI is increasingly influencing enforcement and sentencing decisions by using predictive policing tools to suggest where crimes may occur. Risk assessment algorithms may also be helping determine bail or parole eligibility.

These systems are often opaque, protected as proprietary technology. Defendants may be affected by algorithms they cannot examine or challenge, raising serious due process concerns.



In the real world this manifests into issues of invasion of privacy, racial/gender discrimination, and violation of rights. Not to mention, there are countless possibilities for outliers. It is those people who will be wrongfully convicted by an A.I. and any hope for reconsideration may already be too late.

Conclusion: Who Is Accountable When Machines Decide?

The integration of AI into the legal system forces a fundamental reckoning. When an algorithm influences a decision, who bears responsibility? The developer, the enforcement agency, or the lawyer/ judge who relied on its output?

The future of AI in law should not be decided by convenience and efficiency alone.

Transparency, oversight, and human judgment must remain central. Justice cannot be automated without risking the very principles it is meant to uphold and protect the humans who are governed by it.

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