

In cooperation with the German-Japanese Lawyers Association (DJJV, Hamburg), the Friedrich Ebert Foundation (Tōkyō Office), the German Science and Innovation House Tōkyō (DWIH Tōkyō) and the Federal Bar Association (Berlin), the JDZB is organizing the German-Japanese symposium “LegalTech – Artificial Intelligence in Law and Justice. Opportunities and Risks” in Tōkyō on 4 October 2019. Below is an interview with former President of the Hamburg Finance Court and DJJV President, Dr. Jan GROTHEER.

*AI – Artificial Intelligence – is on everyone’s lips. What exactly is the symposium about and what are the focal points?*

Artificial intelligence is rightly so on everyone’s lips and will, in my opinion, decisively influence our professional and private lives. Stephen HAWKINGS is credited with the statement: AI is perhaps the greatest invention of humanity, but the development of full artificial intelligence could also spell the end of the human race. So this topic should concern us all.

At the symposium we will deal with the opportunities and risks of AI for the legal professions, as well as compare the current situation and future strategies in Japan and Germany. The main legal professions in the area of law and justice are those of judges and prosecutors, lawyers, commercial lawyers and, last but not least, law academics and researchers. Outstanding representatives of these professions, including the Chair of the German Judges Union, Jens GNISA, and the lawyer MOTOE Taichiro, Member of the Japanese House of Councillors, who will give us their views at the symposium on the opportunities and risks of AI for their occupational fields. Keynote speaker will be State Secretary in the German Federal Ministry of Justice and Consumer Protection, Margaretha SUDHOF, and the welcoming address will be provided by Japan’s Deputy Minister of Justice TSUJI Hiroyuki.

*What are the foreseeable or current consequences of using AI for lawyers and what are they for judges? Could you give some specific examples?*

By using AI we can retrieve and process large volumes of data and make them available to judges and lawyers in

specific cases. This is one of the opportunities that AI offers. When I see that they are trying to use AI in the USA to pass sentences against offenders, and Estonia plans to have an “AI judge” – a robot who will make decisions in minor cases, we will need to carefully examine whether and to what extent this is compatible with our understanding of the administration of justice and the provisions of Constitutional Law.

Legal-Tech start-up software is already available on the market in Germany for flight delays, rental disputes, fine proceedings etc, cases that are dealt with standardized procedures, and are controlled exclusively by algorithms. This raises concerns that jobs will disappear without replacements and the remaining ones will depend solely on algorithm results. This is why we need a broad discussion with representatives from the legal profession to develop consensus. Professional law practitioners are called upon to critically monitor the development of AI and not just accept their findings, but to actively shape the transformation.

In April, the European Commission presented ethical guidelines for AI and recommended further cooperation ([https://ec.europa.eu/commission/news/artificial-intelligence-2019-apr-08\\_en](https://ec.europa.eu/commission/news/artificial-intelligence-2019-apr-08_en))

*The symposium is designed to show legal comparisons – what are the similarities and differences between the use of AI in the legal system in Germany and Japan?* Germany and Japan are connected in the areas of law and justice by shared values such as the independence of the judiciary and the rule of law, as well as common roots of law. In addition, both countries are open to digital developments and progress. Both countries



will have the task of utilizing AI for opportunities that are in the interests of their citizens and to minimize the risks, while also setting ethical standards. Our symposium shall seek to give food for thought and create the opportunity to learn from each other.

*Where will AI lead us in the area of law and justice?*

As a technical layman, this is difficult for me to predict. I think it’s certain that written phrases can be processed in simple and repetitive procedures using algorithms, so that human intervention will be increasingly eliminated. In addition, the development of electronic contracts, but also the monitoring of compliance with these contracts, will be considerably simplified. In addition, software is already available today that enables the search for judgments and legal articles in a language-based manner and thus makes additional work unnecessary even when solving difficult cases. It is conceivable and (see above) already tested that the preparation of civil law judgments will be simply stored facts. Therefore, we will probably experience a reduction of legal aid work in all legal fields of work. On the other hand, it is not conceivable to me that highly qualified consultations and decisions could be taken over by AI. However, ten years ago I would never have imagined that my smartphone could verbally answer my questions in seconds, something in the past I would have had to go research in a library...