DIREITO GV LAW REVIEW

Call for articles for the special dossier
"Law and Technology: Changes in the Legal World and
Dilemmas of Innovation"

Submission deadline: January 31, 2019

Guest Editors:
Alexandre Pacheco da Silva (Sao Paulo Law School of Fundação Getulio Vargas)
Emerson Ribeiro Fabiani (Sao Paulo Law School of Fundação Getulio Vargas)
Marina Feferbaum (Sao Paulo Law School of Fundação Getulio Vargas)

Editor-in-Chief of Direito GV Law Review:
Catarina Helena Cortada Barbieri (Sao Paulo Law School of Fundação Getulio Vargas)

Call for articles

The gradual incorporation of technological solutions in the provision of services is, to some extent, inevitable. In a context in which telephones, applications, computers and search engines are capable of processing algorithms of artificial intelligence (AI), and whereby the equipment's processing power grows exponentially while the price of integrated circuits decreases in equal measure (as predicted by Moore's Law in 1965), the social transformations are not previously seen in history.

An example of the social changes arising from technological advances is their effects on the labor market. The expansion in the use of technology of communication and information has affected several professions. McKinsey Global Institute projected that approximately 50% of all activities performed by humans can be automated due to the evolution of technologies already available in 2016.[1] The functions that can be replaced in this process are, according to the institute, those that involve processing and data collection, recognition of repetitive patterns, such as faces, colors, etc. and the reproduction of well-defined tasks, such as that of a taxi driver, travel agent, firefighter, and dentist, among others.[2] In recent years, transformations resulting from systems based on artificial intelligence, machine learning, expert systems, deep learning, etc. have intensified.

The traditional legal world has not remained oblivious to such changes. Countless are the expectations and fears coupled to textual and judicial decisions search platforms that make extensive use of technologies and are already widely used by Law professionals in the United States and other countries. In Brazil, the scenario is not much different. A study by Thomson Reuters pointed out that 40%

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[1] MANYIKA, James et al. **Jobs Lost, Jobs Gained:** Workforce Transitions in a Time of Automation. McKinsey Global Institute, Dec. 2017, p. 28. Available at: <https://www.mckinsey.com/~/media/mckinsey/global%20themes/future%20of%20organizations/what%20the%20future%20of%20work%20will%20mean%20for%20jobs%20skills%20and%20wages/mgi-jobs-lost-jobs-gained-report-december-6-2017.ashx>. Accessed on May 3, 2018.

[2] MANYIKA, James et al., op. cit., p. 30 and 77-80.

of Law firms contacted had an interest in the automation of activities.[3] In addition, legaltechs – startups focused on the legal market – promise to innovate through the development and marketing of tools that make use of information technology to automate certain practices, such as research of judicial decisions, construction of theses and arguments, and even the selection of procedural documents.

These solutions pledge to help professionals from the area in various situations. In the private sector, for example, they can reduce the costs to clients, giving a competitive differential to the market of forensic services. On the brink of this, however, they may replace the presence of a lawyer or an attorney. It is what happens with the self-lowering services, like websites of automatic generation of legal documents in which a layman, using the technology, obtains alternatives for the resolution of their problems.[4] In the public sector, in turn, there are cases of the adoption of artificial intelligence and automation to support the production of legal content and the control of administrative flows whose features include, for example, the similarity analysis and suggestion of legal pieces.

The greatest offer of products and services increasingly digitized and intelligent, the pressure to decrease prices for the services charged, the search to expand access to Justice, and the need for all players involved to monitor the pace of innovation can accelerate the adoption of these technological solutions. How these changes will affect the legal world, however, is not yet clear. On the one hand, it is difficult to define how many activities currently performed by Law professionals will be automated by the technologies available today. On the other hand, how the

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[3] BERTÃO, Naiara. Learn About 7 Startups that Promise to Change the Brazilian Legal Sector. **Revista EXAME**, Jan. 26, 2017. Available at: <https://exame.abril.com.br/pme/conheca-7-startups-que-prometem-mudar-o-juridico-brasileiro/>. Accessed on May 3, 2018.

[4] REMUS, Dana Remus; LEVY, Frank S. Robots Can Be Lawyers? Computers, Lawyers, and the Practice of Law. **SSRN**, Nov. 2016. Available at: <https://ssrn.com/abstract=2701092>. Accessed on May 3, 2018.

Law professionals will use the technologies that will emerge to assist them in their profession is not known. And the changes will not be restricted to the private sector.

In this scenario of uncertainties and significant transformations, it is both timely and necessary to carry out studies to map the outlines of the future of legal professions, with the aim of investigating strategies in the private and public sectors to better deal with the disruptive potential of the use of new technologies.

The change on the role of Law professionals also requires an urgent reflection about how students and future professionals in the area are prepared for these challenges. Thus, universities cannot be alien to this debate, under the risk of not satisfactorily reflecting on the subsidies needed to ensure that undergraduates are able to deal with complex issues and changes in the structure of the legal professions never before imagined.

Finally, the integration between Law and technology cannot waive the perspective of the individuals' fundamental rights. The integration of technology cannot neglect issues such as procedural guarantees, privacy, security and protection of the rights of personality, to name a few. And the law cannot be oblivious to the potentials and the risks that technological advances may bring in terms of rights.

This call seeks to address all of these aspects. Sao Paulo Law School of Fundação Getulio Vargas' mission is to advance the frontiers of legal knowledge and positively impact Brazilian Law and legal activities. Therefore, the institution is interested in critically and reasonably discussing the challenges faced by professionals in the area because of the changes mentioned, either due to the new problems they will have to deal with, or to the changes in the way they work.

In this way, Direito GV Law Review invites everyone, regardless of their main field of activity, to submit multidisciplinary articles on the following topics:

1. The impact of technology on the legal practice

It includes articles that analyze and problematize the use of systems equipped with technological innovations (artificial intelligence, machine learning, expert systems, and deep learning, among others) in legal practice, addressing their regulatory, social or economic impacts, through the discussion of issues related to the access to Justice, procedural guarantees, the construction and identification of theses, the automated solution of demands, the remuneration for services, and the division of labor in offices or public agencies, among others. Examples of correlated situations are the modeling, management and implementation of contracts by machines, the production of documents by artificial intelligence and the creation of bots used to give legal advice and to serve the public.[5]

2. Automation of public and/or private legal professions

It includes articles that analyze and problematize the use of systems and mechanisms for automation of production of pieces and other types of legal activities, geared to the public and/or private legal professions, addressing their regulatory, social or economic impacts, through the discussion of issues related to the intensification of mass litigation, homogenization of theses, and efficiency of the professional activity, among others. Examples of correlated situations are the use of word processing programs for the identification of errors, suggestion of theses, identification of arguments, use of platforms for monitoring work hours and for the development of software for the automated drafting of legal documents.

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[5] RAYO, Edgar Alan. AI in Law and Legal Practice – A Comprehensive View of 35 Current Applications. **Techemergence**, Nov. 29, 2017. Available at: <https://www.techemergence.com/ai-in-law-legal-practice-current-applications/>. Accessed on May 3, 2018.

3. Use of data science and business intelligence in legal activities

It includes articles that analyze and problematize the use of technologies of big data and data science in the decision-making processes of the legal activities, addressing their regulatory, social or economic impacts, through the discussion of issues related to the procedural strategy and strategic litigation, and to the prediction of judicial decisions, among others. Examples of correlated situations are the use of algorithms to predict the outcome of proceedings, as in the Supreme Court Forecasting Project, and the use of databases to identify documents with a high risk of litigation, or to estimate the time of judgment of certain lawsuits.

4. Use of blockchain in legal activities

It includes articles that analyze and problematize the use of blockchain in the legal practice, addressing their regulatory, social or economic impacts, through the discussion of issues related to the regulation of public records, the future of notary services, and to changes in procedural Law, among others. Examples of correlated situations are the smart contracts, the production of evidence in the proceedings, conducting financial transactions in cryptocurrencies and application of blockchain for document authentication.

5. Mediation, conciliation, and arbitration platforms, and other means of extrajudicial dispute resolution

It includes articles that analyze and problematize the use of technology for extrajudicial dispute resolution, addressing their legal, social or economic impacts, through the discussion of issues related to the possibilities of interaction between humans and machines, offering services of mediation, conciliation and arbitration through bots, and the implications of programming these bots for the resolution of conflicts, among others. Examples of correlated situations are the online platforms for conflict resolution, the use of robots to analyze evidence in

arbitration proceedings, and the development of robots that are arbitrators and mediators.[6]

6. Impacts of new technologies in Legal Education

Includes articles that analyze and problematize strategies for the qualification of Law students and/or professionals, addressing their educational, social or economic impacts, through the discussion of issues related to the identification of skills and competencies necessary to deal with the insertion of artificial intelligence and automation in legal activities, restriction or expansion of the employment market for people qualified in Law, and teaching methodologies appropriate to qualify professionals for a technological society, among others. Examples of correlated situations are the use of artificial intelligence and big data for the customization of education and monitoring of the students' performance; inclusion of subjects related to Law and technology in the curriculum; and appropriateness of the goals of the course to develop skills and competencies required for the changes in the legal professions resulting from new technologies.

From a methodological point of view, the evaluation will privilege articles that innovate in relation to the existing literature in this field, present empirical research with current data on the inclusion of technology in the legal world, describe and analyze cases of technological solutions that are impacting the performance of professionals in the area, and/or review literature with the method and aim to show the literary works on the theme under an innovative approach.

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[6] INTERNATIONAL CHAMBER OF COMMERCE. **Three Takeaways on How Digital Technologies Are Transforming Arbitration**. Paris, 2017. Available at: <https://iccwbo.org/media-wall/news-speeches/three-takeaways-digital-technologies-transforming-arbitration/>; HOGAN LOVELLS PUBLICATIONS. **The Future of Arbitration:** New Technologies Are Making a Big Impact — and AI Robots May Take on "Human" Roles. Hogan Lovells, 2018. Available at: <https://www.hoganlovells.com/en/publications/the-future-of-arbitration-ai-robots-may-take-on-human-roles>. Accessed on May 3, 2018.

At the end of this document, you will find a list of basic references on the topics above. Descriptive, opinionated and of literature review articles that do not comply with the conditions above are outside the editorial scope of this call.

Format for the special dossier

The submission of articles should follow the rules and instructions contained in the Editorial Policy of Direito GV Law Review (available at: https://direitosp.fgv.br/sites/direitosp.fgv.br/files/arquivos/revista-direito-gv_editorial-policy.pdf) and must be made through the ScholarOne Manuscripts (https://mc04.manuscriptcentral.com/rdgv-scielo).

Please include explicitly in the cover letter of the articles the intention to participate in this special dossier, with the identification "Submission of article for the special dossier 'Law and Technology: Changes in the Legal World and Dilemmas of Innovation'".

The manuscripts will be accepted in English, Spanish or Portuguese.

The evaluation of articles shall follow the procedure referred to as "double blind peer review", after the "desk review" of the Editor-in-Chief and invited Editors on formal issues and adherence of the text to the themes of the dossier.

The publication is expected in the 2nd half of 2019.

Direito GV Law Review's collection is available at the Scientific Electronic Library Online – SciELO (http://scielo.br/rdgv) and at FGV Digital Library (http://bibliotecadigital.fgv.br/ojs/index.php/revdireitogv/index). Please address questions to: revistadireitogv@fgv.br.

Submission deadline: January 31, 2019.

Learn more...

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