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Artificial Intelligence and Litigation – Future Possibilities – *Don Farrands*

We are now in yet another one of humanity’s revolutions: artificial intelligence (AI). Its impact is and will be transformative across virtually all endeavours: medicine, finance, transport, insurance, manufacturing and the like. But how will it likely affect the legal profession, in particular the conduct of and outcomes in litigation? This article seeks to provide insight into that issue. The article first looks at the fundamental distinction between human intelligence and AI, critical to any indepth analysis of AI’s likely impact on litigation work. The article concludes that by reason of the sheer complexity of superior court trial work, for the foreseeable future human intelligence will remain the dominant problem-solving device to achieve “just” outcomes in disputes. However, AI will have an increasingly important role to play in resolving the less complex court work, in Tribunal decision-making, and in resolving small claims and private treaty disputes. It will also have an increasingly significant role to play in performing legal research analytics, discovery analysis, providing predictive outcome analysis, and in reducing the cost of litigation, with software products and services around the world already well advanced. In the interests of just, efficient, timely and cost-effective dispute resolution, the legal profession should take all practicable steps to embrace the AI revolution. 7

The Impact of Self-represented Litigants on the Administration of Justice in the Federal Court of Australia – *Emma Garrett*

Self-represented litigants are a key feature of Australia’s legal system in the sense that any citizen has the right to appear in any court in Australia to present their case. However, recently their involvement has raised concerns regarding their impact on the administration of justice. While a number of reports and studies have revealed this as a concern, there remains a gap within the literature as to the specific causes and effects self-represented litigants have on the justice system. This article attempts to fill this gap by examining the perspectives of judges, registrars and legal practitioners on this topic. It concludes that the evidence shows self-represented litigants have a marginal impact on the administration of justice in the Federal Court of Australia with respect to delay, the requirement of additional resources and costs, and the challenges posed for judicial officers and legal practitioners in maintaining impartiality when there is a self-represented litigant involved in proceedings. 34

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