

# Welcome...

to the YLC section of Brief where we explore the minds, lives and careers of young lawyers in WA



Natasha Blycha,  
leader in tech law

Katherine Swann  
Young Lawyers Committee  
Member

## Working with Legal Tech

### Natasha Blycha Interviewed by Katherine Swann

**Natasha Blycha, leader in tech law, sits down to talk about AI, digital law and how to stay on top of it all, with questions from Katherine Swann, committee member of the Young Lawyer's Committee.**

**Hi Natasha, can you introduce yourself and your current work?**

I'm Natasha Blycha, I run my own emerging tech law firm that I founded in Australia, Stirling & Rose. We are also in the process of expanding to the UK and Singapore.

Before founding Stirling & Rose, I was running HSF's global digital law group across fifteen offices. Through this, I realised that I really loved emerging technologies, which includes everything from regulatory law around AI, crypto currencies, blockchain, and quantum computing. Over time, it became apparent that this work requires a significant amount of time for reading and thought-leadership, to make sure you can advise properly on this area "at the edge". By "the edge", I don't mean the legal, ethical edge, but I mean "the edge" in terms of emerging technologies, where there isn't necessarily settled law.

Working as an emerging technologies lawyer is probably one of the most creative legal areas to work in, particularly in terms of writing submissions including to regulators, government departments and law councils. You are able to help craft where the law should go, and are often advising either

founders, large institutional corporates or governments about innovative practices and creating new methodologies through the law. It's a great place to be. I suppose that's why I got together with other like-minded experts in emerging tech and started a law firm to do that.

**Have you used artificial intelligence and other digital technologies in your current practice?**

One hundred percent, yes. We've been using pre-iterations of ChatGPT for years, and AI models every day.

To take one example, I have used large language models in the same way you might do a Google search (and in the not too distant future will do a google search). As it stands, I would never rely on ChatGPT to give legal advice, but I do use it in conjunction with other tools, for example with my own LexisNexis searches. Of course, you are never going to put client information in these models. But in our area of law – where there often is no law – you have to have the broadest search capacities possible, and that often involves putting disparate ideas and AI practices together.

We have also used AI to generate our designs, marketing and our communications materials – for example, AI-created images on our website. We are very conscious of the balance required between the right use of technologies, and providing disclaimers allowing people to tell us immediately if they suspect an IP infringement, so we can rectify it.

At these early stages, it is difficult to know if there has been an IP breach that is sufficient to stop us from using the technology. To resolve this in a technical way, we have used our expertise in smart legal contracts and are designing a new tool that can reward artists where their work is recognised (by AI) in an AI-generated image. For instance, an artist could register their art, and if say 5% of that art was recognised in an AI-generated image, the smart legal contract tool can make an automatic micro-payment back to the original generator. We see this as introducing a market-mechanism to ensure we can use these AI tools without disadvantaging anyone.

**Have you been involved in submissions on this type of fair-use practice?**

We definitely are involved in this space. One of the topics we focused on recently was on Decentralised Autonomous Organisations, in a submission to the Law Commission of England and Wales. These are organisations run by algorithms or machines, rather than by people. At this moment in time, they certainly exist, but they are a bit of a fiction insofar as there are often people involved in them.

In our submissions, we advocate for legal recognition of "autonomous organisations", which is to create a new category of legal personhood that recognises the changes that we're seeing with AI.

We are currently seeing a change similar to that of our legal duties around 15 years ago, when you used to see a room full of people doing discovery. Since this time, our courts

have confirmed it is not appropriate to use people in discovery when you can achieve a better and more efficient result using technology-assisted review. What we are now seeing are changes, and a regulatory gap, in respect of algorithms having responsibility. We haven't yet found a way to make a machine responsible, and we call that the "responsible machine problem".

**Is there something that you'd like people to take away from this issue?**

Overall in my career, I've never regretted where I've prioritised my family. There have

been times in my career where I have taken my children on planes with me to work events, and I haven't regretted that for a second. It's only been a boon to all of us. I just have a desire to tell younger people that you don't actually have to do everything all at the same time, including with respect to balancing work and family.

**What can legal professionals do to stay abreast of legal technological developments?**

There's this saying about "doing what's important", and I think that applies here.

The people who play with the tools are the people who will understand how to best give advice in these emerging areas. For example, there are lots of people who talk about cryptocurrencies who have never been on a crypto exchange. Whether it be in mining, banking – or any other industry that is digitising, I think it's important as a lawyer to have a basic understanding of what technologies are being used in the industries we advise

## Upcoming YLC Events

**FEB**  
**23**  
**2023**

**YLC**  
**Sundowner**  
Join us at Market Grounds to catch up with colleagues and make new connections.

**MARCH**  
**17**  
**2023**

**YLC Mixed Beach Volleyball Competition**

**APRIL**  
**21**  
**2023**

**Welcome to the Profession Breakfast**  
We will once again welcome the newest lawyers to the profession. Don't miss out on celebrating this milestone with your friends and colleagues.





## Will AI replace junior lawyers?

**The use of artificial intelligence (AI) technology is rapidly changing the way many businesses operate. This has sparked debate about the impact that AI will have on the legal profession, and in particular, whether it will eliminate the role of lawyers altogether.**

One example of AI in action is ChatGPT, a language model with the ability to answer questions with human-like written answers. When asked "will you replace lawyers?" ChatGPT replied:

"As an AI language model, I'm designed to provide information and answer questions to the best of my abilities based on the input provided. However, I don't have the ability to practice law, represent clients in court, or provide legal advice.

Lawyers are highly trained professionals who have undergone years of education and experience to become experts in their field. They also have the ability to understand complex legal concepts and apply them to specific cases, which is something that AI language models are not yet capable of doing at the same level of expertise.

That being said, AI technology is already being used in the legal industry to assist lawyers in various tasks such as document review, legal research and data analysis. However, it is unlikely that AI technology will completely

replace lawyers in the foreseeable future, as the legal profession involves complex human interactions and decision-making processes that require human expertise and judgment."

As identified above, there are certain time-consuming and repetitive tasks (often imposed on junior lawyers) that can be completed more efficiently and effectively by machine learning programs. Examples include the use of technology assisted review programs in the discovery process and ChatGPT's ability to draft a basic contractual clause in a matter of seconds. However, these processes still require an element of human involvement – for example, before the discovery process can commence, a human lawyer is required to identify the documents to be reviewed and teach the software by coding documents in a seed set. AI is also limited by its lack of human judgment and empathy, ability to ask questions and provide advice beyond the specific question asked. For those reasons, AI technology is more likely to complement a junior lawyer's role, rather than replace it in its entirety.

On one view, the use of AI technology is beneficial for junior lawyers as it will increase the time available to engage in more substantial work at earlier stages of their careers. However, this should be balanced with the training received from doing (and receiving feedback on) those repetitive and time-consuming tasks that turn junior

lawyers into legal thinkers over time. It is also important for junior lawyers to consider the impact of using AI technology on their professional and ethical duties which require lawyers to (among other things) deliver legal services competently, act in their client's best interests, maintain confidential information and exercise independent professional judgment. These duties can be compromised – for example, over-reliance on AI technology such as ChatGPT may be considered a failure to apply independent judgment. In that context, while the use of AI may be used as a substitute for legal tasks, it does not replace human judgment and a lawyer's overarching duties to their clients and the court.

### End Notes

- 1 See for example, Artificial Intelligence and the Future of Legal Practice by Gary E Marchant 2017 SciTech Lawyer, page 20.
- 2 Artificial Intelligence and the Legal Profession: Becoming The AI-Enhanced Lawyer by Michael Legg and Felicity Bell (2019) 38(2) University of Tasmania Law Review, 34-59 [2020] UNSWLRS 63, page 56.
- 3 Artificial Intelligence: Application Today and Implications Tomorrow by Sean Semmler and Zeeve Rose (2017) 16 Duke Law & Technology Review, page 90.
- 4 Rule 4 of the Legal Profession Uniform Law Australian Solicitors' Conduct Rules 2015 (Solicitors' Conduct Rules).
- 5 Rule 4 of the Solicitors' Conduct Rules.
- 6 Rule 9 of the Solicitors' Conduct Rules.
- 7 Rule 4.1.4 of the Solicitors' Conduct Rules.

*Dear Aunt Prudence, my news feed has been flooded with articles about ChatGPT, the AI bot disrupting industries from programming to law. With all the buzz, my graduate cohort is asking: will AI replace us?*

- iRobot

Dear iRobot

I know it may feel like the beginning of the end, but fear not – ChatGPT is not coming for your job (for now)!

ChatGPT is an AI-powered chatbot that responds to open-ended text queries with paragraphs of text-written answers. It was trained through reinforcement learning from human feedback. During this process, human AI trainers would converse as a user and an AI assistant, then rank chatbot responses to teach the chatbot how to respond appropriately.



## Write to Aunt Prudence

Do you have a question for your Aunt Prudence? Send all inquiries to [younglawyers@lawsocietywa.asn.au](mailto:younglawyers@lawsocietywa.asn.au) and look out for your Aunt's response in the next edition of Brief.



## Member Privileges

In each issue of Brief we highlight a small selection of the exclusive special offers and discounts our members receive on a variety of goods and services. For the full listing of member privileges head to our website : [lawsocietywa.asn.au](http://lawsocietywa.asn.au).



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- Up to 52 weeks complimentary health cover if on sick leave without pay\*
- 26 weeks complimentary health cover for spouse and dependants in the event of your death (this does not apply to Overseas Visitors Health Cover)

- We'll even help you switch from your current fund and recognise your length of membership so you won't need to re-start any waiting periods previously served. (see policy terms and conditions)

\*Easycover Life Insurance.

Visit the [members' only privileges page](#) (password protected) to learn more about this special offer and to access the discount information.

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Perth City CBD is your place to just be

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Phone 08 9325 6999  
or visit [www.myallwellbeing.com](http://www.myallwellbeing.com)

## New Members

New members joining the Law Society (January 2023 & February 2023)

Associate Membership
Ms Carissa Efford-Ragan The University of Western Australia
Ms Kate Cresswell Murdoch University
Miss Misty Daszkiewicz The University of Western Australia
Ms Susan Abbott University of Canberra
Mr Wei Hu Edith Cowan University
Miss Gemma Criddle Murdoch University
Mrs Cassandra Murray Murdoch University
Mr Kyle Santella The University of Western Australia
Miss Remy Forster Griffith University

Ordinary Membership
Ms Leanne Nolan Ashburton Services Pty Ltd
Mr Christopher Davies Shelford Constructions
Mr John Kim Ashburton Services Pty Ltd
Miss Posy McGrane Ashburton Services Pty Ltd
Part Time Membership
Mr Adam Hornsey Springdale Legal
Restricted Practitioner
Mr Timmy Yip Ernst & Young
Ms Sharni Simmonds A & E Legal Pty Ltd (Trading as A & E Legal)

Mr Ayden Glover Momentum Legal Pty Ltd
Mr Barry Green Adbri
Ms Vidette Teng Tindall Gask Bentley Lawyers
Mr Jai Noble Doyle's Construction Lawyers
Ms Claudia Merenda Douglas Cheveralls Lawyers
Ms Lucy Tait Monaco Solicitors
Mr Shannon Cloy West End Legal
Mr Tyson Cleghorn PricewaterhouseCoopers

