



Legal Realism, Artificial Intelligence, and the Status of a Legal Reasoner

Mariam Adamu Esq.
Independent Researcher
Mobile: +2347089391983
Email: mariam.n.adamu@gmail.com
ORCID ID: 0009-0003-0873-2871

Shajobi Oseghale D. Oluwadamilola, Ph.D
Department of Law
Nigerian University Pension Management Company Limited
Mobile: +2348106074124
Email: derebipi@gmail.com
ORCID ID: 0009-0004-2153-1481

and

Ifeoma Stella Ilodibia Esq.
Department: of Political Science,
Linköping University, Sweden, (Graduate Candidate)
Mobile: +46 709116080
Email: ilodibiaifeoma@gmail.com
ORCID ID: 0009-0001-2101-8053

Abstract

As AI tools participate in legal research, decision-support, and judgment prediction, questions arise about their capacity to function as genuine legal reasoners. The study inquired if machines can ever truly "reason" like a lawyer or judge by revisiting legal realism, the idea that legal outcomes are shaped more by human judgment and experience than rigid rules. The study examined the implications of artificial intelligence (AI) in legal reasoning. From a jurisprudential theory, the study argued that AI lacks the socio-psychological intuition central to Legal Realist thought, which emphasizes discretion, context, and the unpredictability of human behaviour. However, it also explored how AI might reshape what we consider "legal reasoning" in the future. The study concluded that while AI can assist in legal processes, its current framework falls short of meeting the philosophical depth expected of legal reasoning within a Realist tradition.

Keywords: Legal Realism, Artificial Intelligence, Legal Reasoning, Jurisprudence, Judicial Decision-Making, Philosophy of Law

1. Introduction

Legal reasoning has classically been viewed as the hallmark of human juridical activity rooted in centuries of jurisprudential thought and judicial discretion (Dworkin, 1978). As a critical component of the legal system, legal reasoning enables adjudicators, policy advocates, and policymakers to generate informed and justifiable decisions. This has unsurprisingly compelled thoughtful debates among legal philosophy proponents, translating into different views on its application. Legal formalism, one prominent view canvassed the idea that judges merely apply existing legal rules to cases mechanically. This position was opposed by 20th-century American Legal Realists like Jerome Frank and Karl Llewellyn, who argued that judges are influenced by psychological (Frank, 1949) and socio-political factors (Llewellyn, 1960).

This opened deeper inquiries into how legal decisions are made and whether reasoning is as impartial as formalists claim. In today's digital legal environment, Realist arguments offer an analytical perspective to evaluate AI's strengths and limitations as a "legal reasoner" (Saunders, 2019). The advent of AI raises pertinent questions about automating legal tasks, especially in judicial decision-making. Some legal systems use predictive analytics, natural language processing, and machine learning to assess risks, determine bail, or predict recidivism (Angwin et al., 2016). However, unlike human judges, AI lacks moral intuition and socio-cultural context influencing legal reasoning (Bench-Capon & Sartor, 2003), raising the fundamental question whether machines can comprehend law's normative subtleties and weigh equity like human judges. From a Realist perspective, the answer is negative, as judicial decisions are not purely logical but products of lived experience and discretion (Dworkin, 1978), qualities absent in current AI.

Philosophically, law encompasses more than logic as it operates through human endeavours rooted in social reality (Fuller, 1964). In Nigeria, where judges contend with customary, statutory, and Sharia law, human discretion is indispensable in culturally sensitive cases such as, child custody, land inheritance and marriage, thus, an AI tool trained solely on statutes may fail to account for moral and cultural considerations, essential to justice in pluralistic systems (Aduba, 2010). While AI can mimic patterns, it lacks the capacity for empathy or regulative reasoning, underscoring the enduring need for human contextual understanding (Bench-Capon & Sartor, 2003).

Therefore, AI's potential as a "legal reasoner" must be interrogated. While AI may speed up processes and ensure consistency, it cannot represent legal reasoning's philosophical, critical, and moral dimensions (Leiter, 2010). Legal Realism remains a vital tool to evaluate technocratic turns in law with an urgent need existing to preserve the judiciary's human-social responsiveness by designing AI to complement, not replace adjudicators' reasoning (Dworkin, 1978).

2. Statement of the Problem

Incorporating AI in adjudicatory processes poses value-based dilemmas to traditional legal reasoning. While AI aids risk assessment, sentencing recommendations, and prediction, its

inability to function without human intervention remains debated. Legal Realists contest AI's capacity to capture extra-legal influences in decision-making, while formalists argue that rules can be mechanically applied. This creates a disconnection between jurisprudential foundations and AI's practical application, as AI lacks human attributes needed in disputes. Realists perceive this as a philosophical/institutional issue; AI cannot perform reasoning rooted in human values, justice, and discretion. In pluralistic systems, blending customary, statutory, and religious laws, AI's absence of intuitiveness may threaten justice, access to equality, and erode public trust in the judiciary. Caution is needed, especially in postcolonial jurisdictions where legitimacy hinges on adjudicators' moral judgment.

Furthermore, no critical framework evaluates AI's status as a legal reasoner, creating theoretical voids in scholarship and policy. While studies on legal automation are abundant, jurisprudential theories that capture human judgment's inalienable role are neglected. This omission challenges responsible AI integration into judicial institutions, necessitating interrogation of how foundational theories inform AI's legitimacy in judicial processes.

3. Objectives of the Study

This study seeks to:

- i. Critically examine Legal Realism's core claims about legal reasoning and judicial behaviour juxtaposed with Legal Formalism.
- ii. Evaluate AI's philosophical and ethical limitations in legal reasoning.
- iii. Analyse alignment between contemporary legal AI tools and key jurisprudential values.
- iv. Propose a normative framework (rooted in Legal Realism) for assessing AI's legitimacy and ethical deployment, emphasizing human judgment, narrative interpretation, and jurisprudential reflexivity.

4. Literature Review

The notion that machines are taking over individual job roles is one that is gaining widespread popularity. It is argued that algorithms can predict court decisions and that, where that happens, there will no longer be a need for human judges and magistrates in our courts today (Goodman, B., & Flaxman, S. 2017). Recently, artificial intelligence (AI) has become part of the legal system worldwide by reshaping how legal practitioners work through the help of AI in reviewing contracts, conducting legal research, and sorting case files. In describing AI, McCarthy opined that where a machine is permitted to behave in a way that could be termed intelligent if a human equally behaved in such a way, it should be referred to as artificial intelligence (McCarthy et al., 1955). Scholars have identified certain issues with the use of AI tools like Large Language Models (LLMs), such as the tendency to hallucinate or fabricate data, including court cases.

The school of thought known as legal realism is a movement that emerged in the 20th century in response to the formalists' notion that law is a closed, rational process of a body of rules applied by the judge or lawyer automatically. Legal realists questioned the view that a court's judgment could be arrived at from the unbiased application of the principles of law to the facts of a case. These scholars canvass the position that law is not a fixed set of rules but a progressive and liberal system shaped by economic, social, and psychological factors that

influence judicial decision-making and its effect on society (Angelosanto, 2023). The realists' viewpoint is that judges, being human, are naturally guided by their own experiences, values, and the broader social environment, and that these influences result in decisions that cannot be wholly predicted or explained by formal legal doctrines alone.

For the realists, the judge "decides by feeling and not by judgment; by 'hunching' and not by ratiocination" and later uses deliberative faculties "not only to justify that intuition to himself, but to make it pass muster" (Guthrie et al., 2007). They propose that a judge's judicial discretion influences or plays a vital role in the judicial decision, which can result from the judge's belief, personal experience, or the facts of the case, as every case is determined on its facts. The term "judicial discretion" was defined as: "The exercise of judgment by a judge or court based on what is fair under the circumstances and guided by the rules and principles of law, a court's power to act or not to act when a litigant is not entitled to demand the act as a matter of right" (Garner, 2004).

A judge exercising judicial discretion acts by the rules of reason, fairness, and justice, and not according to whimsical opinion or humor (Olumegbor v. Kareem, 2002). Thus, legal reasoning is greatly human, formed by emotions and societal pressure, which cannot be turned into codes. Critics have noted that while AI is efficient in analysing data, patterns, or statistics, it cannot stimulate feelings, make decisive decisions, and the awareness required for real reasoning. AI tools do not comprehend the motives behind human behaviour (Ashley, 2017).

In jurisdictions with hybrid legal systems comprising common law, customary law, and religious law, the question of whether AI can serve as a legal reasoner is significant due to these factors. The legal realism viewpoint that a judge's decision is inferred from or shaped by his personal experiences, emotions, and the circumstances of the facts of every case, is what is currently obtainable in such legal systems.

Globally, the work of a judge or lawyer can be categorized into legal searches, legal arguments or judicial decisions, as well as legal writing. Legal search involves diligent research on the law, facts, or precedents that support a lawyer's case at hand. However, the product of a legal search can only be effective where such findings are analysed; that is to say, a legal search cannot be complete if it is not analysed, harmonized, incorporated, or applied to the facts in issue (Valentine, 2010).

In legal research, the use of AI could be a necessary, important, and effective tool when different techniques are applied.

Studies have shown that trained Large Language Models (LLMs) were used to create an AI patent dataset by the United States Patent and Trademark Office (Giczy et al., 2022). This same method can also be used for grouping judgments, statutes, precedents, or case laws in the legal field.

However, there may be some limitations to the use of LLMs in legal search when using AI generative tools. One such issue is the possibility of breaching confidential information. Lawyers must keep clients' information or data confidential, and uploading or prompting the same in the LLMs could result in a potential breach.

Another limitation of AI is that, since it is not human, it can only function when prompted. It can only retrieve cases, statutes, and legal materials when it is fed with input by the user.

When that is the case, it would be difficult to insert distinctive situations or conditions linked to each client (Tumonis et al., 2013).

Lawyers and judges are critical thinkers and, in arriving at a just conclusion of a case, they use a combination of legal rules, precedents, and principles by applying a legal reasoning technique to the facts to conclude. However, they encounter difficulties when using the legal reasoning technique in deciding whether two cases are the same by adhering to previous decisions and maintaining consistency in the application of law. This is known as *stare decisis*, a settled principle of judicial policy that must be strictly adhered to in legal jurisprudence theory (Dalhatu v. Turaki, 2003).

Judges, in arriving at a legal decision in respect of cases before them, can also draw an analogy from earlier unrelated legal decisions. By looking at the similarities and differences of the facts of the cases, while still focusing on the similarities, they can use the same to form an opinion and deliver judgment on the instant case before them (Levi, 2013)..

The question of whether generative AI systems can deploy analogical reasoning has been a subject of debate among scholars and researchers. Cass Sunstein in 2001 was of the view that AI is incompetent and unable to engage in the critical task of determining the normal principle that connects or separates cases (Sunstein, 2001). He concluded by saying that AI cannot reason by analogy like humans. Others have opined that AI could reason like humans, and others emphatically disagree (Webb, 2023). Scholars presume that while humans will likely surpass machines in some tasks, machines will also outshine humans at others. A combination of both humans and machines is expected to bring forth great achievement (Peshkin et al., 2001), reflecting my belief that an effective fusion of technological efficiency and human judgment can be a formidable tool for a progressive legal environment.

The available literature reveals a significant gap between the jurisprudential view of the legal reasoner within a realistic tradition and the competence of present-day AI. Legal realism points out that reasoning does not require only law but instincts, compassion, and social interaction, which AI lacks. Although AI tools are efficient in legal search and legal processes, they lack the sociocultural capability to reason like humans in the legal sector. They cannot substitute for human legal reasoners. They can only reshape the framework of legal practice.

5. Theoretical Framework

The intersection of legal realism and artificial intelligence offers a good ground for reimagining the epistemological and philosophical foundations of legal reasoning in light of emergent artificial intelligence (AI) technologies. The central axis of inquiry rests on the jurisprudential doctrine of Legal Realism and the conceptual boundaries that separate human legal reasoning from algorithmic or machine-generated outputs. Legal Realism, emerging prominently in the early 20th century, represents a pivotal shift from the formalist vision of law.

It challenges the assumption that judicial decisions are the mechanical consequence of applying established rules to facts. Instead, Realist thinkers such as Karl Llewellyn and Jerome Frank argue that adjudication is inherently subjective, shaped by the judge's psychological dispositions, social context, and institutional pressures (Angelosanto, 2023). Llewellyn, in particular, emphasised the "law in action" rather than "law in books", positing that legal rules

provide only a vague and flexible framework, while real-world decision-making hinges on context and discretion.

This interpretive tradition maintains that legal reasoning is not a linear process reducible to propositional logic. Rather, it involves analogical thinking, normative reflection, and a responsiveness to socio-political currents, qualities that machines cannot authentically replicate (Sunstein, 2001). Crucially, Legal Realism posits a kind of "judicial humanism", recognising the unpredictability and pluralism that animate law in practice. That view stands in stark contrast with contemporary AI systems, which are predicated on data-driven predictability and statistical patterning.

AI tools, particularly large language models (LLMs), expert systems, and other algorithmic applications in legal technology, have advanced considerably in their ability to parse legal texts, generate summaries, and even forecast judicial outcomes (Tu et al., 2023). At the surface level, such systems may appear to "reason" like lawyers, performing tasks once considered uniquely human. However, scholars like Sunstein and Susskind caution against mistaking mimicry for cognition. While these models can simulate legal reasoning through sophisticated linguistic emulation, they operate absent any true understanding, moral awareness, or experiential intuition, the very elements central to the Realist tradition (Sunstein, 2001; Susskind, 1986).

Sunstein observes that AI lacks capacity for analogical reasoning, a core method by which legal precedents are applied contextually. Similarly, Susskind critiques the jurisprudential limits of expert systems, arguing that while machines can process rules, they remain incapable of the interpretive flexibility inherent in human judgement. Rissland supplements this critique by exploring the foundational steps needed to construct computational models of legal reasoning, recognising both their promise and limitations (Rissland, 1989).

Recent scholars explore the cognitive psychology underlying LLMs' attempts at moral and legal judgement. Almeida et al. argue that while such models can produce outputs that appear legally sound, their reasoning lacks grounded intentionality. Legal reasoning, in the realist sense, is not merely output generation; it is an exercise in situated judgement that engages with human experiences, values, and institutional imperatives (Almeida et al., 2024).

6. Methodology

This study employs a conceptual-analytical methodology rooted in jurisprudential theory, doctrinal legal analysis, and interpretive evaluation of emergent legal technologies. Given the philosophical nature of the research question, whether Artificial Intelligence can qualify as a legal reasoner within the epistemic and institutional bounds of Legal Realism, a qualitative, theory-driven method best facilitates a nuanced inquiry.

6.1 Conceptual Analysis

At the heart of this inquiry lies the definitional and philosophical unpacking of what constitutes "legal reasoning". The study draws upon key jurisprudential texts that define reasoning as a process that involves discretion, analogical thinking, moral calibration, and contextual awareness, all central tenets of legal realism (Susskind, 1986; Angelosanto, 2023). Through systematic conceptual analysis, the study interrogates the foundations of reasoning in

law and examines whether such reasoning can be replicated, mimicked, or substituted by AI models.

6.2 Doctrinal Legal Research

Traditional doctrinal methods are applied to examine the status of legal reasoning as understood in case law and legal theory. Canonical decisions and judicial interpretations are assessed to identify the qualitative features of judicial reasoning that legal realism elevates, namely, indeterminacy, socio-legal context, and the discretionary latitude of judges (Sunstein, 2001). Legal Realism's rejection of mechanical jurisprudence is juxtaposed with AI's data-centric pattern recognition capabilities to expose philosophical tensions.

6.3 Jurisprudential Comparative Evaluation

A comparative lens is employed to analyse the evolution of legal reasoning models. Historical perspectives on rule-based expert systems (Susskind, 1986; Rissland, 1989) are set against contemporary AI paradigms, including large language models (Almeida et al., 2024; Tu et al., 2023). The study examines how AI tools perform tasks typically associated with legal reasonings such as case prediction, legal writing, and issue spotting and evaluates these functionalities against the criteria articulated by legal realists.

7. Findings and Discussion

Artificial Intelligence (AI) has become an indispensable and revolutionary tool in the legal world. It assists lawyers and judges in accessing real-time information and enhances the consistency of judicial decision as an essential feature of legal precedent. This study identifies the following key findings:

7.1 Legal Realism and Socio-Legal Contexts

The concept of legal realism, the application of legal principles in real-life contexts while considering socio-economic and political factors, plays a significant role in modern legal practice and adjudication. In *Re A.G. Nigeria & Ors* (2007), the Supreme Court acknowledged the influence of socio-political realities in constitutional matters and emphasized that judicial decisions should reflect the broader societal context. Similarly, *Oyo State Government v. Olubunmo* (2010), the Oyo State High Court highlighted the relevance of social context and human rights when adjudicating a dispute over land rights and customary practices, placing practical realities over strict formal legalism.

In the domain of human rights and constitutional law, courts are increasingly adopting a transformative approach, which balances the demands of justice with evolving societal norms. Judges and legal advocates are often required to consider the social context surrounding legal disputes, especially in cases involving gender or minority rights. In *Ajayi v. Federal Republic of Nigeria** (2020), the ECOWAS Court prioritized socio-economic realities in determining the existence of human rights violations, underscoring the need to transcend formal legal doctrines in favour of socially responsive justice.

The law does not operate in a vacuum, but is applied, interpreted, and enforced by human actors whose judgments are influenced by the society they live in. Consequently, legal

outcomes reflect prevailing societal values, cultural norms, and lived experiences, reinforcing the idea that law is both a product and a driver of social change.

7.2 Broader Implications for Justice and Technology

The contrast between AI and human judicial decision-making illuminates a profound tension at the heart of the legal system. When a human judge considers a defendant's personal story before rendering judgment, are they introducing bias, or are they fulfilling the deeper moral purpose of justice? Consider a hypothetical scenario in which legal precedent demands a severe penalty, yet the defendant's unique circumstances may justify leniency. An AI judge would likely apply the precedent rigidly, focusing on consistency and formal correctness. A human judge, by contrast, might pause to weigh the law against empathy, context, and moral reasoning. Is one approach inherently superior? This answer would depend on our conception of justice. If we define justice as the predictable and consistent application of rules, the AI model has clear advantages. However, if we view justice to achieve equitable and morally sound outcomes, then the human ability to assess emotional, social, and ethical dimensions is not a flaw, but a strength (Binns, 2018).

This reflects a deeper philosophical debate between legal formalism and judicial discretion. Legal formalism emphasizes that decisions should derive strictly from the application of codified rules and precedents, principles that AI can theoretically implement with high fidelity (Surden, 2019). In contrast, human judges frequently account for contextual and moral considerations, evaluating the social impact of their rulings. While this may lead to inconsistencies, it is often essential for the kind of justice that aligns with evolving societal values (Susskind, 2019).

Thus, this study raises an important question thus: Is the ultimate goal of justice to ensure uniform application of the law or to achieve fairness in individual cases? This question strikes at the core of whether AI can ever comprehend and incorporate the emotional and social fabric of human justice systems. The answer will influence not only how legal technologies are developed but also how they are integrated, regulated, and trusted in real-world legal contexts (Wischmeyer, 2020).

8. Conclusion

Artificial Intelligence holds transformative potential for legal research, with increased efficiency, reduced costs, and faster access to legal information. AI-powered platforms such as the now-defunct ROSS Intelligence, as well as LawGeex and Beagle, have illustrated how AI can support lawyers in tasks like document analysis, case summarization, and contract review (McGinnis & Pearce, 2014). However, integrating AI into legal research and practice introduces significant risks. Adaptive AI tools can obscure responsibility when mistakes occur, especially in misinterpreting legal clauses or generating flawed summaries. These stresses the need for caution, especially given the high stakes in legal interpretation (Casey & Niblett, 2020).

AI can enhance legal service delivery by reducing human error, standardizing outputs, and lowering operational costs. For repetitive and structured tasks, such as e-discovery, legal research, and drafting of basic contracts. AI can substantially boost productivity. (Deloitte, 2016). Nevertheless, it remains ill-suited for complex legal functions like litigation strategy,

courtroom argumentation, or ethical risk assessments. These tasks require moral discernment, contextual sensitivity, and legal creativity, capacities that AI has yet to meaningfully replicate. (Cath, 2018)

Furthermore, AI's scale and speed can magnify errors, making human oversight essential. While full replacement of human lawyers is improbable in the near future, AI will likely complement human work by automating routine tasks and providing analytical support. As legal AI continues to evolve, its capabilities may improve, potentially blending predictive accuracy with adaptive reasoning. Until then, a balanced, ethically informed approach to AI adoption is necessary, ensuring that its deployment aligns with principles of justice, accountability, and human oversight. (Barfield & Pagallo, 2018).

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