

# Expertise & Artificial Intelligence

## Elements of reflection for a much-needed strategy

May 2020

---

*Article written following Jean-Pierre Tarroux's intervention during the conference organized by the Court of Cassation appointed Experts Association (CEACC) on the 26th of November of 2018 which focuses on Expertise & Artificial Intelligence.*

*Jean-Pierre Tarroux was invited by the CEACC to debate of the following theme "Legal Expertise and Artificial Intelligence" following an article co-written with Emmanuel Pierrat on the following theme "The Expertise world faced with the digital and artificial intelligence challenges" published in the Revue Expert n°137 in April 2018 and given his experience in communication, media and digital.*

*Jean-Pierre Tarroux has worked as a consulting director in various communication agencies as well as managing director of advertising agencies. Today, he works as a senior consultant on brand and management strategies alongside his activities of court-appointed expert.*

### Why is there a need for a strategy ?

---

Strategy is the art of conducting an action, responding to a military or civil, technical or commercial problem. It involves understanding a situation and acting. This is what is important today in the face of artificial intelligence.

If we ask ourselves about the new paradigm that is artificial intelligence, we can see the fascination, anxiety, confusion and even paralysis that it can cause in people's minds. We choose the path of action as a frame of mind.

As Günther Anders, author *The Obsolescence of Humankind* published in 1956 which focuses on man's relationship to technology, wrote: "In the face of technological innovation, we should think and define our future, rather than wonder about its consequences later.

To develop the path of action, we have chosen to deal with the subject through a strategic and pragmatic approach with three main convictions.

#### **1st conviction. Start thinking about Artificial Intelligence in its applications.**

*Technology must not take precedence over uses and applications.*

---

Let us quote Günther Anders again when he said that “inventions are never just technical inventions”. Indeed, technological and organisational inventions have social, economic, political, environmental and human implications.

When faced with a technical innovation, it is natural to only consider technology at first. However, it quickly becomes secondary. It is the applications that become essential.

In other words, with artificial intelligence, it is certainly useful to understand the importance of data, algorithms, computing power and self-learning, but it is even more important to think about it in its applications - whether it is in industry, services or everyday life.

We are not forming a postulate, but we are making the following demonstration: it is necessary to think about artificial intelligence above all in its professional or domestic uses and applications.

### **What about the legal expertise world ?**

Let us clarify by pointing out the archaic nature of the nomenclature when it comes to the Internet and, more precisely, what we now call digital. Indeed, the current nomenclature still classifies the Internet, which appeared in the mid-1990s in France, as a technique of Industry (E), Electronics and Computing (E.1) and Internet and Multimedia (E.1.2.). It does not take into account the technical evolution of Internet 2.0 and its various uses which have taken precedence over technology. It is the digital era that is now the name of the universe (and no longer the Internet), yet the word “digital” does not even exist in the nomenclature!

It is therefore important not to reproduce for artificial intelligence this double error of initial classification and lasting inertia.

In contrast, it is instructive to investigate the place of printing in the nomenclature. Printing was, in its time, the second revolution in the transmission of knowledge after that of writing and preceding the arrival of the third revolution- digital. Printing is classified under Arts-Culture-Communication-Media-Sport (B) and sub-category B.4. Cultural and communication productions. The next sub-category is B.5: Artistic property. It is reassuring to see that printing is considered as a cultural production (and not an industrial production) and that a matter of "Copyright Management" will not be managed by a printer.

Therefore, can we qualify "Internet, multimedia" as an industrial activity? Is an issue related to Social Networks, e-commerce or databases the responsibility of the computer engineer? Or, more logically, the responsibility of a communication, media and commerce expert ? Doesn't artificial intelligence risk the same erroneous fate?

These questions reaffirm the importance of having a nomenclature that considers applications and practices. By classifying artificial and digital intelligence for their uses and not for their techniques, experts can be identified in their respective professions and their skills in the artificial intelligence field.

## 2nd conviction. Reposition Artificial Intelligence within the framework of the fundamental of expertise.

*Five fundamentals that guarantee the accomplishment of the expert's mission*

---

Expertise has a technical, methodological and deontological framework that we can summarize in 5 fundamentals:

- The service of justice
- The definition of the mission
- The choice of the court-appointed expert
- The respect of the contradictory
- The search for truth

We will not talk about the interaction of artificial intelligence with each of these 5 fundamentals. We will only take two fundamentals as examples – that is to say, the service of justice and the search for truth.

Let us begin with a question: can artificial intelligence take an oath to French justice? Especially when it is an American of supranational artificial intelligence ?

Today, the three parties involved in the service of justice all take an oath: the court-appointed expert "swears to contribute to justice, to accomplish his mission, to make his report and to give his opinion in his honour and conscience"; the lawyer "swears, as a lawyer, to exercise his functions with dignity, conscience, independence, probity and humanity"; and the magistrate "swears to perform his functions well and faithfully, to keep the secrecy of deliberations and to always be a honourable and loyal magistrate".

What guarantees can artificial intelligence bring us in the search for truth in the service of justice?

Will we have to say tomorrow that there will be 3 ways of "lying": 1/ By intention, 2/ By omission, 3/ By data and algorithms? If we do not have control over these data and algorithms and their scope, it will be up to the court-appointed expert to see to it.

## 3rd conviction. Seize now the opportunity to strengthen the expertise and court-appointed experts' qualities.

*The goal is obviously not to robotize expertise, but to make reasoned technological choices regarding their consequences on the expertise world.*

---

This third conviction is not specifically dedicated to artificial intelligence; rather, it serves to demonstrate the consequences that technological innovations can have on expertise and court-appointed experts in a positive way. They can bring them greater convenience and efficiency and speed, which is what judges and lawyers expect.

We are therefore far from rejecting technology, but rather putting it at the service of expertise and court-appointed experts.

Here are a few uses and advantages that expertise can benefit from digital and A.I.:

- **Create one or more categories on new uses** in the digital, artificial intelligence, connectics, biotechnology and encrypted currency fields. New technologies and artificial intelligence create new professions but also complement and transform current professions. This raises the question of the choices that must be made in order to integrate this dynamic in the nomenclature
- **Update the nomenclature every year.** Speed characterizes technological innovations and implies a multiplication of uses. In this context, how can the nomenclature- which is essentially static- continue to exist? Is an annual update the very least?
- **Move from a directory logic to a search engine one.** Technically, the nomenclature is a directory, but it is now outdated. The search engine logic is the alternative since it would allow fine specialities to be transformed into key words, facilitating the search and the choice of the court-appointed expert according to his affinity with the mission
- **Create a collaborative platform** which would allow to create accounts or personalized pages per court-appointed expert. Those pages would contain several information enriched by him or her and about him or her: his professional and expertise background, if and how he or she uses artificial intelligence, the type of mission he or she carries out and which jurisdiction entrusts him or her with missions... The platform would thus be a tool, a dynamic dashboard at the service of the judge, the court-appointed expert and the lawyer
- **Automate the reading** of statements, exhibits and notes, texts and photos. Artificial intelligence and its information management capacity would be particularly useful here.

We can therefore conclude that we must act now:

- Identify the court-appointed experts who take into account the presence of artificial intelligence in their respective professions
- Launch the work on the definition of one or more new categories and on the nomenclature;
- Define the specifications of the search engine and the collaborative platform.

**Let us build the artificial intelligence of expertise at the service of Justice.**

This is a call to action: let us not just stand by and watch, let us not get unsettled by the artificial intelligence revolution. Let us act. Let us consider the uses and let us place artificial intelligence within the framework of the fundamentals of expertise. Let us catch up and get ahead: we will be all the more intelligent.

*Jean-Pierre Tarroux*

*Court-appointed Expert at the Court of Appeal of Paris. Speciality B-04.06 Advertising. Communication. Media. Digital. Marketing surveys.*

*Member of the National Court-appointed Experts Association for Culture, Communication and Digital*

*Member of the National Court-appointed Experts Association for Technical and Commercial Activities*

[jptarrouxexpert@gmail.com](mailto:jptarrouxexpert@gmail.com)

