PREFACE

Over 2300 years ago, Euclid sought to reduce the principles of mathematics, as the ancients knew them, into writing. He was not able to depict these principles via mathematical notation because such notation did not exist at that time. He could only rely on natural language.

In 13 books, Euclid explained geometry and number theory through a series of definitions, postulates, propositions and proofs expressed not in pure logic but in the ancient Greek language. Euclid's *Elements* is a masterpiece. Yet, natural language being inherently indeterminate, even the most articulate expression of mathematics and pure logic using words is fundamentally incomplete, inaccurate and inelegant.

All those who came after Euclid accepted this but sought to build upon *Elements* to construct more elegant explanations of mathematics. In modern times, Bertrand Russell and A.N. Whitehead's *Principia Mathematica* employed only symbolic logic to prove the internal consistency of mathematics. In so doing, they abandoned natural language as a tool of proof. Words were sacrificed at the altar of precision and elegance.

Lawyers do not have that luxury. Natural language is the only tool of our trade. Yet, in light of generative artificial intelligence ('AI') creating legal work product for the legal services market, lawyers seem to be on the cusp of delegating our trade craft to the logic and mathematics wielding machine.

You can fall on the side of the Luddite who warns that AI will exterminate lawyers like some legal services Skynet. Or, you can fall on the side of the smart watch wearing technology acolyte extolling the gilded promises of AI.

Either way, there is satire in our trying to use mathematics to create expressions of natural language; in doing so, reversing Euclid's enterprise a couple of millennia ago. Euclid's *Elements* contain 'logic-shaped words'; AI produces what Neil Gaiman calls 'information-shaped sentences'.

Using AI to draft commercial agreements results in information-shaped descriptions of legal rights and obligations. Become accustomed to those shapes. That AI will be used in commercial law practice is inevitable. Late stage capitalism demands that it be put to work that way.

Commercial lawyers can respond to this inevitability in two ways. The first is relatively banal: be more competent at using the technology. In other words, learn how to speak ChatGPT-ese; learn how to verify its work and in some cases, learn how to type better and other skills to accommodate the new technology. There are commercially available courses on these.

The second response is not as banal. It may be trite but certainly not boring. While learning the technology, we can choose to also become better at the human aspects of lawyering. At its heart, this book addresses a small element of this: how humans engage in linguistic activity (be it creating, receiving, interpreting).

It is the human that is required to make an information-shaped sentence into information. Information that can be meaningfully analysed and synthesised. This may be a commercial court judge or arbitrator interpreting the words of an AI-generated agreement or a party reading a clause in the course of negotiations with his or her commercial counterparty.

In figuring out how to interpret contractual language, the judge tries to understand the commercial context of the agreement which may not have been communicated through AI. He or she may be reading the words in a 19th century decision (certainly not generated by AI) in order to get guidance on the principles of interpretation. The commercial person is crossing out or adding to a clause on the advice of his or her legal advisor anticipating some human response on the other side based on commercial or financial considerations or even just raw emotion.

The lawyer who can turn information-shaped sentences into high calibre information and analysis for the client will be ahead of the lawyer who is happy to mindlessly repeat the results churned out by a machine. The lawyer who executes the human skills that lawyering entails cannot be replaced by the machine.

The real threat is not a technological threat. The real threat is that AI provides an excuse for segments of the legal services market to further advocate for the increased commoditisation of the lawyer's work product. We have ourselves

to blame as, to some extent, we started the rot by commoditising our work product by the profligate use of standard templates.

AI provides clients and the lazy amongst us with just another excuse to further commoditise our work product. I say this to the Quislings amongst us. If you seek to commoditise the work product, you will get what you wish for and you will get the clients or the lawyers you deserve.

For the rest of us, I hope this book provides you with some modest tools to reclaim your place as wordsmith, thinker, legal advisor, advocate and negotiator.

In that regard, I thank the advisors, negotiators, advocates, wordsmiths and thinkers who have shared their thoughts on this work and who have influenced how I operate as a lawyer. These are Professor John Phillips, Professor David Llewelyn, Professor Tham Chee Ho, Professor Joel Trachtman, Professor Michael Glennon, Anna Howard, Chou Sean Yu, David Li, Daniel Chan, Cheryl Fu, Chloe Lee, Sham Sabnani, Eunice Chew, Jason Chan SC, Siraj Omar SC, Marion Smith KC, Naomi Moore, Daniel Cohen, Smitha Menon, Chua Sui Tong, Aw Wenni, Clayton Chong, Dayne Ho, Yeo Chuan Tat and Debby Davidson. I am consumed by gratitude for I am surrounded by those who care enough to scrutinise my work.

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