

Artificial Intelligence:

Rendering justice, one prompt at a time

By Grace Beamer



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One of the most rapidly expanding sectors of the 21st century is that of artificial intelligence, with the 2024 AI Sector Study by Perspective Economics finding that the UK had over 5,800 companies specialising in AI in 2024. It should therefore come as no surprise that the legal sector is also integrating with AI systems, as part of broader efforts to streamline and digitalise the justice system.

The digitalisation of legal systems has been an ongoing process for many years and further continues into 2026, with the Online Civil Money Claims and Damages Claim Pilots both running until 1 October 2026 to provide quicker and more user friendly means of starting money and damages claims in the County Court respectively.

However, the introduction of AI tools into the justice system has thrown a whole new set of issues into the mix, specifically where this involves generative AI (GenAI) (i.e., a type of AI that creates text and other data forms based on algorithms).

The Lady Chief Justice reported back in November 2025 that every judicial office holder in England and Wales has access to the Microsoft Co-Pilot Chat tool (an AI companion) whilst under 300 leadership judges have access to additional AI tools. Plans are currently underway between His Majesty's Courts and Tribunal Services to create a bespoke judicial AI tool, with a view to it being able to assist with transcripts, interpreting documents, summarising bundles, and providing analyses and chronologies, whilst a prompt library is also being developed.

Whilst this judicial tool does not exist yet, case law from 2025 has shown that a key risk associated with GenAI is "hallucination" which is where the AI generates either inaccurate or fictitious information and presents it as fact. A key case where this occurred was *R (Ayinde) v Haringey LBC [2025]* where the Claimant's grounds for review contained a reference to a case that did not exist, a misattribution of an existing case citation to a fictitious one and a misstatement of the Housing Act – all of which arose due to an incorrect usage of AI tools.

Clearly this issue was resolved upon it materialising that the fictitious case was simply that, when no authority could be provided to show it was real. However, if the roll out of AI tools reduces human input, what does this mean for litigation practice going forward? Given the margin for error, it therefore seems reasonable to have doubts over future uses of such technology.

Whilst the Artificial Intelligence (AI) Guidance for Judicial Office Holders does remind judges always to read the underlying documents, (and that AI tools "cannot replace direct judicial engagement with evidence"), judges are at the same risk of error as non-legal users of AI. It is therefore imperative that anyone utilising AI tools checks their work, to ensure that any cases referred to are citing their authority correctly.

If you need advice on a dispute, the dispute resolution team at Hethertons (currently all human-based) will be more than happy to assist.



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