AI Explained

AI and the Justice System

How AI is changing legal work and the way disputes are decided

Part 3 · Chatbots in the Courtroom

By Dr Peter Fields

THE 2-MINUTE SUMMARY

A chatbot can put dates in order or explain an unfamiliar term. If you put its answer before a court or tribunal, you are responsible for checking what it says and following the applicable rules.

A 300-page skeleton argument in the Employment Appeal Tribunal shifted the burden of checking onto the other side. At the preliminary hearing, counsel identified one ground the tribunal allowed to proceed.

The Civil Justice Council has proposed different declarations for factual witnesses and experts in civil proceedings. Its report is a set of recommendations. Check the rules and orders that already apply to your case.

Before filing, open the authorities, check the facts and cut what the judge does not need. A reply that agrees with your case is a poor substitute for testing where it may fail.

The 300-page skeleton argument

In July 2026 a litigant in person filed a 300-page skeleton argument in the Employment Appeal Tribunal. It ran to almost 132,000 words. He asked the respondents to tell him by 4 pm the next day where it misstated a fact, quotation or document. At the hearing he explained that he had used ChatGPT because he had to prepare it quickly.

In its September judgment in Hancox v Sutherland, the tribunal explained that the document failed to comply with the Practice Direction and did not help it prepare for the hearing. No reliance was ultimately placed on it. At the preliminary hearing, counsel focused on a single point: whether Mr Hancox had been given notice and an opportunity to respond before his claims were struck out. The tribunal found that point reasonably arguable and allowed it to proceed. Producing a great deal of argument quickly and identifying a point the tribunal can decide are different kinds of work. [1]

What a chatbot can help with

A person without a lawyer may need a plain-English explanation of an order, or help putting receipts and messages in date order. A chatbot can offer a starting point. Check any deadline against the order itself and any legal proposition against the underlying law. This article concerns civil procedure in England and Wales, with Hancox as an employment appeal example. Other courts and tribunals have their own rules.

In Ayinde and Al-Haroun, the Divisional Court said lawyers must check AI-assisted legal research against authoritative sources before using it, including research supplied by a client. The 2026 Administrative Court Judicial Review Guide addresses lawyers and litigants in person in judicial review. It calls for reasonable care with citations, legal propositions and facts, as well as compliance with page limits. It also identifies possible consequences, including costs orders, strike-out, regulatory referral, contempt proceedings or referral to the police. Mere negligence, by itself, falls short of the test for contempt discussed in Ayinde and Al-Haroun. [2, 3]

What the Civil Justice Council proposed

The Council's October 2026 final report recommends a plain-language Practice Direction for civil proceedings and urgent further work on how those proceedings should deal with AI use by litigants in person. For legal representatives, it recommends keeping existing responsibility for the accuracy and reliability of statements of case, skeleton arguments and other advocacy documents, without a new blanket AI declaration. It also recommends leaving disclosure under existing rules, subject to the Disclosure Review Working Group's work. [4]

The proposed declaration for a witness of fact would confirm that any AI used in preparing the statement neither generated nor influenced its substantive content. The proposal for experts would require them to declare any AI use that generated or influenced the substance of their report and give enough detail for the other side and the court to scrutinise it. These are recommendations. Practice Direction 32 already requires a witness statement to be in the witness's own words if practicable. Practice Direction 57AC adds requirements for trial witness statements within its scope in the Business and Property Courts. [4, 5]

Geek Box – When the chatbot takes your side

On general advice questions, the models Cheng and colleagues tested took the user's side roughly half as often again as the human comparison group. In experiments on interpersonal conflict, people who received affirming replies were less willing to take steps to repair the relationship. The experiments measured what people said they would do. The practical point for a litigant is to ask what the strongest argument on the other side would be, then test it against the documents and law. [6]

How to use it better

Check every authority you intend to rely on. Look for the judgment in Find Case Law or a reliable law report and read the passage in context. Check legislation in force at the relevant date. Ask whether the page you are about to file helps the tribunal decide an issue it actually has to decide. [1, 2]

A barrister who suspects that a direct-access client is relying on an AI answer should consider whether the client understands its limitations. The Bar Standards Board also asks barristers to be alert to AI use by opposing litigants in person. If your own evidence is involved, start with the witness's recollection and the records. Where the procedure or the court's order is unclear, check the applicable guidance before filing. [7]

Part 4 turns to the person receiving the papers. How far can a judge or arbitrator use AI to prepare for a decision?

Sources and notes

1. Hancox v Sutherland and Others [2026] EAT 139, 17 September 2026, [82]–[92], [107], [114]–[116] and [170]. Judgment

2. Ayinde v London Borough of Haringey and Al-Haroun v Qatar National Bank QPSC [2025] EWHC 1383 (Admin), [6]–[8], [24]–[29] and [74]–[81]. Divisional Court judgment

3. The Administrative Court Judicial Review Guide 2026, §§2.3.1–2.3.3 and §20.2.5. Guide

4. Civil Justice Council (29 October 2026), Use of AI for the Preparation of Court Documents, final report, §§2.5–2.9 and recommendations 2–6 and 9. Final report

5. Civil Procedure Rules, Practice Direction 32, §18.1, and Practice Direction 57AC on trial witness statements in the Business and Property Courts. PD 32 • PD 57AC

6. Myra Cheng, Cinoo Lee, Pranav Khadpe, Sunny Yu, Dyllan Han and Dan Jurafsky (2026), Sycophantic AI decreases prosocial intentions and promotes dependence, Science 391, eaec8352, Fig. 2 and the studies on interpersonal conflict. Published study

7. Bar Standards Board (18 May 2026), Guidance on the Use of Artificial Intelligence and Other Technologies, §6. Guidance