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AI in the Courtrooms: Global Expert Systems, Ethical Challenges, and Policy Implications for Regulating the Use of AI

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ABSTRACT

Purpose

This article examines the growing integration of artificial intelligence (AI)–based expert systems in judicial and legal processes across major jurisdictions and critically evaluates their advantages and ethical challenges. It aims to analyse how courts and legal professionals worldwide are deploying AI to enhance efficiency, access to justice, and case management, while assessing the risks such technologies pose to transparency, accountability, fairness, and human discretion in adjudication.

Design/methodology

The study adopts a qualitative doctrinal and comparative research methodology. It analyses legal frameworks, judicial guidelines, policy documents, and reported case law from multiple jurisdictions, including the United States, Canada, Australia, the European Union, and India. The paper also reviews existing AI expert systems used by courts and legal practitioners, such as predictive analytics tools, legal research platforms, automated filing systems, and generative AI applications, to evaluate their functional scope and regulatory treatment.

Findings

The study finds that AI expert systems have significantly improved judicial efficiency by automating clerical tasks, streamlining legal research, and supporting case management. However, their use raises serious concerns about algorithmic bias, opaque decision-making, privacy violations, accountability gaps, and the risk of hallucinated or fabricated legal authorities. Jurisdictions that have adopted structured regulatory approaches—particularly the European Union and Canada—demonstrate stronger safeguards through transparency obligations and the "human-in-the-loop" principle. Conversely, inconsistent or fragmented regulation increases the risk of misuse and over-reliance on AI in judicial contexts.

Practical implications

The paper highlights the need for robust ethical guidelines, judicial training, and regulatory frameworks to ensure responsible use of AI in legal systems. AI should function strictly as an assistive tool, with final decision-making authority remaining with human judges and lawyers. The study also underscores the urgent need for coherent policy frameworks governing the use of artificial intelligence in judicial systems. It highlights the importance of adopting structured regulatory models that incorporate principles such as transparency, accountability, explainability, data protection, and the "human-in-the-loop" approach.

Originality/value

This article offers a comprehensive comparative analysis of global AI deployment in courtrooms. It contributes to the evolving discourse on balancing technological innovation with judicial ethics, constitutional values, and procedural fairness.

Keywords: Artificial intelligence, expert systems, judiciary, legal technology, algorithmic bias, judicial ethics, access to justice.

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INTRODUCTION

The human interest in creating intelligence among non-human entities goes back many centuries and finds expression through ancient stories, literature, and early scientific experimentation. Well before the advent of modern computing, authors like Mary Shelley grappled with the moral and philosophical implications of creating artificial life through her popularly acclaimed 1818 novel Frankenstein (Shelley, 2012). Similarly, elaborate mechanical devices devised by inventors, such as Jacques de Vaucanson's eighteenth-century Digesting Duck, reflect early attempts to conceptualise and replicate automated processes. Although purely speculative, these pioneering undertakings foreshadowed many of the conceptual conundrums now at the heart of debates about Artificial Intelligence (AI).

Earnest scientific investigation into AI began in the mid-1900s. In 1950, Alan Turing, a founder of computer science himself, introduced what he described as the "Imitation Game". Now known as the Turing Test, it is a way to determine whether a machine can exhibit intelligence indistinguishable from that of a human (Turing, 1950). Turing's seminal paper in Mind led off with a provocative question, "Can machines think?" and laid the conceptual basis for AI by assuming that machines could mimic the thought processes of a human mind (Turing, 1950).

John McCarthy, Marvin Minsky, Nathaniel Rochester, and Claude Shannon coined the term "Artificial Intelligence" in their proposal for the Dartmouth Summer Research Project in 1955 (McCarthy et al., 1955). That proposal is often considered to be the birth of AI as a separate discipline. A discipline focused on creating machines that could perform tasks requiring human intelligence, including logical deduction, problem-solving, perception, and the use of language. In proposing this vision, the researchers stated the aim of constructing a system that could "use language, form abstractions, develop concepts, tackle problems ordinarily solved by humans, and improve its own performance." (Patel & Imran, 2024) ever since then, the sector has changed considerably. Evolving from rigid rule-driven programs to complex architectures which are based on machine learning, deep learning, and neural networks that can mimic even more subtle aspects of human thought.

AI has become a strong driving force for change in many spheres of life in the twenty-first century. From smart assistants like Siri and Alexa to autonomous machines and predictive analytical tools, AI shapes how individuals and institutions operate today. In the legal realm, the increasing presence of AI inspires both optimism and trepidation, raising critical debates about the extent to which AI should influence judicial processes, support access to justice, and navigate the ethical limits of technological automation.

AI applications are increasingly gaining prominence in the legal world, with expert systems already deployed in many countries. Systems like *Ross Intelligence* and *Lex Machina* in the US, *Blue J Legal* in Canada, *SmokeBall* and *Josef Legal* in Australia, and various similar systems employed by EU countries help predict case outcomes, ease risk assessment and automate filings by using machine learning (ML) and natural language processing (NLP) (Patel & Imran, 2024). This offers the benefit of efficient justice delivery while reducing the time spent on clerical tasks in each case. However, these AI systems pose significant challenges regarding transparency, bias, accountability, and privacy. These challenges must be weighed against the potential benefits and addressed before implementing AI systems in the legal system.

Within the legal sector, AI is used differently by lawyers and judges. Specialised AI and expert systems have become game-changing assets in the legal profession, providing lawyers with sophisticated tools to handle a wide array of functions—from legal research and document review to predictive analysis and the development of case strategies. In the judiciary, AI tools are currently mostly used to automate clerical tasks. There has been discussion about AI as a decision-maker in the judiciary; however, scepticism has been expressed regarding its faith, citing concerns about transparency, bias, accountability, and privacy. This requires us to explore the current AI expert systems used in various countries.

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AI EXPERT SYSTEMS CURRENTLY BEING USED

UNITED STATES OF AMERICA

In the USA, one of the most prominently used AI tools in the judiciary is COMPAS (Correctional Offender Management Profiling for Alternative Sanctions), primarily used in bail and sentencing cases to assess a person's likelihood of reoffending (recidivism) or failing to appear at trial. Further, US courts also use NextGen RPA, which integrates Robotic Process Automation, AI, and ML to automate filing processes and make them more efficient (Administrative Office of the United States Courts, 2024) . Moreover, PACTS (Probation and Pretrial Case Tracking System) automates and organises workflow for investigations, creating reports for judges, etc (U.S. Senate Committee on the Judiciary, 2025). In some instances, judges in the US Courts admitted to using generative AI software to assist in drafting; however, these incidents only came to light due to factually inaccurate court orders following a Senate Inquiry (U.S. Senate Committee on the Judiciary, 2025). A few instances of AI-assisted court judgements have come to light, which the Senate has questioned (U.S. Senate Committee on the Judiciary, 2025). While the USA allows the use of Generative AI for non-core tasks, it still prohibits its use for research or drafting (Dixon et al., 2025).

Artificial intelligence has become an essential asset to lawyers in the United States, altering the way legal research is conducted, cases are constructed, and litigation strategies are drafted. The incorporation of AI into legal workflows offers enormous advantages over tedious, routine work, providing unparalleled analysis of judicial trends. More and more practitioners are seeking AI-powered tools such as Ross Intelligence, Lex Machina, and Premonition to stay ahead of the curve, drive efficiency, and lower costs to shore up the impact of their case outcomes (Patel & Imran, 2024).

AUSTRALIA

The Australian Federal Court has issued guidelines allowing judicial officers to use Generative AI, while emphasising the need for caution in its use (Federal Court of Australia, 2025). Australia also uses automation tools for clerical and filing tasks, such as e-Lodgement (Federal Court of Australia, 2025). Thus, it can be seen that in Australia, Generative AI (such as Perplexity, ChatGPT, Claude, etc.) is allowed to be used; however, caution is advised, and automation and e-filing systems, such as e-lodgement, which are similar to those in the USA, are employed in the judiciary. Lawyers in Australia use SmokeBall and Josef Legal software, which automate workflows in legal practice systems (Yoon, 2019).

CANADA

The Government of Canada has recently issued a Directive on Automated Decision-Making outlining a framework to govern how federal government institutions can deploy automated decision-making systems, including AI (Treasury Board of Canada Secretariat, 2019). The Directive states that agencies must *assess risks before deploying such systems, provide meaningful explanations of how decisions are made, allow for the review or challenge of automated outcomes, and maintain openness, including sharing source code or relevant data where possible, subject to privacy and security considerations*. The Government of Canada has also issued a Code of Conduct that provides voluntary guidelines for organisations in Canada that aim to develop or operate advanced generative AI systems, particularly those with general-purpose capabilities or that are widely available for public use. It outlines six core principles that signatories commit to follow. These include: *accountability, safety, fairness and equity, transparency, human oversight and monitoring, and validity and robustness*. Organisations thus, through the code of conduct, pledge to conduct risk analyses before deployment of the systems, to ensure that the systems work as they are meant to, to mitigate potential harms that can be caused such as bias, misuse, or privacy risks, to monitor and document their AI operations, and lastly to provide sufficient transparency for public trust and expert evaluation. The code is designed to be an interim framework, bridging the gap until comprehensive AI legislation like the proposed Artificial Intelligence and Data Act becomes law, and to encourage responsible and ethical AI innovation in the service of users and society. This proposed AI framework, i.e., Bill C-27, including the Artificial Intelligence and Data Act (AIDA), has lapsed due to Parliament's prorogation (Parliament of Canada, 2022).

The Canadian Judicial Council has rolled out extensive guidelines to regulate the use of Generative AI in the courts (Parliament of Canada, 2022). The guidelines released in September 2024 explicitly state that judges cannot use AI to delegate adjudication and must use it in compliance with judicial ethics. It states that AI can only be used to assist judicial processes, such as translations, proofreading, and formatting draft decisions, and other such tasks. Thus, it can be understood that in Canada, the Judicial Council has issued guidelines for regulating AI in the judiciary and has explicitly prohibited the delegation of decision-making powers to AI. It has also warned judges regarding concerns about copyright infringement and privacy concerns (Canadian Judicial Council, 2024). Further, Canadian courts have been using AI-like technologies, including e-filing platforms that sort cases by type and scheduling systems that optimise hearing calendars (LexisNexis Canada, 2025).

Tools like Blue J Legal are used to predict judicial outcomes (primarily by lawyers) based on patterns in Canadian case law (McCray, 2021). Furthermore, lawyers also use tools like NexLaw for case analysis, trial preparation, and summarisation (NexLaw, 2025). Programs like Ross Intelligence allow legal professionals to ask questions in plain language and receive instant responses on relevant case law, statutes, and legal principles (Patel & Imran, 2024). These tools play a significant role in reducing the time required for repetitive tasks and automating workflows for greater efficiency.

EUROPEAN UNION

The European Union (EU) has a comprehensive framework for the use of AI in the administration of justice through the Artificial Intelligence Act (EU Artificial Intelligence Act, 2024). The final decision-making shall vest with the human judges/arbitrators, though AI tools can be used to support the decision-making (Artificial Intelligence Act, 2024). The Act classifies judicial tools as 'high risk' and mandates conformity with transparency and other judicial ethics (Artificial Intelligence Act, 2024). Thus, it is evident that in the EU, a comprehensive framework governs the use of AI in the judiciary, with no delegation of decision-making authority to AI systems. AI systems that predict a person's risk of offending or reoffending are considered high-risk systems and are strictly regulated (Mazilescu & Entcheva, 2024).

While most applications currently on the market are developed by private companies with commercial motives, the EU aims to develop its own AI systems. For example, the Court of Genoa in Italy is a part of the "Predictive Jurisprudence" project (Terzidou, 2022). The Finnish administration is also conducting experiments with an AI chatbot called Aurora, which aims to provide users with the necessary information 24/7 (Zid, 2019). Systems like e-CODEX, etc., are used for cross-border filings (European Association of Private International Law, 2022).

INDIA

The Indian judiciary is in the process of incorporating artificial intelligence within a broad framework at both the policy and implementation levels, aimed at improving judicial efficiency while retaining human decision-making. AI's use falls under the eCourts Mission Mode Project Phase III, with a budget of ₹7,210 crore that envisages the digitisation of court processes and brings transparency (Supreme Court of India, 2023). The Supreme Court and several High Courts have also deployed AI tools: SUPACE (Supreme Court Portal Assistance in Court Efficiency) does intelligent case search and precedent identification; (Ministry of Law and Justice, (2025, March 20)) LEGRAA, for assisting in legal research, (Ministry of Law and Justice. (2025, December 5)) and Digital Courts 2.1, to manage case information on a unified platform with integrated SHRUTI or voice-to-text and PANINI or translation capabilities (Ministry of Law and Justice, 2025). These tools support judges and judicial officers with miscellaneous administrative and research work, excluding the use of explicit AI in the decision-making process. The Supreme Court's Artificial Intelligence initiatives also include AI and Machine Learning-enabled transcription of oral arguments in Constitution Bench matters and translation of judgments into 18 Indian languages through its eSCR portal.

While no policy regarding the use of Artificial Intelligence Tools by the High Courts and District Courts has been framed by the Supreme Court of India, the High Court of Kerala has implemented a "Policy Regarding Use of Artificial Intelligence Tools in District Judiciary" with effect from July 2025 (High Court of Kerala, 2025). Principles of transparency, fairness, accountability, and confidentiality are enshrined in this policy, which restricts the use of AI to assistive functions only. It disallows generative AI tools like ChatGPT from being used in judicial findings, reliefs, or judgments, requiring all AI outputs to undergo rigorous human verification (High Court of

Kerala, 2025). The policy also makes elaborate recording obligatory and encourages continuous AI ethics and usage training for judicial personnel. Moreover, the Bombay Bar Association (BBA) has also released guidelines for ethical use of AI in the judicial system, which also echo the same principles of transparency, human judgment, accountability, confidentiality, and necessity of verification of facts (Lotlikar, 2025).

ADVANTAGES OF USING AI LEGAL SYSTEMS

EFFICIENCY

The ability of AI to process vast amounts of data quickly and accurately makes it a powerful and potentially useful tool for enhancing judicial efficiency. It can automate tasks such as document review, case scheduling, and transcription, thereby reducing the time and resources required for case management (Grossman & Cormack, 2011). Automation systems currently being used by the judiciary, like e-CODEX in the EU, e-Lodgement in Australia, PACTS and NextGen RPA in the US and e-filing systems in Canada, have significant potential to reduce time taken in clerical tasks.

Moreover, tools used by lawyers like Blue J Legal, ROSS Intelligence, and SmokeBall can automate labour-intensive activities like document review, legal research, and case data analysis, allowing lawyers to perform tasks with greater efficiency. Use of these tools can also increase the accuracy of legal research. Furthermore, the use of AI for automation and digitisation of judicial processes also allows near instant access to information.

COST EFFECTIVENESS & CLIENT SATISFACTION

AI use in the legal sector can also significantly reduce operational costs for law firms, which can be transferred to the clients (Brown, 2019). In such a manner, billable hours can be reduced by automating labour-intensive and repetitive tasks. This manner of cost-effectiveness becomes vital in a legal marketplace where clients look for high-quality services at low prices (Ashley & Rissland, 2020).

In Canada, there has been increased recognition of the value of AI in enhancing efficiency in legal research and reducing client costs. Drummond v The Cadillac Fairview Corp. Ltd. (Drummond v. Cadillac Fairview Corp. Ltd., 2018), most notably, highlights this aspect of the use of AI. In this case, the Ontario Superior Court of Justice dealt with the issue of legal research disbursements. Cadillac Fairview objected to the reimbursement of costs for legal research done through AI. However, the Court ruled that time spent on AI-driven legal research tools should be included in counsel fees. The judge further clarified that computer-assisted legal research is crucial to modern legal practice. This case emphasised the role of AI in enhancing the comprehensiveness and accuracy of legal research. In this regard, plaintiff's counsel, Shane Katz, stated that AI enhances efficiency and allows lawyers to allocate their time to strategic tasks better (Katz et al., 2017).

Furthermore, in the case of Cass v1410088 Ontario Inc (Cass v. 1410088 Ontario Inc., 2018 ONSC 6959)**.** The Ontario Superior Court of Justice refused the legal research disbursement, but noted that the use of AI should, in principle, reduce the preparation time required. In this case, counsel's preparation time could have been "significantly reduced."This judgment reflects the judiciary's increasing mindfulness of AI's role in streamlining processes to minimise the need for paid resources and client costs. AI is a key tool not only for legal research but also for e-discovery and case preparation, further changing how law is practised in Canada.

CHALLENGES OF USING AI LEGAL SYSTEMS

BIAS, TRANSPARENCY, ACCOUNTABILITY, AND PRIVACY

Artificial intelligence (AI), while incredible for efficiency and cost effectiveness, poses notable challenges, specifically in the context of *bias, transparency, and accountability*. Legal practitioners and the judiciaryneedto remain cognizant of these challenges as they aim to incorporate AI technologies into their practices.

Bias

AI systems that aim to forecast case outcomes or judicial behaviour often end up replicating biases already embedded in the legal data they are trained on (Barocas & Selbst, 2016). This is a major risk because judicial decisions are often based, at least in part, on subjective criteria such as socioeconomic status, race, and gender rather than on mere facts. The consequence is that any AI system that has learned these biases during training will reproduce them in its predictions, potentially leading to injustices (Kroll et al. 2017). Predictive analytics should thus be employed with caution by lawyers, who should regard AI as an informational aid, not as an authority without flaw.

Furthermore, similar risks exist in the use of AI systems to adjudicate disputes. Currently, Estonia has launched a pilot experiment that automates the adjudication of small claims up to 7,000 euros. While introducing such AI systems can improve efficiency and reduce the time taken to settle disputes, if AI is trained on incorrect, outdated, or biased data, its output will inevitably be erroneous (Dow, 2025).

The USA uses COMPAS to predict recidivism risk, pretrial flight, and probability of violence by defendants for bail hearings and sentencing cases. Similar problems with the data the software is trained on emerge in COMPAS as well. There have been reports of racial bias being exhibited by the software, which is relied upon by the judiciary (Larson et al., 2016).

AI is often perceived as unbiased in public opinion, even though certain racial groups have shown greater trust in judges who used AI in their decision-making than in judges who relied solely on their expertise (Fine et al. 2025). However, tools like COMPAS, which are trained on past data, may often perpetuate biases ingrained in the data or in the programmer coding the AI.

Transparency

Another major concern regarding AI in the judiciary is transparency. Almost all AI projects function as a 'black box' where the inner workings of the algorithms and their decision-making processes remain obscure to users. Lack of transparency makes it difficult for the legal expert to understand and explain the reasoning behind AI's conclusions, especially when these predictions form the basis for an argument or a settlement negotiation. Lawyers should urge AI developers to bring more transparency to ensure that technologies perform ethically and work effectively (Remus & Levy, 2016).

The principle of transparency rests on two major principles of *explainability* and *access to information*. For an AI system to be used in the judiciary, it must be both accurate and understandable to humans. Thus, it is necessary that AI decisions be explainable. Often, when a programmer designs an algorithm, the programmer struggles to explain its future behaviour (Roth, 2021). This can lead to AI-generated judicial decisions that lack a rational or legal basis.

Another question is the accessibility of the information the AI is being trained on. To elucidate, in State of Wisconsin v Loomis (State v. Loomis, 881 N.W.2d 749 (Wis. 2016)), the court relied on a risk assessment tool for sentencing, and the accused challenged the tool, seeking access to information about the software. The private company that developed the software refused to provide the information, and the court upheld that refusal. This forces us to confront questions about the transparency of automated decision-making and the ramifications if the data on which it is based is not available to those affected by it.

Accountability

Accountability also becomes a major concern when legal practice is driven by AI (Calo, 2017). When an AI system provides incorrect or biased information, leading to a negative consequence in a case, who shall be held responsible-the attorney or the technology provider? These are questions that the legal profession needs to answer to make sure that the AI systems are applied responsibly and mechanisms are put into place for holding both the legal practitioner and technology provider responsible for the outcomes influenced by AI. In situations where AI has been allowed to decide independently without becoming an assistant to help decision-making, it becomes tough to attribute responsibility for the actions of the AI systems. Most such systems still allow an option for appeal to a human judge after decisions are taken by AI. This principle of 'human in the loop' is followed by

almost all countries using AI for decision-making, wherein all the decisions made by an AI system are supervised by a human (Centre for Human and Social Sciences, 2023).
There are various stages at which an AI can produce an erroneous decision, ranging from programming and maintenance to misuse and unintended hallucinations by the machine learning algorithm itself, which makes it necessary to assign accountability to a human person who would be responsible for damage caused due to these errors, making the principle of 'human in the loop' even more relevant (Dow, 2025).

Another aspect of accountability that needs to be noted is the phenomenon of automation complacency, in which even human decision-makers tend to over-rely on and defer to AI (Cofone, 2021). This can lead to errors produced by AI that might not be caught even after human oversight.

Privacy

AI systems used by lawyers often raise privacy concerns due to the collection, use, and storage of sensitive data without authorisation, including biometric data. This can be seen most prominently in the case of Flores et. al v Motorola Solutions Inc, (2020). It is a class action case wherein it was claimed that Motorola, along with Vigilant Solutions, had breached Biometric Information Privacy Act, 2008 (BIPA) (Biometric Information Privacy Act, 2008) by scanning and selling of the facial features of individuals without their explicit consent (Class Action Complaint Flores et al v Motorola Solutions Inc. et al, US District Court for the Northern District of Illinois, 14 February 2020). This case raises important privacy issues, including the possibility that AI systems may collect personal information, including biometric identifiers, without disclosure, consent, or accountability. In the legal framework, attorneys are expected to ensure that the AI systems they work with, particularly for client management or case prediction, comply with laws such as BIPA to safeguard their clients' data against improper handling and unauthorised commercial use.

The Canadian Judicial Council has also issued guidelines that highlight privacy and copyright issues in the use of Generative AI for judicial purposes. The guidelines pointed out that the data on which Generative AI is trained may have been procured under potentially unlawful circumstances and warned judges to exercise caution in its use so as not to be inadvertently complicit in such breaches (Canadian Judicial Council, 2024).

ETHICAL AND REGULATORY CONSIDERATIONS

The application of AI within the legal infrastructure has developed more quickly than the creation of robust regulatory frameworks to govern its use. The legal profession has proven itself capable of adapting to emerging technologies in the past, but there is now growing recognition of the need to consider and address the ethical and regulatory implications of AI. Currently, lawyers are particularly concerned about bias, transparency, and accountability in AI-powered processes used in the law.

Calls have emerged within the Canadian legal community for the development of ethical guidelines to guide the application of AI in legal practice. The most prominent example of this is in areas like employment law, where factors such as race, gender, and socio-economic status influence judicial outcomes. Lawyers must remain alert to prevent AI systems from perpetuating inherent biases in legal data (Brown, 2019). Furthermore, transparency is of utmost importance, as legal professionals need an in-depth understanding of how AI systems work and the methods they use to make predictions. This will help the practitioners offer informed and ethical advice to their clients. In this context, as technology improves. Specific ethical guidelines and regulations will be needed to ensure that AI enhances rather than detracts from the practice of law (Aiken, 2020).

RISK OF OVER-RELIANCE ON AI

Legal Nuance

While the benefits of AI for attorneys are unmistakable, one must be aware of the risks associated with over-reliance on AI systems. Chief among these is that, despite the marked efficiency, AI may fall short of fully understanding the legal principles and human judgment required to navigate tough legal issues. In practice areas like tax and labour law, where legal decisions often impact ethical and social issues of huge importance, there is

a concern that AI could simplify legal problems or ignore the specific circumstances relevant to any given case (Hadfield, G. K. 2021).

For instance, while the predictive capabilities of 'Blue J Legal' are highly accurate at identifying trends in court judgments, the tool still relies on past case files (Alarie & Griffin, 2022). This makes it a challenge for the system to adapt to new legal arguments or shift its judicial views, as the data underlying those views has not yet been entered (Warkentin, 2020). Thus, it can be inferred that lawyers need to apply their professional judgement rather than merely rely on AI predictions. AI must be treated as a supplement, not a replacement, for human legal experience.

Moreover, ethical dilemmas, specifically regarding accountability, arise from the incorporation of AI into judicial decision-making processes. If an AI system produces information that is wrong or biased and negatively impacts a case, then it is not clear who is responsible for the outcome: the attorney, the AI developer, or the law firm that adopted the technology. This ambiguity is further muddied by the "black box" nature of many AI algorithms, in which the underlying reasons for the AI's conclusions may not be transparent (Martyn, 2021).

Hallucinations

Moreover, another important challenge in the use of AI in the judiciary is the phenomenon of hallucinations. Hallucinations are outputs from Generative AI that might seem plausible but are factually incorrect or nonsensical (Özer, 2024). It has been reported that legal hallucinations occur 69% of the time with ChatGPT 3.5 and 88% of the time with Llama (Dow, 2025). It was also noted that AI cannot detect whether it has hallucinated.

Many instances of this having repercussions have been seen worldwide. During the hearing in the Supreme Court of India on December 9th, 2025, a lawyer presented fabricated cases attributed to AI tools (Choudhary, 2025). Another incident of adverse consequences of use of AI in the judicial system due to hallucinations comes to light in the case of Buckeye Trust v. PCIT-1 Bangalore, where the order by the ITAT (Income Tax Appellate Tribunal) (Buckeye Tr. v. PCIT, 2024) was revoked because it was based on fabricated cases suggested by AI, which did not exist. Similarly, in September 2025, the Delhi High Court ordered that a petition be withdrawn, as it was based on bogus case law (Pandey, 2025). In the Punjab and Haryana High Court, a judge used Generative AI (ChatGPT) to decide whether bail should be granted or not in a criminal case ("Indian judge used ChatGPT in a criminal case." *Digital Watch*. (2023, March 29)). Similar incidents have also occurred in the USA, where, in 2023, a lawyer and his firm were fined $5,000 for using fabricated cases supplied by ChatGPT during court proceedings (Sharma, 2023). Similarly, in February 2025, a federal judge in Wyoming threatened to sanction two lawyers of a firm for using fake cases provided by AI in a personal injury case against Walmart. Despite these instances, continued usage of AI for legal research is a cause for concern.

Researchers have reported 84 instances of generative AI being used in Australian courts since late 2022, with about 66 of these - over three-quarters - involving self-represented litigants rather than lawyers (Legg, 2025). Many of these use AI for a wide range of matters, including property, wills, employment, bankruptcy, defamation, and migration disputes. The article notes that 79% of litigants in migration cases at the Federal Circuit Court in 2023–2024 were unrepresented, illustrating why people are tempted to lean on free AI tools.

The courts in Queensland and New South Wales have issued warnings that improper AI-generated material can result in rejected documents, delays in the case, and adverse costs orders. It is necessary to repeatedly emphasise that the person who will continue with AI must independently verify each case; similarly, any confidential information should not be entered into the system, as AI is not yet sufficiently robust to solve access-to-justice issues on its own (Legg, 2025).

This pattern also appears in the UK, where in April 2025, a solicitor and counsel cited five non-existent cases, and the judge reprimanded them, stating that they had acted improperly and unreasonably. They were held jointly liable for the wasted cost of 4,000 pounds. Courts in England and Wales are increasingly finding fake case citations generated by AI in pleadings, witness statements, and applications, including in cases such as Ayinde, Bandla, Al-Haroun, and SW Harber (Macpherson, 2025).

It has been pointed out that AI tools cannot yet do reliable legal research because they often hallucinate, producing plausible but wrong authorities or even non-existent cases. The King's Bench Division emphasises that lawyers have a professional duty to check AI-generated research against authoritative sources, just as they must supervise work done by juniors (Macpherson, 2025).

Though courts are responding to misuse of AI with sanctions that range from adverse costs to striking out claims, it is the need of the hour for firm leaders, chambers, and regulators to adopt practical measures and clear guidelines for the use of AI.

Job Displacement and Legal Nuance Challenge

Despite the many benefits attributed to artificial intelligence, there have been significant apprehensions among legal professionals regarding job losses in the legal field. Automation of routine tasks, such as the preparation of documents and basic legal research, may threaten traditional roles that include junior associates, paralegals, and even legal secretaries. As AI technologies continue to evolve in complexity, there is increased fear that such careers may be made redundant and that opportunities at the entry level for young associates in firms will similarly diminish. For younger lawyers, this is particularly worrisome because most of them begin their career paths performing tasks now increasingly performed by AI. Besides jobs being taken over, another area of concern involves the loss of nuance in AI-driven processes. Many legal tasks require an in-depth comprehension of the context, subtlety in the case law, and application of human judgment (Casey & Niblett, 2019).

Whereas AI systems may be proficient in performing routine functions, they are seemingly inadequate to handle the sophistication that occurs in legal reasoning as provided by human lawyers. For instance, automation of contract drafting may not be able to address specific clauses that rely on tailored language and/or specific nuances concerning a client's situation that would call for an approach that is more bespoke in nature. In relation, legal professionals have to be very careful when relying on this form of technology so that the details and individuality of the case are preserved rather than sacrificed on the altar of efficiency.

Predictive Tools: A venue for Forum Hunting or Bench Hopping

Premonition and Blue J Legal are AI tools that offer insights into case outcomes and judicial tendencies. While they are helpful in predicting judicial behaviour, they can inadvertently become a means for mischievous and unethical practices like forum hunting and bench hopping.

Since these tools offer insights into judicial behaviour, they can also influence decisions about which lawyer is to be engaged and which court is to be pursued. This can potentially lead to skewing the fairness of the legal process.

Digital Divide

The digital divide can be exacerbated if much reliance is placed on costly AI systems. This can lead to certain lawyers being at a disadvantage and can undermine the principle of equitable access to justice. Access to technology varies widely among legal practitioners, raising concerns about the usage of AI in the legal sector. Usage of AI will mean that smaller firms and solo practitioners who often lack the resources to invest in such expensive tools will find themselves at a disadvantage compared to larger firms with greater means. Such a disparity can lead to unequal representation and outcomes in the legal system, thus undermining the principle of meaningful access to justice. Moreover, it is possible that public defenders and those serving marginalised communities struggle to utilise these technologies effectively, further entrenching existing inequalities and limiting the ability of the justice system to serve all citizens equitably. At the same time, the persons (litigants) accessing the courts may face challenges owing to the non-availability of technology. As a result, the integration of such technologies must be approached with caution to ensure they do not compromise the integrity of the legal system.

POLICY IMPLICATIONS AND FRAMEWORK FOR REGULATING AI IN THE JUDICIARY

The increasing integration of artificial intelligence in judicial processes necessitates the development of comprehensive and forward-looking policy frameworks. While technological advancements offer significant benefits in terms of efficiency, cost reduction, and access to justice, the absence of uniform regulatory standards risks undermining fundamental legal principles such as fairness, transparency, and accountability. As of now, no comprehensive policy governing the use of artificial intelligence has been formally adopted by the Supreme Court of India, although a petition seeking regulatory guidelines on the use of AI in judicial processes was filed and the same was dismissed by the Supreme Court of India (The Hindu. (2025, December 5).

A key policy implication emerging from this study is the need for a risk-based regulatory approach. he justice delivery system, given its solemn and critical function and the possible impact on rights and liberties of persons, should be subject to rigorous compliance requirements, including mandatory transparency, human oversight, and auditability.

It is imperative that policymakers institutionalise the "human-in-the-loop" principle as a non-negotiable standard. AI should function strictly as an assistive tool, with all adjudicatory authority retained by human judges. This is critical to preserving judicial independence and ensuring that legal decisions continue to incorporate human reasoning, empathy, and contextual understanding.

The establishment of algorithmic transparency and explainability standards are equally quintessential as the legal practitioners and affected parties must have access to understandable explanations of the decision-making process. Adequate safeguards and accountability frameworks must be in place affixing liability in cases where AI-generated outputs lead to erroneous or unjust outcomes. Data governance, date protection and privacy also emerge as a crucial policy concern, and therefore necessary safeguards must be implemented to regulate the collection, storage, and use of sensitive legal data. Compliance with existing data protection laws, along with specific AI-focused regulations, is essential to prevent misuse and protect litigants' rights.

Public investment in accessible and affordable legal technologies is necessary to ensure that AI contributes to, rather than detracts from, equitable access to justice.

CONCLUSION

The integration of AI in the judicial system is an appealing prospect that promises to provide increased efficiency and accessibility in law. Nevertheless, it remains critical to emphasise that AI, as it currently exists, should not be used to fully automate judicial decisions. This is important to maintain judicial independence and uphold principles of justice.

Inherently complex human elements such as awareness of societal values, empathy, moral reasoning, and context sensitivity are involved in judicial decision-making. It is important to recognise that AI, despite its computational power, cannot reciprocate or fully understand these values. The human factor is essential to ensure that justice is not merely delivered but also perceived as fair and legitimate.

Judges make decisions that are not only based on established rules and precedents but also on the nuanced interpretation of facts and circumstances unique to every case. Mitigating factors, including an individual's background, intent, remorse, or extenuating circumstances, also play a role in reaching a just outcome. These assessments require emotional intelligence and ethical judgement, which AI systems are currently incapable of displaying since they majorly work on pattern recognition and statistical analysis.

A word of caution must also be given to lawyers across the world who are increasingly relying on AI tools for research, case prediction, and document review. While AI can efficiently and effectively handle routine labour-intensive tasks, over-reliance on AI poses risks like the perpetuation of biases in training data, hallucinations, and

a lack of accountability. It is necessary for lawyers to critically evaluate outputs given by AI to prevent harming the interests of clients.

Bias also emerges as a primary concern since AI systems are trained on historical judicial data. This means that it is possible for an AI system to internalise and reproduce any existing societal prejudices that are based on race, gender, socio-economic status, or geography. These outputs can lead to discriminatory outcomes that worsen the systemic injustices. The inner workings of many AI algorithms are indeed seen as "black boxes," obscuring accountability. Once an AI-driven decision is found flawed or unjust, responsibility between the programmers, legal users, and institutions becomes hard to pinpoint. Lack of transparency is further exacerbated by proprietary technologies that prevent the inner details and training data of AI tools used in courts from being scrutinised.

Fully taking these challenges into account, comprehensive legal and ethical regulatory frameworks are needed that have a bearing on the role of AI in the judiciary. Models such as the European Union's Artificial Intelligence Act and Canada's judicial guidelines contribute valuable templates (Canadian Judicial Council, 2024; Artificial Intelligence Act, 2024). The EU classifies judicial AI tools as "high-risk" and requires strict compliance with transparency, fairness, and human oversight criteria. Similarly, Canada's Judicial Council has laid down detailed principles that ban the transfer of an adjudicative power to AI, keeping human judges the final arbiters, while AI could be used for support functions: proofreading or automating workflows.
The balance between innovation and basic rights and protections has been met in such frameworks by preserving the "human in the loop" principle, where human review and final judgment are required of all AI-assisted judicial decisions. This concept will help ensure that AI is used to augment human expertise instead of attempting to replace it while also keeping ethical considerations at the forefront of judicial procedures. Implementation of rigorous standards will also ensure that developers take steps to minimise bias, provide explainable algorithmic reasoning, keep data private, and establish ways for accountability and redress.

While strict regulations are necessary, equally important is spreading awareness and ensuring continuing education of legal professionals with regard to the capabilities and limitations that AI systems have. Lawyers and judges need to be trained on how to critically analyse the outputs provided by AI and recognise technological risks. Ethical guidelines must emphasise that AI is a tool and that no replacement can justify taking the place of human legal reasoning and discretion. While AI can provide a strong set of tools to improve the legal system, the complete automation of judicial decisions may undermine the very human elements that maintain justice, fairness, and trust. Caution and restraint must be exercised in welcoming AI into the legal sector; essential tenets of comprehensive regulation, transparency, and human oversight are key and must be emulated from progressive jurisdictions such as the EU and Canada. Only in this way can the potential of AI become a reality without prejudicing the principles of the judicial process.

From a policy perspective, the future of AI in the judiciary will depend on the ability of legal systems to adopt coherent, enforceable, and adaptive regulatory frameworks. Policymakers must move beyond fragmented guidelines and develop comprehensive legislation that integrates ethical principles, technological safeguards, and institutional accountability. Comparative experiences from jurisdictions such as the European Union and Canada demonstrate that a balanced approach-grounded in transparency, human oversight, and risk-based regulation—can enable responsible innovation while safeguarding fundamental rights. Ultimately, the successful integration of AI into judicial systems will not be determined solely by technological capability, but by the strength of the policies that govern its use.

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