

Upholding Ethics and Professional Responsibility in AI-Reshaped Legal Practice

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Abstract

Artificial intelligence (AI) is transforming legal practice, reshaping how legal services are delivered, knowledge is accessed, and justice institutions operate. AI tools—ranging from automated research and document review to predictive analytics and case management systems—offer unprecedented efficiency gains, expanded access to justice, and enhanced support for legal professionals. However, these benefits are accompanied by profound ethical and professional challenges. Algorithmic bias, lack of transparency, data privacy concerns, and the risk of overreliance on automated outputs highlight the need for vigilant human oversight. Legal responsibility, professional judgment, and accountability cannot be delegated to AI; lawyers and judges remain ultimately responsible for ensuring the integrity, fairness, and legality of all work performed with AI assistance. This article examines the ethical imperatives, regulatory gaps, and professional responsibilities arising from AI adoption in legal practice, arguing that responsible integration of AI requires updated ethical frameworks, continuous learning, and technological competence. By aligning innovation with foundational legal values, the profession can harness AI to strengthen justice systems, enhance the rule of law, and expand access to legal remedies—while ensuring that human judgment and accountability remain central to the administration of justice.

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1. Introduction

Artificial intelligence (AI)² is rapidly transforming the practice of law and expanding the range of tools available to legal professionals. As these technologies become more sophisticated, they are reshaping how legal services are delivered, how legal knowledge is accessed, and how justice institutions function. AI should not be understood simply as a replacement for human lawyers; rather, it represents a set of technologies capable of augmenting, automating, and transforming professional work.³ In recent years, AI systems have demonstrated the capacity to perform tasks that were traditionally considered the domain of trained legal professionals, including large-scale legal research across extensive databases of legislation and case law, automated document review and due diligence in complex transactions, predictive analytics in litigation strategy, and the rapid drafting or summarization of legal documents.⁴ What once required teams of junior lawyers working for days or weeks can now be accomplished within minutes through advanced AI-assisted tools.

These developments reflect a broader structural shift in the organization of professional knowledge. As Richard Susskind and Daniel Susskind have argued, professional expertise is increasingly being systematized and embedded in digital systems. Legal knowledge that was once accessible only through personal consultation with lawyers is progressively being captured in online platforms, automated workflows, and intelligent

² The term "Artificial Intelligence" (AI) refers broadly to the ability of a computer to perform tasks normally viewed as requiring human intelligence and discernment, such as learning, problem-solving, recognizing faces, and processing language. The term is often used interchangeably with machine learning (ML), natural language processing (NLP), generative AI (GAI), and other subsets within AI, available at <https://lib.law.uw.edu/c.php?g=1387996&p=10303546> (Accessed on 9 February 2026). The *Oxford English Dictionary* definition refers to "software used to perform tasks or produce output previously thought to require human intelligence, esp. by using machine learning to extrapolate from large collections of data." One broad definition, courtesy of IBM—comprehensive enough to include things as diverse as facial recognition software, smart cars, GPS, legal research tools, and chess programs—is "technology that enables computers and machines to simulate human intelligence and problem-solving capabilities." From the same source comes a definition of generative AI ("GAI"): "deep-learning models" that compile data "to generate statistically probable outputs when prompted." Available at https://www.americanbar.org/groups/business_law/resources/business-law-today/2024-october/aba-ethics-opinion-generative-ai-offers-useful-framework/ (Accessed on 9 February 2026).

³ Richard Susskind, *How to Think About AI: A Guide for the Perplexed* (Oxford University Press, 2023).

⁴ Richard Susskind, *Tomorrow's Lawyers: An Introduction to Your Future*, 3rd ed., Oxford University Press, 2023.

advisory systems. In practice, AI applications are already assisting with contract analysis, compliance monitoring, regulatory reporting, legal risk assessment, dispute prediction, and the generation of preliminary legal advice through conversational interfaces.⁵ Courts and public institutions are also exploring the use of AI-supported systems for case management, judicial administration, and dispute resolution processes, with the aim of increasing efficiency and improving access to justice.

Yet the significance of AI in legal practice goes beyond efficiency gains. As Richard Susskind, the deeper transformation lies in the changing nature of professional work itself. Routine and process-driven aspects of legal practice are increasingly susceptible to automation, allowing lawyers to focus more on complex analytical work, strategic judgment, advocacy, and ethical oversight. The lawyer of the future will therefore not simply be a repository of legal knowledge but a professional capable of integrating legal expertise with technological literacy, ensuring that powerful digital tools are deployed responsibly and transparently in the service of justice.⁶

The ethical implications of this transformation are profound. While artificial intelligence can generate impressive outputs, it does not possess the professional duties that define legal practice. Lawyers and judges are bound by obligations of honesty, competence, independence, and fidelity to the rule of law—normative commitments that cannot be delegated to machines. As Sundaresh Menon has observed, the legal profession must embrace technological innovation while remaining vigilant about its risks and implications.⁷ AI-generated outputs must therefore be carefully scrutinized, verified, and contextualized by legal professionals who remain accountable for the integrity and reliability of legal processes.

The challenge before the legal profession is therefore not merely technological but fundamentally ethical. As AI tools become integrated into legal workflows, lawyers must ensure that the use of such technologies remains aligned with the foundational values

⁵ Richard Susskind & Daniel Susskind, *The Future of the Professions: How Technology Will Transform the Work of Human Experts*, Oxford University Press, 2015.

⁶ Richard Susskind, *Tomorrow's Lawyers: An Introduction to Your Future*, see Part One: Disruptive Legal Technologies, Oxford University Press, 3rd Edition, 2023.

⁷ Sundaresh Menon, various speeches on technology and the future of justice (see Supreme Court of Singapore speeches archive), available at: <https://www.supremecourt.gov.sg/news/speeches>. (Accessed on 9 February 2026).

that give the law its legitimacy. Professional responsibility in the age of AI requires heightened vigilance: lawyers must understand the limitations of automated systems, guard against bias or inaccuracies in algorithmic outputs, and ensure that technological tools do not compromise fairness, due process, or the independence of legal judgment.

These considerations are particularly significant in the broader context of the rule of law and access to justice. Access to justice is widely recognized as a fundamental pillar of the rule of law, which requires that all persons and institutions—including the State—be accountable to publicly promulgated and fairly enforced laws consistent with international human rights standards.⁸ It entails the ability of individuals to seek and obtain effective remedies through formal and informal justice institutions. Without meaningful access to justice, citizens cannot exercise their rights, challenge abuses of power, or hold decision-makers accountable.⁹

Across many regions of the world—particularly in parts of Africa and the Global South—significant structural barriers continue to limit access to justice. High legal costs, complex procedures, bureaucratic delays, geographic distance from courts, case backlogs, and limited legal awareness often prevent individuals from obtaining timely and effective remedies.¹⁰ In this context, emerging technologies, including artificial intelligence, offer considerable potential to broaden access to justice and strengthen the rule of law. Digital legal platforms, AI-assisted research tools, online dispute resolution systems, and automated legal guidance can help reduce costs, improve efficiency, and make legal information more widely accessible.¹¹

Indeed, the promotion of the rule of law and access to justice forms a central component of the United Nations 2030 Agenda for Sustainable Development. Sustainable Development Goal (SDG) 16 calls for the promotion of peaceful and inclusive societies, the provision of access to justice for all, and the development of effective, accountable,

⁸ United Nations, “What is the Rule of Law?”, available at: <https://www.un.org/ruleoflaw/what-is-the-rule-of-law/> (Accessed on 9 February 2026).

⁹ United Nations, “Access to Justice,” available at: <https://www.un.org/ruleoflaw/thematic-areas/access-to-justice-and-rule-of-law-institutions/access-to-justice/> (Accessed on 9 February 2026).

¹⁰ Ripple, A., Increasing Equitable Access to Justice in African Nations: Creating Cohesion Between Customary and Formal Legal Systems, 29 September 2022, available at <https://dt-global.com/blog/access-justice/> (Accessed on 10 February 2026).

¹¹ Uchenna C. Okeke, Enhancing Access to Justice Through Technology in Developing Countries: Technology-Based Initiatives, Challenges and Emerging Technologies, *International Journal of Court Administration*, (2026) 16(3), available at <https://iacajournal.org/articles/635/files/6984847b48db9.pdf> (Accessed on 10 February 2026).

and inclusive institutions.¹² Within this framework, harnessing technology responsibly—including AI—can contribute significantly to strengthening justice systems and promoting sustainable development.

At the same time, the growing reliance on AI raises important governance and ethical questions. Algorithmic systems may embed biases, produce inaccurate or misleading outputs, or obscure the reasoning processes that underlie automated recommendations. Without appropriate safeguards, such risks may undermine public trust in legal institutions and weaken the rule of law. The challenge is therefore to harness the transformative potential of AI while ensuring that its deployment remains guided by ethical principles, professional responsibility, and robust institutional oversight.¹³

This paper explores precisely that challenge. As artificial intelligence reshapes the practice of law, the legal profession must reaffirm its identity as a community of responsibility—guardians of truth, fairness, and institutional integrity. The enduring task of lawyers, judges, and legal institutions is to ensure that technological innovation strengthens, rather than weakens, the rule of law. Upholding ethics and professional responsibility in an AI-reshaped legal order is therefore not merely a matter of professional adaptation; it is essential to preserving the legitimacy, credibility, and human-centered foundations of justice itself.

The paper is structured in five sections. Following this introduction, Section 2 provides an overview of AI tools and the principal applications of artificial intelligence in contemporary legal practice. Section 3 examines the key ethical and professional challenges arising from the growing integration of AI into legal work. Section 4 reviews selected case law and emerging jurisprudence illustrating the risks and consequences of AI misuse in legal proceedings. Finally, Section 5 offers concluding reflections on how the legal profession can responsibly navigate the opportunities and challenges of artificial intelligence while safeguarding the core values of justice and the rule of law.

¹² United Nations General Assembly, *Transforming Our World: The 2030 Agenda for Sustainable Development*, A/RES/70/1 (21 October 2015), available at: <https://sustainabledevelopment.un.org/content/documents/21252030%20Agenda%20for%20Sustainable%20Development%20web.pdf> (Accessed on 10 February 2026).

¹³ Daniel Oliveira Cajuera & Victor Rafael Rezende Celestino, A Comprehensive Review of Artificial Intelligence Regulation: Weighing Ethical Principles and Innovation, *Journal of Economy and Technology*, 4(2026), 77-91, available at <https://www.sciencedirect.com/science/article/pii/S2949948825000241> (Accessed on 10 February 2026).

2. Overview of AI Tools and Their Principal Applications in Legal Practice

The growing integration of artificial intelligence into legal practice is no longer a theoretical prospect; it is reflected in the increasing deployment of concrete AI-powered tools by lawyers, law firms, courts, and legal institutions across the world. At its most basic level, artificial intelligence refers to the capacity of computer systems to simulate aspects of human intelligence and decision-making processes, including learning from data, recognizing patterns, processing language, and solving complex problems. Within this broad technological field, several subcategories are particularly relevant to the legal profession, notably machine learning, natural language processing (NLP), and generative artificial intelligence.¹⁴

A specific and rapidly developing subset of AI is generative artificial intelligence, which refers to systems capable of autonomously creating original content—such as text, images, video, or music—based on patterns identified in the data on which they have been trained.¹⁵ Among the most influential generative AI systems are those based on Large Language Models (LLMs), which are designed to process, understand, and generate human speech and written language.¹⁶ By analyzing vast datasets of textual information, these systems can produce coherent responses, summaries, translations, and legal-style documents, and can assist users in researching, organizing, editing, and improving written work.¹⁷ Increasingly, such capabilities are embedded directly into widely

¹⁴ Canadian Judicial Council, *Guidelines for the Use of Artificial Intelligence in Canadian Courts* (September 2024), describing AI as computer systems that simulate human intelligence and decision-making processes. The Guidelines can be accessed at <https://cjc-ccm.ca/sites/default/files/documents/2024/AI%20Guidelines%20-%20FINAL%20-%202024-09%20-%20EN.pdf> (Accessed on 13 February 2026).

¹⁵ *Ibid.*, explaining generative AI as systems capable of autonomously creating original content such as text, images, video, or music.

¹⁶ *Ibid.*, describing Large Language Models as systems designed to process, understand, and generate human speech and written language.

¹⁷ *Ibid.*, noting that LLM-based tools can assist with researching, organizing, editing, translating, and improving written work.

used digital platforms; for example, major productivity tools and communication applications now integrate generative AI features as standard functionalities.¹⁸

Prominent publicly accessible LLM engines currently in use include ChatGPT,¹⁹ developed by OpenAI, Claude from Anthropic, Gemini from Google, and LLaMA from Meta.²⁰ In addition to these general-purpose systems, a growing ecosystem of specialized AI-driven applications has emerged, many of which are tailored for particular professional fields, including legal research, document review, contract analysis, and drafting support.

These systems form the technological foundation of many contemporary AI tools used by legal professionals for research, drafting, document analysis, and case assessment. Their increasing integration into legal workflows reflects a broader structural transformation in how professional knowledge is accessed, organized, and delivered. As Richard Susskind observes, AI should not be understood merely as a technological innovation but as a structural force reshaping the production, distribution, and application of professional expertise.²¹

Overview of AI Applications in Legal Practice

- **AI-Assisted Legal Research**

One of the most significant areas of AI deployment in legal practice is AI-driven legal research. Advanced legal research platforms now incorporate machine learning algorithms and natural language processing techniques that enable lawyers to analyze vast collections of legal information—including case law, statutes, regulations, and scholarly commentary—with remarkable speed and accuracy. Unlike traditional keyword-based searches, AI-powered systems interpret the semantic meaning of queries and identify relevant legal authorities more effectively.²²

¹⁸ Ibid., listing prominent publicly accessible LLM engines including ChatGPT, Claude, Gemini, and LLaMA.

¹⁹ ChatGPT is a chatbot powered by a Generative Pre-trained Transformer

²⁰ Ibid.

²¹ Richard Susskind and Daniel Susskind, *The Future of the Professions: How Technology Will Transform the Work of Human Experts* (Oxford University Press, 2015), esp. chs. 1–3 and conclusion (arguing that technology is transforming the way practical expertise is produced and shared).

²² Pooja Kumari, AI and Legal Research: Transforming the Role of Lawyers, *Advances in Consumer Research*, (2025), 2(2), 225-232, available at <https://acr-journal.com> (Accessed on 13 February 2026).

Empirical studies suggest that such technologies can generate substantial efficiency gains. Available empirical studies indicate that AI-enabled legal research platforms can increase efficiency by roughly 24.5% compared to conventional research approaches, translating into estimated annual time savings of 132 to 210 hours per lawyer. These productivity gains illustrate the transformative potential of AI in managing the increasingly complex and voluminous bodies of legal information that lawyers must navigate.²³

Major legal information providers have already incorporated generative AI capabilities into their platforms. For example, CoCounsel, the generative AI assistant integrated into the Westlaw research platform developed by Thomson Reuters, enables lawyers to perform a range of tasks including AI-assisted legal research, document review and comparison, summarization of legal materials, creation of litigation timelines, and drafting of professional communications such as memoranda or client correspondence.²⁴ Similarly, Lexis+ AI, developed by LexisNexis, integrates generative AI technology to assist lawyers with legal research, summarization of complex legal documents, extraction of relevant information from uploaded files, and support for legal drafting. These tools illustrate how generative AI is increasingly embedded within the everyday workflows of legal professionals.²⁵

- **AI in Legal Writing, Knowledge Synthesis, and Litigation Analytics**

Artificial intelligence is also transforming legal writing and knowledge synthesis. Generative AI systems—such as conversational chatbots powered by large language models—can assist lawyers in drafting preliminary legal documents, summarizing case law, generating research outlines, and structuring legal arguments. By combining LLM capabilities with institutional knowledge bases and legal databases, these systems can sift through large volumes of legal material and produce analytical insights that support legal strategy and decision-making.²⁶

²³ See The real impact of using artificial intelligence in legal research, available at <https://www.lawnext.com/wp-content/uploads/2018/09/The-Real-Impact-of-Using-Artificial-Intelligence-in-Legal-Research-FINAL2.pdf> (Accessed on 13 February 2026).

²⁴ Thomson Reuters, *Introducing CoCounsel: Generative AI for Professional Work*, available at: <https://legal.thomsonreuters.com/en/products/cocounsel>
See also Westlaw Precision with CoCounsel integration, available at: <https://legal.thomsonreuters.com/en/products/westlaw-precision> (Accessed on 13 February 2026).

²⁵ LexisNexis, *Lexis+ AI – Generative AI for Legal Research and Drafting*, available at: <https://www.lexisnexis.com/en-us/products/lexis-plus-ai.page> (Accessed on 13 February 2026).

²⁶ Kurt Dunphy, 9 Best Legal AI Tools for Lawyers in 2026, 2 March 2026, available at <https://www.spellbook.legal/learn/legal-ai-tools> (Accessed on 13 February 2026).

Beyond research and drafting, AI technologies are increasingly applied to document review, contract analysis, and litigation analytics. Machine learning algorithms can identify patterns across large datasets of legal documents, detect unusual clauses in contracts, and assist lawyers in due diligence processes during corporate transactions. Predictive analytics tools can also analyze historical litigation data to identify patterns in judicial decision-making and provide probabilistic assessments regarding potential outcomes of disputes. These capabilities can assist lawyers and clients in evaluating litigation strategies, assessing risks, and considering settlement options.²⁷

The use of AI also extends to legal process automation and client interaction. Many legal service providers now employ intelligent chatbots and automated advisory platforms capable of responding to routine legal queries, generating basic legal documents, and guiding users through procedural requirements. These developments illustrate a broader transformation identified by Richard Susskind and Daniel Susskind in *The Future of the Professions*: professional expertise is increasingly being systematized, standardized, and embedded within technological platforms, thereby expanding access to knowledge that was once available primarily through traditional professional consultations.²⁸ Such technologies hold considerable promise for reducing legal costs, increasing efficiency, and expanding access to justice, particularly in jurisdictions where legal services remain inaccessible to large segments of the population.

- **AI in Courts and Judicial Administration**

Courts and judicial institutions are also beginning to experiment with AI-based tools designed to improve judicial administration and case management. These systems can assist courts in organizing case files, identifying relevant precedents, managing large caseloads, and improving the efficiency of judicial workflows.

An emerging example from Africa is the platform developed by HAKIMU AI, which aims to build Pan-African legal infrastructure through an AI-powered legal research system designed to enhance judicial efficiency and access to legal information. Using advanced natural language processing and AI-generated case summaries, the platform assists judges in identifying relevant precedents more rapidly and improving consistency in judicial decision-making. The initiative began through a partnership with the Judiciary of Kenya and seeks to expand across the African continent to create a unified repository of African legal information. Early projections suggest that such technological interventions may significantly reduce judicial backlogs, with ongoing research collaboration with

²⁷ Ibid.

²⁸ Richard Susskind and Daniel Susskind, *The Future of the Professions*, Oxford University Press, 2015.

Stanford University aimed at measuring the impact of these innovations on judicial efficiency.²⁹

- **Ethical and Regulatory Challenges**

Despite the significant benefits of AI technologies, their growing integration into legal practice raises important ethical and regulatory challenges. As recent scholarship on AI-enhanced legal practice has emphasized, technologies such as predictive analytics, automated contract review, and AI-assisted decision-making introduce complex questions concerning professional responsibility, technological competence, confidentiality, and accountability.³⁰

For instance, when lawyers rely on AI-generated outputs in legal advice or litigation strategy, questions arise regarding who bears responsibility for errors produced by such systems. Similarly, the use of AI platforms that process sensitive client information through third-party providers raises concerns about data protection and the preservation of professional confidentiality.

These challenges are particularly significant in jurisdictions where existing ethical frameworks were developed long before the emergence of modern AI technologies. In Rwanda, for example, the regulation of the legal profession is primarily governed by the Law No. 03/97 Establishing the Bar Association in Rwanda, later amended by Law No. 83/2013 of 11 September 2013 Establishing the Bar Association in Rwanda and Determining its Organization and Functioning.³¹ Like many professional regulatory frameworks adopted prior to the digital age, these instruments and the traditional codes of professional ethics do not contain explicit provisions addressing technological competence, algorithmic oversight, or informed client consent in AI-assisted legal services. This regulatory gap creates uncertainty regarding the ethical boundaries within which lawyers may deploy AI tools and highlights the growing need for updated

²⁹ Information provided by HAKIMU's Management Team.

³⁰ Sreddha Gopakumar Krishna, "Ethical and Professional Responsibility in AI-Enhanced Legal Practice: Need for a New Code of Conduct," *Indian Journal of Law and Legal Research*, Vol. VII, Issue IV, 2291–2293 (2024), available at <https://www.ijllr.com/post/ethical-and-professional-responsibility-in-ai-enhanced-legal-practice-need-for-a-new-code-of-condu> (Accessed on 13 February 2026).

³¹ The law is accessible at https://www.rwandabar.org.rw/attached_pdf/Law%20establishing%20the%20Bar%20Association%20in%20Rwanda%20&%20determining%20its%20Organization%20and%20Functioning-1608279388.pdf

professional standards capable of addressing the realities of technology-enhanced legal practice.

- **The Changing Role of the Lawyer**

The implications of artificial intelligence for the legal profession therefore extend far beyond automation. According to Richard Susskind argues, the most significant transformation lies in the reconfiguration of professional roles and responsibilities.³² As routine and process-driven legal tasks become increasingly automated, the value of legal professionals will lie more in their ability to exercise strategic judgment, ethical oversight, complex problem-solving, and human accountability.

In this evolving environment, the lawyer of the future will require not only deep legal expertise but also technological literacy and a clear understanding of the ethical implications of AI-assisted decision-making. The central challenge for the legal profession is therefore to ensure that technological innovation strengthens rather than undermines the core values that define the profession—integrity, independence, confidentiality, and fidelity to the rule of law.

3. Key Ethical and Professional Challenges in AI-Reshaped Legal Practice

The integration of artificial intelligence (AI) into legal practice and arbitration is reshaping how judges, lawyers, arbitrators, and parties conduct research, draft documents, and resolve disputes. While AI offers significant gains in efficiency, speed, and analytical capacity, its adoption also introduces profound ethical, professional, and institutional challenges that directly affect legal practitioners' obligations under prevailing codes of conduct and professional standards. These challenges include issues relating to accuracy, transparency, confidentiality, accountability, and the preservation of independent professional judgment in the use of automated systems.

Insights from leading thinkers and institutions highlight the complexity of this evolving landscape. For example, Sundaresh Menon, Chief Justice of Singapore, has repeatedly emphasized that technological tools, including AI, must be deployed in ways that preserve

³² Richard Susskind, *Tomorrow's Lawyers*, Oxford University Press, 2nd ed., 2017, particularly Chapter 2 ("The Evolution of Legal Services"), where the author explains how technology is reshaping legal roles and shifting lawyers' value toward judgment, creativity, and ethical responsibility rather than routine legal work.

the integrity of adjudication and maintain public confidence in justice systems.³³ Similarly, legal technology scholar Richard Susskind has argued that digital technologies are transforming not only legal practice but also the structure through which legal expertise is produced, distributed, and accessed.³⁴ At the same time, regulatory and professional bodies have begun to articulate frameworks for responsible AI use in legal settings. Guidance has been developed by courts, bar associations, and arbitration institutions—including the American Bar Association (ABA), the Chartered Institute of Arbitrators (CI Arb), and the American Arbitration Association – International Centre for Dispute Resolution (AAA-ICDR)—all of which stress the need for competence, oversight, and ethical awareness when using AI-driven tools.³⁵

Judicial institutions have likewise begun to develop principled frameworks to guide the responsible integration of AI into the administration of justice. For instance, the Canadian Judicial Council has issued Guidelines for the Use of Artificial Intelligence in Canadian Courts, which aim to provide judges with a principled framework for determining the extent to which AI tools may appropriately support or enhance the judicial role. These guidelines seek both to establish a coherent rationale for a consistent approach to AI use in courts and to illuminate the opportunities and risks associated with AI’s increasing presence in judicial administration and decision-making. They also emphasize the importance of

³³ Sundaresh Menon, Chief Justice of Singapore, speeches on technology and justice (e.g., “The Role of the Judiciary in a Changing World”). See Supreme Court of Singapore speeches archive: <https://www.judiciary.gov.sg/news-and-resources/speeches> (Accessed on 20 February 2026).

³⁴ Richard Susskind, *Tomorrow’s Lawyers: An Introduction to Your Future* (2nd ed., Oxford University Press 2017); Richard Susskind, *Online Courts and the Future of Justice* (Oxford University Press 2019).

³⁵ American Bar Association, “Artificial Intelligence and the Practice of Law,” resources and policy initiatives, available at https://www.americanbar.org/groups/law_practice/resources/artificial-intelligence/
See also Chartered Institute of Arbitrators (CI Arb), Guideline on the Use of Artificial Intelligence in Arbitration, available at https://www.ciarb.org/media/bpndtcgu/guideline-on-the-use-of-ai-in-arbitration_updated-sept-2025.pdf (Accessed on 20 February 2026)
and American Arbitration Association – International Centre for Dispute Resolution, *AAA-ICDR Standards on AI in ADR*, available at <https://www.adr.org/news-and-insights/the-aaai-standards-for-use-of-ai-in-adr/> (Accessed on 20 February 2026).

continuing judicial education to ensure that judges remain competent in understanding the capabilities and limitations of evolving AI technologies.³⁶

Beyond national judicial guidance, the governance of artificial intelligence is increasingly shaped by international normative frameworks that seek to promote trustworthy and human-centred AI. The European Union has adopted the EU Artificial Intelligence Act, the world's first comprehensive regulatory framework for AI, which establishes a risk-based approach to AI governance and imposes strict obligations for high-risk systems affecting fundamental rights, safety, and democratic processes.³⁷ At the global level, the UNESCO adopted in 2021 the Recommendation on the Ethics of Artificial Intelligence, the first international normative instrument on AI ethics agreed by 193 Member States, emphasizing that AI systems must respect human dignity, human rights, and fundamental freedoms throughout their life cycle.³⁸ Similarly, the Organization for Economic Co-operation and Development (OECD) has developed widely endorsed AI Principles, which promote trustworthy AI grounded in human rights, transparency, robustness, accountability, and inclusive growth.³⁹

Taken together, these emerging ethical and regulatory frameworks reflect a growing international consensus that the deployment of AI in legal systems must remain firmly anchored in human oversight, professional responsibility, and the rule of law.

³⁶ Canadian Judicial Council, *Guidelines for the Use of Artificial Intelligence in Canadian Courts* (September 2024):

<https://cjc-ccm.ca/sites/default/files/documents/2024/AI%20Guidelines%20-%20FINAL%20-%202024-09%20-%20EN.pdf> (Accessed on 20 February 2026).

³⁷ EU Artificial Intelligence Act, Regulation (EU) 2024/1689 of the European Parliament and of the Council laying down harmonised rules on artificial intelligence (AI Act). Available at <https://artificialintelligenceact.eu>

³⁸ UNESCO, *Recommendation on the Ethics of Artificial Intelligence* (2021). Available at <https://www.unesco.org/en/legal-affairs/recommendation-ethics-artificial-intelligence>

³⁹ Organization for Economic Co-operation and Development (OECD), *OECD AI Principles* (2019, updated 2024); available at <https://www.oecd.org/en/topics/ai-principles.html>

Against this background, it is essential to examine more closely the key ethical and professional challenges generated by the growing use of AI in legal practice and dispute resolution.

3.1. Competence and Technological Literacy

Both lawyers and arbitrators have a duty of competence regarding AI. Practitioners must maintain sufficient technological knowledge to use AI tools safely and effectively. This includes:

- Understanding the capabilities and limitations of generative AI, machine learning, and natural language processing relevant to legal and arbitration tasks.
- Assessing where AI can improve efficiency and where human judgment remains irreplaceable.
- Keeping current with developments in AI ethics, data privacy, and algorithmic accountability.

Sundaresh Menon emphasizes that technological competence is no longer optional; understanding AI is essential for ensuring justice, fairness, and efficiency in both litigation and arbitration.⁴⁰

3.2. Accuracy, Verification, and AI Hallucinations

AI-generated errors, commonly termed “hallucinations,” can lead to professional sanctions and undermine the integrity of both legal proceedings and arbitral processes. High-profile examples, such as *Mata v. Avianca, Inc.*, underscore the dangers of submitting unverified AI outputs; in that instance, attorneys faced sanctions after including fictitious judicial decisions in a court brief.⁴¹

These errors occur when generative AI systems produce content that appears coherent, credible, and authoritative, yet is factually baseless. As UNESCO notes in its *Guidance for Generative AI in Education and Research*, these systems can generate information

⁴⁰ See Sundaresh Menon, “Corruption in International Arbitration: The Past, Present and Future”, Kaplan Lecture 2025, delivered on 1 December 2025, Supreme Court of Singapore, available at: <https://www.judiciary.gov.sg/news-and-resources/news/news-details/chief-justice-sundaresh-menon--kaplan-lecture-2025> <https://www.judiciary.gov.sg/news-and-resources/news/news-details/chief-justice-sundaresh-menon--kaplan-lecture-2025> (Accessed on 20 February 2026)

⁴¹ *Mata v. Avianca, Inc.*, 22-cv-1461 (PKC) (S.D.N.Y. 2023). Attorneys were sanctioned after submitting a brief containing fictitious judicial decisions generated by an AI system. See discussion at: <https://www.americanbar.org/groups/litigation/resources/litigation-news/2023/use-chatgpt-research-bogus-cases-sanctions/> (Accessed on 24 February 2026).

that seems convincing but lacks support from verified facts, making rigorous human oversight an essential safeguard.⁴²

Professional bodies have therefore emphasized that lawyers must exercise caution when using generative AI tools. The American Bar Association and the Chartered Institute of Arbitrators stress that:

- Rigorous verification of AI outputs is required before filing submissions or relying on them in legal proceedings.
- Human oversight remains essential; AI tools should assist but must not replace professional legal judgment.⁴³

3.3. Confidentiality and Data Security

Inputting sensitive client or party information into AI systems raises confidentiality concerns. Key considerations include:

- Avoiding use of open AI platforms for privileged materials.
- Implementing safeguards for staff interacting with AI tools.
- Understanding vendor data retention and AI training policies.

The CI Arb guideline highlights confidentiality as critical in arbitration, ensuring AI-assisted analysis does not compromise party privacy or procedural rights.⁴⁴

⁴² UNESCO, *Guidance for Generative AI in Education and Research* (Paris, 2023), noting that generative AI systems may produce “hallucinations,” meaning plausible but inaccurate or fabricated outputs that users may mistakenly treat as factual information, available at: <https://unesdoc.unesco.org/ark:/48223/pf0000386693> (Accessed on 24 February 2026).

⁴³ American Bar Association, *Formal Opinion 512: Generative Artificial Intelligence Tools* (2024), emphasizing that lawyers must understand the capabilities and risks of AI systems and verify outputs before relying on them in legal work. See: https://www.americanbar.org/groups/professional_responsibility/publications/ethics_opinions/formal_opinion_512/; See also Chartered Institute of Arbitrators, *Guideline on the Use of AI in Arbitration* (2024), stressing the need for transparency, human oversight, and verification of AI-generated materials in arbitral proceedings: <https://www.ciarb.org/resources/guidelines-on-the-use-of-ai-in-arbitration/> (Accessed on 24 February 2026).

⁴⁴ See Chartered Institute of Arbitrators’ AI Guidelines, Items 2.2 and 2.3

3.4. Bias, Fairness, and Impartiality

AI systems may inherit biases from the data on which they are trained, potentially affecting impartiality in legal decision-making and the administration of justice.⁴⁵ Such risks are particularly significant for judges, arbitrators, lawyers, and other legal practitioners, for whom fairness, neutrality, and procedural integrity are core professional obligations.

AI-generated recommendations, predictive analytics, or document-drafting outputs may unintentionally influence or distort professional reasoning, thereby raising concerns regarding compliance with rules of impartiality, due process, and procedural fairness.⁴⁶

It argued that if historical legal datasets reflect structural or societal biases, AI systems may replicate or amplify these biases in legal research, opinion drafting, risk assessments, or predictive outputs, with potential consequences for equitable outcomes.⁴⁷

Legal professionals must therefore critically evaluate AI outputs, exercise rigorous human oversight over AI-assisted processes, carefully document the reasoning behind their decisions, and ensure that the deployment of AI tools respects principles of fairness, equality, and due process across all areas of legal practice, including litigation, arbitration, and advisory work.⁴⁸

3.5. Accountability and Moral Outsourcing

Delegating tasks to AI does not relieve legal professionals of their ethical, procedural, or professional responsibilities. The integration of AI into legal practice carries risks—

⁴⁵ Giovana Peluso Lopes, “Bias in Adjudication and the Promise of AI: Challenges to Procedural Fairness,” *Law, Technology and Humans* (2025), available at <https://repository.tilburguniversity.edu/server/api/core/bitstreams/189d57e1-574e-4d69-9890-392d27efa57e/content> (Accessed on 24 February 2026).

⁴⁶ Fabricio Fortese, *AI and Arbitration: Where Legal Philosophy Meets Advanced Technology*, University of Oxford, available at <https://www.law.ox.ac.uk/law-and-ai/ai-and-arbitration> (Accessed on 24 February 2026).

⁴⁷ Hilde Weerts et al., “Algorithmic Unfairness through the Lens of EU Non-Discrimination Law or Why the Law is not a Decision Tree, 2023, available at <https://arxiv.org/abs/2305.13938> (Accessed on 2 March 2026).

⁴⁸ Akash Gupta, Arushi Bajpai & Samanvi Narang, Setting Boundaries for the Use of AI in Indian Arbitration, *Engineering Proceedings*, 1 September 2025, available at <https://www.mdpi.com/2673-4591/107/1/39> (Accessed on 2 March 2026).

including erroneous outputs, biased recommendations, or misinterpretation of law—that can directly affect case outcomes, arbitral awards, and the integrity of the legal process.⁴⁹

Lawyers, judges, and arbitrators remain fully accountable for all AI-generated content, including research, legal analysis, drafting, and decision-support outputs. Reliance on AI cannot substitute for the exercise of professional judgment.⁵⁰ It is admitted that oversight, verification, and documentation are non-delegable duties. Professionals must establish internal controls to check AI outputs, maintain audit trails of AI-assisted processes, and ensure compliance with ethical codes and procedural rules.⁵¹

Failure to maintain accountability may expose legal practitioners to professional sanctions, reputational harm, and legal liability, especially in arbitration, litigation, or regulatory proceedings where AI-generated errors could materially affect outcomes.⁵²

3.6. Transparency and Explainability

AI systems often operate as “black boxes,” producing outputs whose internal reasoning is opaque even to expert users. In the legal profession, this raises significant ethical, procedural, and enforceability risks: a lack of transparency can undermine client trust, compromise procedural fairness, and threaten the enforceability of documents or arbitral awards.⁵³

⁴⁹ Keith Robert Fisher, ABA Ethics Opinion on Generative AI Offers Useful Framework, 3 October 2024, emphasizing that lawyers remain responsible for AI-assisted work, available at https://www.americanbar.org/groups/business_law/resources/business-law-today/2024-october/aba-ethics-opinion-generative-ai-offers-useful-framework/ (Accessed on 2 March 2026).

⁵⁰ See specifically for arbitration, American Bar Association, Artificial Intelligence in Arbitration: Is there Room for AI Arbitrators, 21 January 2026, available at <https://www.adr.org/news-and-insights/ai-in-arbitration-is-there-room-for-ai-arbitrators/>

⁵¹ See American Bar Association, A Practical Checklist for Using AI Responsibly in Your Law Firm, 5 January 2026, available at https://www.americanbar.org/groups/law_practice/resources/law-technology-today/2026/checklist-for-using-ai-responsibly-in-your-law-firm/#:~:text=review%20process%20matters-,Why%20Reviewing%20AI%2DGenerated%20Content%20Matters,AI%20models%20for%20client%20work. (Accessed on 3 March 2026).

⁵² Thomson Reuters, From ‘trust but verify’ to ‘do not trust until verified’: How the legal profession is redefining AI Accountability, 26 February 2026, available at <https://legal.thomsonreuters.com/blog/from-trust-but-verify-to-do-not-trust-until-verified-how-the-legal-profession-is-redefining-ai-accountability/> (Accessed on 3 March 2026).

⁵³ OECD, OECD AI Principles (2019), Principle on Transparency and Explainability, available at OECD, *OECD AI Principles* (2019), Principle on Transparency and Explainability: <https://oecd.ai/en/ai-principles>

Providing intelligible explanations to clients, courts, and tribunals is essential. Legal practitioners must be able to justify decisions informed by AI, clarifying the rationale and limitations of AI-generated analyses or recommendations.⁵⁴

Documenting AI-assisted processes is critical to support accountability and defend the integrity of submissions, legal opinions, contracts, and arbitral awards. Proper documentation ensures that outputs can be audited, verified, and relied upon responsibly.⁵⁵

Transparency is particularly crucial in arbitration, where parties expect fairness and neutrality. The Chartered Institute of Arbitrators (CI Arb) and the American Arbitration Association's International Centre for Dispute Resolution AI Standards (AAAI) emphasize that transparency and explainability are core requirements for AI use in dispute resolution, supporting trust in the fairness, integrity, and enforceability of proceedings.⁵⁶

Failing to provide adequate explainability exposes legal professionals to risks of procedural challenge, professional liability, and reputational harm, particularly when AI outputs materially influence legal arguments, decisions, or arbitral outcomes.⁵⁷

3.7. Regulatory and Policy Gaps

Despite the accelerating integration of artificial intelligence into arbitral practice, regulatory and policy frameworks remain fragmented and unevenly developed. Most professional codes and arbitral rules were designed in a pre-AI era and do not fully address issues arising from AI-assisted research, drafting, document review, or decision-support tools. Practitioners therefore operate in an evolving landscape marked by uncertainty regarding professional responsibility, liability, confidentiality, data protection, due process, and the enforceability of awards.

Arbitral institutions have begun to respond, though global harmonization is still limited. The March 2025 *Guideline on the Use of AI in Arbitration* issued by the Chartered Institute of Arbitrators (CI Arb) provides a structured yet flexible framework for responsible AI

⁵⁴ American Bar Association, ABA issues its first ethics guidance on a lawyer's use of AI Tools, 29 July 2024, available at <https://www.americanbar.org/news/abanews/aba-news-archives/2024/07/aba-issues-first-ethics-guidance-ai-tools/>

⁵⁵ American Bar Association, A Practical Checklist for Using AI Responsibly in Your Law Firm, 5 January 2026, op. cit.

⁵⁶ Chartered Institute of Arbitrators, *Guidelines on the Use of AI in Arbitration* (2024), and AAAI Standards (2023), stressing transparency and explainability as critical to fair and enforceable proceedings: <https://www.ciarb.org/resources/guidelines-on-the-use-of-ai-in-arbitration/>
<https://www.adr.org/AAAIStandardsforAlinADR>

⁵⁷ Omar Ismael, Liability in the age of AI: Who's accountable? 23 February 2026, available at <https://www.cover.co.za/articles/liability-in-the-age-of-ai-whos-accountable>

integration.⁵⁸ It recognizes the efficiency and analytical benefits of AI while underscoring risks such as bias, opacity, cybersecurity vulnerabilities, and overreliance. The Guideline reaffirms core arbitral principles— independence, impartiality, procedural fairness, and equality of arms—and stresses that arbitrators and counsel retain full responsibility for AI-assisted outputs. It also confirms tribunals’ authority to regulate parties’ AI use and encourages early procedural clarity through model clauses and templates.⁵⁹ As soft law, however, it remains non-binding and dependent on voluntary adoption.

Similarly, in May 2025, the American Arbitration Association – International Centre for Dispute Resolution (AAA-ICDR) adopted the *AAAI Standards for AI in ADR*, building on its 2023 Principles.⁶⁰ These Standards promote a human-centric governance model grounded in oversight, accountability, transparency, accuracy, and robust data protection. They require verification of AI-generated outputs, emphasize cybersecurity safeguards, and introduce institutional monitoring and vendor oversight mechanisms.⁶¹ However, it should be pointed out that, as with the CI Arb Guideline, these Standards do not create universally binding norms and primarily govern proceedings administered under the AAA-ICDR framework.

While broader digital governance and data protection strategies increasingly acknowledge the need for responsible AI oversight, comprehensive legislative frameworks specifically tailored to AI-assisted legal practice remain underdeveloped. At the same time, AI tools are rapidly permeating professional workflows, whereas ethical and regulatory standards continue to rely largely on general principles that vary across jurisdictions. This structural gap creates the risk of inconsistent practices, ethical missteps, and procedural complications in both judicial and arbitral settings.

Against this backdrop, AI presents significant opportunities alongside complex ethical challenges. Legal professionals—lawyers, arbitrators, and judges alike—must therefore combine technological competence with critical judgment and strict adherence to professional duties. Efficiency gains cannot come at the expense of accuracy, integrity, or fairness. Properly governed, AI has the potential to enhance human expertise;

⁵⁸ Chartered Institute of Arbitrators, *Guidelines on the Use of AI in Arbitration* (2024), and AAAi Standards (2023), stressing transparency and explainability as critical to fair and enforceable proceedings: <https://www.ciarb.org/resources/guidelines-on-the-use-of-ai-in-arbitration/> <https://www.adr.org/AAAIStandardsforAIinADR> (Accessed on 3 March 2026).

⁵⁹ *Ibid.*

⁶⁰ American Arbitration Association – International Centre for Dispute Resolution (AAA-ICDR) *AAAI Standards for AI in ADR, 2025*, available at <https://www.adr.org/news-and-insights/the-aaai-standards-for-use-of-ai-in-adr/>

⁶¹ *Ibid.*

improperly deployed, it may undermine the very values that sustain confidence in legal systems.

Building on this dual reality of promise and risk, the next section examines how AI has already been applied in practice, drawing lessons from emerging case law and jurisprudence addressing instances of AI misuse and judicial responses thereto.

4. Case Law and Emerging Jurisprudence on AI Misuse in Legal Practice

Early jurisprudence across several jurisdictions already illustrates the ethical and professional risks associated with the use of generative artificial intelligence in legal practice. Courts and disciplinary bodies have increasingly confronted situations where lawyers, litigants, or even judicial actors relied on AI-generated legal research without adequate verification. These cases reveal recurring concerns relating to professional competence, transparency toward the court, and accountability for AI-assisted legal drafting.

4.1. United States: Landmark Cases on AI-Generated Legal Authorities

One of the most widely cited cases concerning AI misuse in litigation is *Mata v Avianca, Inc.*, decided by the United States District Court for the Southern District of New York in 2023.⁶² In that case, lawyers representing the plaintiff submitted a legal brief containing six judicial precedents that were later discovered to be entirely fictitious. The citations had been generated by ChatGPT, the generative AI system developed by OpenAI, which produced plausible-sounding but nonexistent case law.

Upon discovering the fabricated authorities, the court required the attorneys to explain the origin of the citations. Judge P. Kevin Castel concluded that the lawyers had failed to exercise the professional diligence required when relying on AI tools and imposed sanctions of USD 5,000. The court emphasized that lawyers remain responsible for

⁶² *Mata v Avianca, Inc.*, Order (22 June 2023), U.S. District Court, S.D.N.Y. <https://storage.courtlistener.com/recap/gov.uscourts.nysd.575368/gov.uscourts.nysd.575368.54.0.pdf> (Accessed on 5 March 2026).

verifying the accuracy of legal authorities submitted to the court and cannot rely blindly on generative AI outputs.⁶³

The significance of *Mata v Avianca* extends beyond the monetary sanction. The decision reaffirmed that traditional professional duties—particularly the duties of competence, diligence, and candour toward the tribunal—remain fully applicable when lawyers use AI tools in legal practice.

Similar cases have subsequently arisen in other U.S. jurisdictions. In 2024, for instance, a federal court sanctioned an attorney who submitted a legal brief containing hallucinated case citations generated by AI.⁶⁴ The court imposed a fine of USD 6,000 and emphasized that the failure to verify legal authorities constituted a violation of the lawyer’s obligations under Rule 11 of the Federal Rules of Civil Procedure Rule 11.⁶⁵

More broadly, several U.S. federal courts have imposed sanctions in cases involving AI-generated hallucinations in legal filings. These cases have involved situations where lawyers submitted fabricated precedents, failed to supervise junior lawyers using AI tools, or relied on automated legal research without independent verification.

4.2. Australia: Professional Discipline for AI-Assisted Legal Research

In Australia, an attorney practicing in the state of Victoria submitted court filings containing legal authorities generated by AI that were later found to be fictitious. Following the discovery of the erroneous citations, the lawyer’s conduct was referred to the professional regulator, and his practicing certificate was restricted, preventing him from operating an independent legal practice.⁶⁶

⁶³ Reuters, “Lawyers fined for citing fake cases generated by ChatGPT,” 23 June 2023. <https://www.reuters.com/legal/new-york-lawyers-sanctioned-citing-fake-cases-generated-by-chatgpt-2023-06-23/> (Accessed on 5 March 2026).

⁶⁴ Reuters, “U.S. judge sanctions lawyer for AI-generated fake citations.” <https://www.reuters.com/legal/legalindustry> (Accessed on 5 March 2026).

⁶⁵ Federal Rules of Civil Procedure, Rule 11. https://www.law.cornell.edu/rules/frcp/rule_11

⁶⁶ Denham Sadler, First Australian lawyer penalized for AI blunder Cited fake cases in a submission to court, 4 September 2025, available at <https://ia.acs.org.au/article/2025/first-australian-lawyer-penalised-for-ai->

This case is widely regarded as one of the first professional disciplinary actions in Australia directly linked to the misuse of generative AI in litigation. It underscores the growing expectation that lawyers must exercise technological competence and maintain rigorous verification standards when using AI-assisted research tools.

4.3. Canada: Suspected AI Hallucinations in Judicial Decisions

A recent controversy in Canada has raised additional concerns about the potential impact of generative AI on judicial decision-making. In November 2025, Jocelyn Geoffroy, a judge of the Superior Court of Quebec, issued a nearly 200-page decision in litigation involving businessman Robert Giroux and alleged investor fraud.⁶⁷

Subsequent analysis revealed that the judgment cited several judicial precedents that either did not exist or were incorrectly referenced. For example, the decision referred to a purported Supreme Court of Canada case titled *Crawford v Crawford McGregor*, which had never been decided by that Court.

Lawyers for the defendant argued on appeal that these anomalies resembled the “hallucinations” commonly associated with generative AI systems. Legal scholar Nicolas Vermeys, director of the Public Law Research Centre at the Université de Montréal, observed that the pattern of nonexistent authorities and misattributed quotations was consistent with errors frequently produced by generative AI tools.⁶⁸

According to Isabelle Hachey, the controversy prompted renewed debate about the responsible use of artificial intelligence in judicial work. In September 2025, the Quebec Superior Court adopted a governance framework for artificial intelligence aimed at ensuring responsible and transparent use of such technologies.⁶⁹

Other Canadian cases demonstrate the risks of AI misuse by litigants themselves. In 2025, the Quebec Superior Court fined a self-represented litigant CAD 5,000 after he relied on ChatGPT to produce fictitious legal authorities in support of his claim.⁷⁰

blunder.html#:~:text=Cited%20fake%20cases%20in%20a,that%20were%20entirely%20made%20up.
(Accessed on 5 March 2026).

⁶⁷ Isabelle Hachey, Fausse jurisprudence, vrai malaise. Un juge a-t-il succombé à la tentation de l’AI?, 6 March 2026, available at <https://www.lapresse.ca/actualites/justice-et-faits-divers/2026-03-06/fausse-jurisprudence-vrai-malaise/un-juge-a-t-il-succombe-a-la-tentation-de-l-ia.php> (Accessed on 5 March 2026).

⁶⁸ Ibid.

⁶⁹ Ibid.

⁷⁰ Ibid.

4.4. Emerging Litigation Involving AI Legal Advice

Beyond cases involving fabricated legal citations, new forms of litigation are emerging concerning the role of AI systems in providing legal advice. In the United States, lawsuits have been filed alleging that AI chatbots effectively engaged in the unauthorized practice of law by providing legal guidance to users.⁷¹

One such lawsuit filed in federal court in Chicago alleges that a chatbot provided legal advice encouraging a user to reopen a settled legal dispute and generated numerous legal filings on the user's behalf. The claimant argues that this conduct constituted unauthorized practice of law and caused significant litigation costs.⁷²

4.5. Developments in Other Jurisdictions

Concerns about AI use in judicial processes have also surfaced in other parts of the world. In 2023, Juan Manuel Padilla, a judge in Colombia, publicly acknowledged consulting ChatGPT while deciding a case involving healthcare rights for an autistic child.⁷³ The disclosure sparked debate about the appropriate role of AI in judicial reasoning.

Similarly, in Brazil, a judge faced criticism after issuing a decision containing multiple legal inaccuracies reportedly linked to AI-generated research prepared by a judicial assistant.⁷⁴

⁷¹ Reuters, "Lawsuits claim AI chatbots engaged in unauthorized practice of law," available at <https://www.reuters.com/legal>; Mike Scarcella, Open AI hit with Lawsuit Charging ChatGPT acted as an unlicensed lawyer, 5 March 2026, available at <https://www.reuters.com/legal/legalindustry/openai-hit-with-lawsuit-claiming-chatgpt-acted-an-unlicensed-lawyer-2026-03-05/> (Accessed on 5 March 2026).

⁷² Ibid.

⁷³ Reuters, "Colombian judge says he used ChatGPT in ruling," <https://www.reuters.com/technology/colombian-judge-says-he-used-chatgpt-ruling-2023> (Accessed on 5 March 2026).

⁷⁴ Brazil Judge Investigated for AI Errors in Ruling, 13 November 2023, available at <https://www.barrons.com/news/brazil-judge-investigated-for-ai-errors-in-ruling-c45e8f8f> (Accessed on 5 March 2026).

4.6. Africa: Emerging Jurisprudence on AI Misuse

Although reported African case law specifically addressing the misuse of artificial intelligence in legal practice remains limited, recent developments suggest that courts on the continent are beginning to confront similar challenges.

A notable example is *Mavundla v MEC: Department of Co-Operative Government and Traditional Affairs KwaZulu-Natal and Others*, decided by the High Court of South Africa in 2025.⁷⁵ In this case, the legal team representing one of the parties relied on case law authorities generated by ChatGPT. Upon examination, the court discovered that only two of the nine judicial precedents cited were genuine; the remaining authorities were entirely fictitious.⁷⁶

The court described the conduct as “irresponsible and unprofessional” and referred the matter to the Legal Practice Council for investigation.⁷⁷

This was not the first time South African courts encountered such issues. In *Parker v Forsyth* (2023), the court also confronted legal submissions containing fabricated case law generated by AI.⁷⁸

In Kenya, a case involving misuse of artificial intelligence in court proceedings occurred in 2026 at the Milimani High Court in Nairobi, and it has become an important reference point in discussions about AI ethics in legal practice.

In *Nayan Mansukhlal Salva v. Kenya Psychiatric Association & Others* (2026), the Applicant, Nayan Mansukhlal Salva, filed against the Kenya Psychiatric Association. Through a Notice of Motion filed under a certificate of urgency, he was seeking procedural

⁷⁵ *Mavundla v MEC: Department of Co-Operative Government and Traditional Affairs KwaZulu-Natal and Others*, High Court of South Africa (2025).

⁷⁶ See Jacques Matthee & Grey Stopforth, AI in the courtroom: The dangers of using ChatGPT in legal practice in South Africa, 4 November 2025, available at <https://theconversation.com/ai-in-the-courtroom-the-dangers-of-using-chatgtp-in-legal-practice-in-south-africa-267691> (Accessed on 5 March 2026).

⁷⁷ Legal Practice Council of South Africa – disciplinary oversight of legal practitioners. <https://lpc.org.za>

⁷⁸ See Jacques Matthee & Grey Stopforth, op.cit.

directions relating to a dispute over access to information that had earlier been ordered by the Commission on Administrative Justice (Kenya Ombudsman).

The High Court at Milimani Law Courts in Nairobi struck out the legal application after finding that the pleadings and supporting affidavit had been generated using artificial intelligence.

4.7. Artificial Intelligence and the Integrity of Arbitral Decision-Making

Beyond litigation before national courts, the rise of artificial intelligence has also raised concerns within international arbitration, particularly regarding the extent to which AI tools may assist in drafting arbitral awards without infringing the non-delegation of decision-making powers.

A relevant reference point is the decision of the Belgian Court of Cassation in *European Commission v Emek and WTE* (2023). Although the case did not directly concern artificial intelligence, it addressed the broader issue of whether arbitral tribunals may delegate substantial drafting tasks to arbitral secretaries. The Court held that such delegation is permissible provided that the arbitral tribunal retains ultimate decision-making authority.

⁷⁹

This reasoning is increasingly invoked in discussions about AI-assisted drafting in arbitration. Some commentators suggest that AI tools could be used in a manner analogous to an arbitral secretary—assisting with research or preliminary drafting while the arbitrators retain full responsibility for the reasoning and final decision.⁸⁰

A more direct controversy concerning possible AI use in arbitral decision-making emerged in *La Paglia v Valve Corp.* (2025). The claimant sought to vacate an arbitral award involving the gaming company Valve Corporation, arguing that the arbitrator’s decision contained factual statements inconsistent with the evidentiary record, allegedly resembling AI-generated “hallucinations.” However, the United States District Court for

⁷⁹ *European Commission v Emek and WTE*, Case C.21.0548.F/1, Belgian Court of Cassation, 24 April 2023; Hannelore Buelens & Benoit Allemeersh, Belgian Supreme Court Rules on Delegation of Tasks to Arbitral Secretaries, *Kluwer Arbitration Blog*, 13 November 2023, available at <https://legalblogs.wolterskluwer.com/arbitration-blog/belgian-supreme-court-rules-on-delegation-of-tasks-to-arbitral-secretaries/#:~:text=In%20a%20decision%20of%202024,in%20the%20petition%20for%20appeal>. (Accessed on 6 March 2026).

⁸⁰ Hannelore Buelens & Benoit Allemeersh, op.cit.

the Southern District of California dismissed the petition in December 2025 for lack of subject-matter jurisdiction and did not rule on whether AI had actually been used.⁸¹

4.8. Key Ethical and Regulatory Issues Emerging from the Case Law

Taken together, the emerging jurisprudence reveals several recurring ethical and professional concerns arising from AI-assisted legal practice, including:

- The generation of hallucinated legal authorities;
- Failure to verify AI-generated outputs;
- Breaches of the duty of transparency toward the court;
- Questions of professional competence and technological literacy;
- Potential unauthorized practice of law by AI systems;
- Accountability for AI-assisted legal drafting and decision-making.

These concerns have increasingly been addressed within international regulatory frameworks governing artificial intelligence.

For instance, the European Union Artificial Intelligence Act,⁸² adopted in 2024, establishes the first comprehensive legal framework regulating artificial intelligence based on a risk-based approach. The regulation prohibits certain AI practices considered unacceptable risks—such as social scoring or manipulative systems—and imposes strict requirements on “high-risk” AI systems, including obligations relating to transparency, human oversight, risk management and accountability. These provisions aim to ensure that AI technologies are developed and deployed in ways that respect fundamental rights and maintain human control over automated decision-making.

At the global level, the UNESCO Recommendation on the Ethics of Artificial Intelligence,⁸³ adopted by UNESCO Member States in 2021, provides the first worldwide normative framework for AI governance. The Recommendation emphasizes the centrality of human dignity, human rights and fundamental freedoms throughout the lifecycle of AI systems and calls for ethical impact assessments, transparency, accountability and human oversight when deploying AI technologies.

⁸¹ *La Paglia v Valve Corp.*, Order Granting Motion to Dismiss, U.S. District Court, S.D. California, 9 December 2025

⁸² See supra note 37.

⁸³ See supra note 38.

Similarly, the OECD AI Principles,⁸⁴ adopted in 2019 and endorsed by numerous governments worldwide, set out key standards for trustworthy AI. These principles emphasize that AI systems should promote inclusive growth and human well-being, respect democratic values and human rights, ensure transparency and robustness, and guarantee that AI actors remain accountable for the functioning and outcomes of AI systems.

Together, these international frameworks highlight the growing consensus that artificial intelligence must remain human-centred, transparent and accountable, particularly in high-stakes domains such as judicial decision-making and dispute resolution.

Courts and arbitral tribunals have consistently emphasized that the use of artificial intelligence does not diminish the professional responsibilities of lawyers, judges or arbitrators. On the contrary, the emergence of AI in legal practice reinforces the importance of vigilance, verification and human judgment in the administration of justice.

5. Conclusion

The emergence of artificial intelligence in legal practice represents one of the most significant transformations in the modern administration of justice. As this discussion has shown, AI possesses considerable potential to strengthen the rule of law and expand access to justice. Through applications such as automated legal research, document review, predictive analytics, case management systems, and other forms of administrative support, AI technologies can improve efficiency within courts and legal institutions, reduce costs, and assist legal professionals in navigating increasingly complex bodies of law. In many jurisdictions—particularly those facing significant case backlogs, limited legal resources, or barriers to accessing legal services—such technological innovations may play an important role in enhancing the effectiveness and accessibility of justice systems.⁸⁵

At the same time, the integration of AI into legal practice raises profound ethical, professional, and institutional challenges. Concerns relating to algorithmic bias, data privacy, digital inequality, transparency, accountability, and due process demonstrate that technological progress cannot be viewed in purely technical or efficiency-driven terms. If left unaddressed, these risks could undermine the very principles that justice systems

⁸⁴ See *supra* note 39.

⁸⁵ Kariuki Muigua, *Governing Artificial Intelligence in Africa: Law, Science, Ethics, and Sustainable Development* (Glenwood Publishers Limited, Nairobi, 2026), Chapter 4: “Artificial Intelligence, the Rule of Law, and Access to Justice.”

seek to protect. Ensuring that AI tools operate in a manner consistent with fundamental legal values—fairness, equality before the law, judicial independence, and procedural integrity—is therefore essential to preserving public confidence in legal institutions.⁸⁶

These developments also highlight an important regulatory and professional gap. Many existing ethical frameworks governing legal practice were developed long before the emergence of advanced AI technologies and therefore do not provide sufficient guidance on issues such as technological competence, algorithmic oversight, client consent, and responsibility for AI-assisted legal work. As legal professionals increasingly rely on digital tools to support their practice, it becomes imperative for professional bodies and regulators to develop updated ethical guidelines or dedicated codes of conduct capable of addressing the realities of AI-enhanced legal practice. Such frameworks should reinforce the core duties of competence, confidentiality, independence, and integrity while providing clear standards for the responsible deployment of AI in legal services.⁸⁷

Ultimately, however, the central question raised by the rise of artificial intelligence in law is not technological but ethical. AI systems may assist lawyers and judges by analyzing data, identifying patterns, and generating information at unprecedented speed. Yet these systems do not possess legal responsibility, professional judgment, or moral accountability. The duty to interpret the law, weigh competing interests, safeguard rights, and deliver justice remains inherently human. Artificial intelligence must therefore remain a tool that supports, rather than replaces, the professional responsibilities of lawyers and judges.

Human judgment cannot be delegated to algorithms when fundamental rights, legal obligations, and questions of justice are at stake. Lawyers, as officers of the court and fiduciaries to their clients, bear ultimate responsibility for the accuracy, integrity, and ethical implications of all work performed under their authority—including work assisted by artificial intelligence. Reliance on AI-generated outputs without careful verification risks undermining legal accuracy, professional accountability, and client trust. It is therefore essential that legal professionals exercise rigorous oversight over AI-assisted processes and maintain full responsibility for the decisions that shape legal outcomes.⁸⁸

In this evolving technological landscape, the legal profession must reaffirm its enduring role as a guardian of the rule of law. Responsible adoption of artificial intelligence—guided by ethical principles, regulatory safeguards, and human oversight—can enhance the effectiveness of justice systems while preserving the integrity of legal institutions. The

⁸⁶ Ibid.

⁸⁷ Sreddha Gopakumar Krishna, “Ethical and Professional Responsibility in AI-Enhanced Legal Practice: Need for a New Code of Conduct,” *op. cit.*

⁸⁸ Ibid.

challenge before the profession is therefore not whether AI should be used, but how it should be governed.

As we stand at the threshold of an AI-reshaped legal order, the legal profession must remember a fundamental truth: technology can assist justice, but it cannot replace judgment. Artificial intelligence may analyze data, detect patterns, and generate impressive outputs, yet it cannot carry the ethical responsibility that defines the work of lawyers and judges. The rule of law ultimately depends not on algorithms but on human integrity, independence, and accountability. The task before legal professionals, therefore, is not to resist innovation but to guide it wisely—to ensure that artificial intelligence remains a tool in the service of justice rather than a force that reshapes justice without our consent. If we approach this technological transformation with vigilance, prudence, and a renewed commitment to professional ethics, AI can become a powerful ally in strengthening our legal systems. But the final responsibility for fairness, rights, and justice will always rest where it has always belonged: in the hands of human beings entrusted with the law. In this rapidly evolving technological environment, the challenges discussed in this paper—and those yet to emerge—can be effectively addressed if the legal profession remains committed to continuous learning, ethical vigilance, and technological upskilling, so that lawyers and judges are better equipped to serve the enduring goals of justice, peace, and sustainable development.