



BIRMINGHAM LAW SOCIETY
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**Response to consultation on
CJC The Use of AI for Preparing Court Documents**

April 2026

The consultation closes on **14th April 2026 at midnight.**

Consultees do not need to answer all questions if only some are of interest or relevance.

Answers should be submitted by PDF or word document to CJC.AI.consultation@judiciary.uk.

If you have any questions about the consultation or submission process, please contact CJC@judiciary.uk.

Please name your submission as follows: 'name/organisation - CJC The Use of AI for Preparing Court Documents.

You must fill in the following and submit this sheet with your response:

Your response is (public/anonymous/confidential):	Public
First name:	Alan
Last name:	Ma
Location:	Birmingham
Role:	Chair
Job title:	Chair, Legal Tech Committee
Organisation:	Birmingham Law Society Legal Tech Committee
Are you responding on behalf of your organisation?	Yes
Your email address:	SiuYungAlan.Ma@bcu.ac.uk

Information provided to the Civil Justice Council:

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Consultation responses are most effective where we are able to report which consultees responded to us, and what they said. If you consider that it is necessary for all or some of the information that you provide to be treated as **confidential** and so neither published nor disclosed, please contact us before sending it. Please limit the confidential material to the minimum, clearly identify it and explain why you want it to be confidential. We cannot guarantee that confidentiality can be maintained in all circumstances and an automatic disclaimer generated by your IT system will not be regarded as binding on the Civil Justice Council.

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We list who responded to our consultations in our reports. If you provide a confidential response your name will appear in that list. If your response is anonymous, we will not include your name in the list unless you have given us permission to do so. Please let us know if you wish your response to be anonymous or confidential.

The full list of consultation questions is below:

Scope

1. The scope of this work has been concerned with rules relating to legal representatives, on the basis that guidance is a matter for their professional bodies. Do you agree with that approach to guidance? If not, please explain why not.

Statements of Case

2. The CJC proposes that provided a statement of case bears the name of the legal representative who is taking professional responsibility for it, there is no need for any (further) rules relating to statements of case produced with the assistance of AI. Do you agree? If not why not?
3. An alternative would be to require a specific declaration to make clear if the legal representative has used AI in the preparation of the statement of case. Do you prefer this alternative? If so, please explain why and consider which uses of AI ought to be covered.
4. Skeleton arguments and other advocacy documents [Part E - paragraph 41-45]
5. The CJC proposes that provided the skeleton argument or other advocacy document bears the name of the legal representative who is taking professional responsibility for it, there is no need for any (further) rules relating to these documents produced with the assistance of AI. Do you agree? If not why not?
6. An alternative would be to require a specific declaration to make clear if the legal representative has used AI in the preparation of these documents. Do you prefer this alternative? If so, please explain why and consider which uses of AI ought to be covered.

Disclosure

7. The CJC proposes that there does not appear to be a pressing case introduce a requirement that disclosure lists/statements have a section addressing the extent to which AI tools/software have been used. Do you agree that disclosure lists/statements do not need to contain such a statement? If not why not?

Witness statements

8. The CJC makes different proposals for different kinds of witness statements, in particular drawing a distinction between trial witness statement and non-trial witness statements. Do you agree with that approach? What distinction if any would you propose?
9. In relation to non-trial witness statements, the proposal is that provided the statement bears the name (or firm name?) of the legal representative who is taking professional responsibility for its preparation, there is no need for any (further) rules relating to these documents produced with the assistance of AI. Do you agree? If not, why not?
10. An alternative would be to require a specific declaration to make clear if the legal representative has used AI in the preparation of non-trial witness statements. Do you prefer this alternative? If so, please explain why and consider which uses of AI ought to be covered.
11. In relation to witness statements covered by PD57AC and within the scope of this paper (i.e. trial witness statements prepared with the involvement of a legal representative), the proposal is that there be a rule requiring a declaration on such a statement that AI has not been used for the purposes of generating its content (including by way of altering, embellishing, strengthening, diluting or rephrasing the witness's evidence). Do you agree? If not, why not?
12. In relation to witness statements under CPR Part 32, not covered by PD57AC but within the scope of this paper (i.e. trial witness statements prepared with the involvement of a legal representative), the proposal is that there be a rule requiring a declaration on such a statement that AI has not been used for the purposes of generating its content (including by way of altering, embellishing, strengthening or diluting or rephrasing the witness's evidence). Do you agree? If not, why not?
13. In relation to witness statements involving translation, one issue relates to use of AI by translators. Should there be a rule making provision for the use of AI by human translators? If a translator is prepared to sign a statement of accuracy, taking responsibility for it, is there any need to enquire further? A further proposal is to permit the use of publicly available machine translation, provided the tool used

is identified, and provided (if necessary) that provision is made clarifying that other parties are entitled to check the translation themselves by using such a tool. Do you agree? If not, why not? Do you favour the alternative below? If so why

14. An alternative to the previous proposal would be only to permit such use by a legal representative and to require that the legal representative involved in the preparation of the translation should identify what tool has been used. Do you favour this alternative?

Experts

15. The proposal is that the specific provisions for statements of truth used by experts should be amended to add a further requirement confirming that the expert's report identifies and explains any AI which has been used, other than for administrative uses such as transcription. Do you agree? If not why not?

General Issues

16. Is the term artificial intelligence sufficiently clear to be used in these proposed rules? If not do you have an alternative proposal?
17. One of the distinctions drawn between different uses of AI is between activity defined in the report as administrative uses, which merely corrects spelling or grammar, provides transcription, operates as accessibility software, or assists with formatting and otherwise does not generate substantive content on the one hand, and activity which generates substantive text, images or videos on the other. Another distinction drawn is between fact evidence and the product of legal research. Do you agree with the distinctions drawn in these proposals? If not what alternatives do you propose?
18. Should the endorsements proposed always identify the AI tool used? If so, to what end?
19. Should there be a rule providing for a power to give a party permission to use AI for some specific purpose? If such a rule should be introduced, should it be general or confined to specific uses?

Response of the Birmingham Law Society Legal Tech Committee

Civil Justice Council Consultation: Use of AI for Preparing Court Documents

The Birmingham Law Society Legal Tech Committee welcomes the opportunity to contribute to the Civil Justice Council's consultation on the use of artificial intelligence in preparing court documents. The Committee brings together legal practitioners, academics and others with a shared interest in legal innovation, legal technology and the responsible development of modern legal practice.

This response is offered from a practical and professional perspective. It proceeds on the basis that AI can bring real benefits to legal practice, including greater efficiency, improved accessibility and better handling of large volumes of material. Many legal professionals are already using technology of this general kind in routine and entirely proper ways, whether through case management systems, document review platforms, transcription tools, translation tools, or increasingly sophisticated legal research and drafting support tools. In that sense, this response is not written from a position of scepticism about technology, but from a position of responsible and informed use.

At the same time, the integrity of court documents, the proper administration of justice, and public confidence in the legal system must remain central. In our view, the most appropriate approach is a proportionate one: professional responsibility should remain the primary safeguard, with targeted procedural intervention only where the use of AI creates a material risk to the authenticity, accuracy or evidential integrity of material placed before the court. That approach is also important from an access to justice perspective. Technology should not be discouraged where it can reduce cost, improve efficiency, and widen effective access to legal services, but nor should its use be left unguarded where it may compromise the reliability of material put before the court.

1. Scope

We agree with the overall approach adopted by the consultation, namely that this phase of the work should focus on rules relating to legal representatives, while broader guidance remains primarily a matter for the relevant professional bodies.

That is, in our view, a sensible and workable starting point. Legal representatives are already subject to professional duties of honesty, integrity, competence and independence. The key question is therefore not whether AI exists, but whether existing duties require procedural reinforcement in specific categories of court

document. A focused exercise of this kind is more likely to produce workable outcomes than an attempt to regulate every form of AI use across the justice system at once.

We would, however, encourage further consideration in due course of the position of litigants in person. In practice, this matters not only as a regulatory issue but also as an access to justice issue. AI tools may increasingly be the first or only source of assistance for some court users. Any future approach should therefore be careful not to discourage helpful and legitimate use, while still addressing risks of inaccuracy and misunderstanding.

2. Statements of Case

We broadly agree with the proposal that, provided a statement of case bears the name of the legal representative taking professional responsibility for it, there is no need for additional rules merely because AI has been used in its preparation.

In our view, the existing framework of professional accountability is generally sufficient in this context.

Statements of case are already formal documents produced within a regulated environment. If a legal representative uses AI to assist with structure, chronology, summarising background material, drafting efficiency or language refinement, that does not in itself justify a separate procedural declaration.

We do not favour a general disclosure requirement for all AI use in statements of case. Such a requirement may prove formalistic, difficult to apply consistently, and of limited assistance to the court. It may also create satellite disputes over what level of technological assistance is sufficiently material to require disclosure.

That said, the use of AI must not be taken to dilute responsibility in any way. The legal representative whose name appears on the statement of case must remain fully responsible for its accuracy, legal foundation and propriety. That principle is better reinforced through professional culture, guidance and training than through an additional blanket procedural declaration.

3. Skeleton Arguments and Other Advocacy Documents

We take the same broad view in relation to skeleton arguments and other advocacy documents. Provided the document clearly bears the name of the legal representative taking professional responsibility for it, we do not consider that a general rule requiring disclosure of AI use is necessary.

Advocacy documents are a particularly clear example of material for which responsibility already rests squarely with the lawyer. The risk here is real, especially in relation to hallucinated authorities, inaccurate propositions of law, or superficially plausible but legally unsound analysis. However, that risk is already addressed in principle by existing professional obligations and by the sanctions available where false or misleading material is placed before the court.

We therefore favour reinforcing professional responsibility rather than introducing a broad disclosure regime. The court is better protected by a clear expectation that every citation, proposition and submission remains the responsibility of the advocate than by a routine statement that AI was used at some point in the drafting process. If the CJC concludes that some further step is required, we would prefer that to take the form of guidance rather than a formal rule. Such guidance could make explicit that any legal representative using AI-assisted drafting or research tools must independently verify all authorities, quotations, references and propositions before the document is filed or relied upon.

4. Disclosure

We agree that there is currently no pressing case for requiring disclosure lists or disclosure statements to contain a specific section addressing the extent to which AI tools or software have been used.

The use of technology-assisted review and related tools is already an established part of disclosure practice. The real issue in disclosure is not whether a tool is labelled as AI, but whether the process used is proportionate, transparent where necessary, and capable of producing a defensible and reliable disclosure exercise. Existing case management powers and cooperative practice between parties are generally capable of addressing these matters.

We would therefore not support a blanket rule requiring routine disclosure of AI use in disclosure statements at this stage. If, in future, disputes arise concerning prompt design, validation, sampling, training methods or the adequacy of AI-assisted review processes, such matters may justify more detailed guidance. For now, however, this seems better left to case-specific management and the continued development of specialist practice.

A cautious approach here also helps avoid imposing unnecessary procedural cost and complexity, which may ultimately work against efficient and proportionate dispute resolution.

5. Witness Statements

This is the area in which, in our view, tighter control is most justified.

We agree with the distinction drawn between non-trial witness statements and trial witness statements. Trial witness evidence raises a particular concern because the court is being asked to treat the statement as the witness's own evidence. The closer the document is to the witness's personal recollection and own words, the stronger the case for restricting substantive AI involvement.

Non-trial witness statements

For non-trial witness statements, we broadly support the proposal that no further rule is required provided a legal representative takes professional responsibility for the document.

In practice, there may be benign uses of AI in this context, such as transcription, grammar correction, formatting, accessibility assistance, or the neutral summarising of procedural history. A general rule requiring disclosure of all such use would likely be disproportionate.

Trial witness statements covered by PD57AC and Part 32

We agree in substance with the proposal that, for trial witness statements, there should be a rule requiring a declaration that AI has not been used to generate the content of the witness's evidence, including altering, embellishing, strengthening, diluting or rephrasing that evidence.

We support this because trial witness statements occupy a distinct position. The risk is not limited to outright fabrication. AI may subtly reshape emphasis, confidence, chronology, level of detail or tone in a way that moves the statement away from the witness's authentic recollection. Even where such changes are unintended, they may affect the evidential quality of the statement and the fairness of proceedings.

For that reason, trial witness statements should in our view be treated differently from statements of case and advocacy documents. Any declaration should focus on substantive generation or alteration of evidence, while still permitting clearly administrative uses such as transcription, formatting, accessibility support, or spelling and grammar correction, provided these do not alter meaning.

If the CJC takes this proposal forward, it may be useful to ensure that the wording is carefully framed so as not to create uncertainty around ordinary and legitimate professional drafting assistance by lawyers. The aim should be

to preserve authenticity of evidence, not to cast doubt on routine and proper legal support in the preparation of witness statements.

6. Witness Statements Involving Translation

We do not consider that AI-assisted translation should be prohibited outright. The better principle is that a human translator, or other appropriately responsible person, must remain accountable for the accuracy of the translated text.

Our view is that responsibility for accuracy is the key issue. If a qualified translator is willing to certify the translation as accurate, there may be limited practical benefit in imposing an additional rule purely because AI-assisted tools were used as part of the process.

This is also an area in which access to justice deserves particular attention. Translation cost and delay can be real barriers for some court users. A proportionate approach should therefore permit responsible use of technology where accuracy is maintained and accountability is clear.

That said, where publicly available machine translation has been used directly, especially in contentious proceedings, transparency may be useful. We would not object to a rule permitting such tools provided the tool used is identified and the opposing party is able, where appropriate, to test the translation. That seems more proportionate than a blanket prohibition.

We do not favour the narrower alternative of permitting such use only by a legal representative. That seems unnecessarily restrictive and may exclude practical and legitimate arrangements involving translators who are better placed than lawyers to assess linguistic accuracy.

7. Experts

We agree that expert reports should be treated differently from witness statements and that the rules should require experts to identify and explain substantive AI use, other than purely administrative uses such as transcription.

Experts may in some circumstances legitimately use AI tools for data handling, review of large document sets, modelling, pattern identification, or other analytical support. The difficulty is not simply that AI is used, but that undisclosed or poorly understood use may affect transparency, reproducibility and fairness.

We therefore support a disclosure-based approach for expert reports. Where AI has materially contributed to the preparation of the report, the expert should identify the tool and explain the nature of its use in sufficient detail to allow the court and the parties to understand its role. That should include enough information to assess whether the expert has exercised independent judgment and whether the opinion expressed remains truly the expert's own.

In our view, this is more realistic and principled than seeking to prohibit AI use by experts altogether.

8. General Issues

The term “artificial intelligence”

We think the term “artificial intelligence” is probably workable for present purposes, but only if accompanied by practical explanation. In our view, the greater difficulty lies not in the label itself, but in distinguishing between different forms of use.

The rules should focus less on whether a tool is marketed as AI and more on whether it is being used in a way that generates, alters or materially influences substantive content placed before the court.

Distinction between administrative and substantive uses

We agree with the broad distinction between administrative uses and substantive content generation. That is a sensible foundation.

However, the boundary will not always be straightforward in practice. Some tools may begin with administrative functions but also suggest wording, alter expression, or generate summaries that affect substance. We would therefore encourage the CJC to frame the distinction functionally. The central question should be whether the use affects substantive meaning, evidential content, legal analysis, or the presentation of material in a way that matters to the court.

Identifying the AI tool used

We do not consider that endorsements should always identify the AI tool used in every category of document.

For statements of case and advocacy documents, routine identification of the tool may add little value and may distract from the core principle of personal professional responsibility. For expert reports, and possibly in some

translation contexts, identification of the tool is more justifiable because it may bear on reliability, reproducibility and the ability of the court or another party to understand the process.

Tool identification should therefore, in our view, be targeted rather than universal.

Power to permit AI use for specific purposes

We see merit in there being an express procedural power enabling the court to permit or regulate AI use for particular purposes where that is appropriate. Such a power could be useful, especially in unusual or technically complex cases, by allowing the court to respond pragmatically to developing technology without requiring constant amendment of the rules.

We would favour a general enabling power, rather than one confined too tightly to specified scenarios, because flexibility is likely to be important as the technology continues to evolve.

Conclusion

This response supports a proportionate and practical response to AI in civil procedure. In our view, the strongest distinction is not between documents produced with technology and those produced without it, but between:

- uses that merely assist legal work while leaving full responsibility and judgment with the lawyer or expert; and
- uses that may alter, generate or obscure substantive content on which the court is being asked to rely.

For statements of case, skeleton arguments and disclosure, the existing framework of professional responsibility and case management is, at present, broadly sufficient. For trial witness statements, stricter safeguards are justified because of the need to preserve the authenticity of witness evidence. For expert reports, transparency about substantive AI use is both realistic and desirable.

Overall, the response favours an approach that enables responsible innovation while preserving the integrity of court documents, the fairness of proceedings, and public confidence in the administration of justice.

Submitted by:

Alan Ma

Chair, Birmingham Law Society Legal Tech Committee

On behalf of:

Birmingham Law Society Legal Tech Committee

Basis of submission:

Submitted on behalf of the Committee, following discussion at the Committee meeting of 24 March 2026 and subsequent member comments.