

Generative Artificial Intelligence and Legal Decision Making

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Abstract

The emergence of Generative Artificial Intelligence (GAI) has introduced revolutionary changes in every field of life, and the judiciary is no exception. While GAI has the potential to enhance judicial efficiency, concerns arise regarding accuracy, bias, and ethical use, particularly when it produces “hallucinations” or fictitious legal authorities. This paper examines the role of GAI in judicial decision-making and its implications for due process, legal accountability, and fairness. The central research question guiding this study is to what extent GAI can assist judicial actors without compromising legal standards and ethical obligations. It further addresses other sub-questions: (1) How do GAI-generated outputs differ from traditional judicial reasoning? (2) What safeguards are necessary to prevent misuse of GAI in legal settings? For this study, doctrinal research methodology is adopted, analysing case law, statutes, and peer-reviewed legal scholarship. Empirical and interdisciplinary studies are used illustratively to contextualise doctrinal analysis. The study argues that while GAI can support judicial efficiency, its utility is contingent on clear regulatory frameworks and ethical guidelines that ensure it serves as an assistant rather than a replacement for human decision-makers. This research contributes to the ongoing scholarly debate by providing a critical legal evaluation of GAI’s opportunities and limitations in judicial processes.

Keywords: Accountability, Generative Artificial Intelligence, Judicial efficiency, Legal Decision Making, Technology

Introduction

We live and practice law in a time of rapid technological change. Artificial Intelligence (AI) is one of those changes. With the advent of AI technology, Judicial systems in various jurisdictions

use AI for prosecution services, investigative assistance and Judicial decision-making processes (Xu, 2022). Judges use AI to seek assistance in legal determination, and for research support or to produce a skeleton judgment; experts use it for their analysis in both civil and criminal litigation. Law firms use algorithms to draft contracts or arguments for litigation (Xu, 2022).

AI is essentially a created computerised system that mimics human decision-making and performs activities that often need human intelligence (Hedges et al., 2020). Algorithms are computer-executable collections of rules that are used in AI (Branting, 2017). An algorithm applies instructions, processes incoming data, and generates an output (Branting, 2017). Conversely, some artificial intelligence systems use algorithms that automatically learn from data and get better. We call this GAI. It alludes to deep learning algorithms that take in unprocessed data and learn to figure out probable outcomes (Branting, 2017). GAI produces a whole new work that is comparable to the original data (Hedges et al., 2020). Although GAI has enormous potential to provide new material, it also presents new hazards. Many generative models spread misinformation that appears to be reliable but isn't (called hallucinations) (Gwon et al., 2024). It is obscene, biased, and discriminatory. One might assume that since algorithms are computerised, they must be neutral; however, studies have proven that algorithms can be tainted by human bias (Hedges et al., 2020). By using data that they know to be prejudiced against a specific ethnic or religious group or that reflects past discrimination (Hedges et al., 2020), programmers and developers can introduce bias into AI products. This is one way that biased programmers can illegally discriminate against women and minorities by skewing the results of algorithms (Hedges et al., 2020).

Given this, using AI raises legal issues such as bias, accountability, transparency, and due process. The implications of AI for human rights, liability, and legal integrity are thus questioned.

This paper aims to explore the impact of AI on legal decision-making. Central to this study is an analysis of how far GAI can assist judicial actors without compromising legal standards and ethical obligations. How GAI-generated output differs from or

aligns with traditional judicial reasoning and what safeguards should be set in place to prevent the misuse of GAI in judicial settings are other areas that make up the centre of discussion in this research. This paper proceeds by first examining existing AI applications in legal decision-making, then assessing the unique risks posed by GAI, before proposing doctrinal safeguards to reconcile innovation with core legal principles.

This study adopts a doctrinal legal research methodology. It focuses on the systematic analysis of statutes, case law and legal scholarship. The primary sources employed in this research include judicial decisions, statutory frameworks, policy documents, and ethical guidelines relevant to the use of AI in legal systems. Secondary sources consist of peer-reviewed legal literature addressing AI, judicial ethics, due process and accountability. Through close textual and analytical examination of these materials, the study evaluates how GAI-generated outputs interact with established principles of judicial reasoning and legal decision-making.

While the research is doctrinal in nature, interdisciplinary studies, expert reports, and selected empirical findings are referred to in a limited and contextual manner. These materials are used illustratively to clarify the operational characteristics of GAI, such as algorithmic bias and hallucinations, and to contextualise the legal challenges arising from its use. The paper relies on different studies conducted by international research centres on the probability of achieving similarity between GAI-generated results and those based on Human Intelligence. The researcher would begin by exploring the issues in using AI for legal decision-making and would later connect such issues to the usage of GAI in similar settings. The researcher will support the overall hypothesis with different case studies and experiments.

Literature Review

Early scholarship on AI and Law emerged alongside the formal conceptualisation of AI itself. Foundational work by Alan Turing in 1950 titled "Computing Machinery and Intelligence" framed machine intelligence as a problem of reasoning and information processing, raising the question of whether machines

could replicate human decision-making processes (Anyoha, 2017). Subsequent legal scholarship approached AI as a tool capable of assisting legal reasoning rather than transforming it. Buchanan and Headrick's (1970) early work emphasised computer modelling as a means of better understanding legal reasoning and argumentation, situating AI as an analytical aid rather than a substitute for judicial judgment (Buchanan & Headrick, 1970).

By 1970, people started using typewriters and, in this way, technology started getting employed in Legal document creation. The LexisNexis system's expansion of electronic document storage significantly sped up the operations of contract drafting and legal research (Anyoha, 2017). Lawyers used floppy disks to share spreadsheets and exchange faxes in the 1980s (Anyoha, 2017). Data storage also got considerably less expensive when the use of personal computers became popular in the 1990s (Anyoha, 2017).

As computational capacity and data storage expanded, legal scholarship increasingly focused on the practical deployment of AI in legal research, document review, and predictive analytics (Sonderegger, 2017). Much of this literature adopted a functional and optimistic tone, emphasising efficiency gains, cost reduction, and improved access to legal information. However, by 2021, critics began to challenge this instrumental view, warning that algorithmic decision-making risked embedding bias, obscuring reasoning processes, and undermining accountability (Verheij, 2021). Studies examining algorithmic bias demonstrated that AI systems often replicate and amplify existing social and institutional prejudices, thereby raising concerns for equality before the law and procedural fairness (Verheij, 2021).

By the late 2010s, academic debate shifted towards more fundamental questions about the role of AI in judicial decision-making itself (Jackson, 2010). Many scholars warned that increasing reliance on automated systems could erode judicial discretion and potentially lead to the replacement of human judges (Donald et al., 2023). These concerns intensified with the emergence of GAI. GAI is a subset of machine learning that gained infamy at the end of the year 2022 with the release of OpenAI's ChatGPT. When ChatGPT was asked to characterise itself, it said, "Generative

artificial intelligence uses machine learning models to produce original and creative output to create content, such as text, images, or music, autonomously" (Donald et al., 2023).

Unlike earlier AI tools designed primarily for retrieval or prediction, GAI goes above and beyond by generating original content, including legal arguments and draft judgments, thereby blurring the distinction between assistance and decision-making (Donald et al., 2023).

While existing literature has extensively examined AI in Law and acknowledged risks such as hallucinations and bias, much of it either adopts a technical perspective or treats AI and GAI interchangeably. This approach obscures the qualitative shift introduced by GAI, which does not merely retrieve or predict outcomes but actively generates legal reasoning, arguments and draft judgments. Consequently, there remains a doctrinal gap in assessing how GAI-generated outputs align with foundational principles of judicial decision-making, including due process, judicial reasoning, Transparency, accountability and public trust.

This paper addresses this gap by situating GAI within a doctrinal legal framework and critically assessing its implications for judicial decision-making, using case law, ethical guidelines and regulatory responses to evaluate the conditions under which GAI may assist judicial actors without undermining core legal principles. By distinguishing generative systems from earlier forms of legal automation, this research contributes a structured legal analysis of GAI that moves beyond descriptive accounts and offers normative guidance for its regulated use in judicial settings.

Existing Applications of AI in Legal Decision-Making: Critics and Concerns

Due to advancements in machine Learning techniques and a large amount of data, AI has been used extensively in Law. According to Thomson Reuters, 74% of legal departments are considering implementing AI technology (Thomson Reuters, n.d.). Such use is mostly attributed to predicting case outcomes, as discussed below.

Legal Decision Making and AI: The Use of Quantitative Prediction

Machine learning models use pattern recognition (Scherer, 2019). They can predict the outcome on the basis of a gradually improving algorithm (Scherer, 2019). It is argued that computer programmes cannot accomplish legal decision-making because it involves skills like comprehending the parties' legal submissions and figuring out a just outcome through logical reasoning (Scherer, 2019). While practically, several studies have confirmed computer programmes to be better than humans in predicting the outcomes of legal decision-making (Ruger et al., 2011). An early study, for example, revealed that computer programmes outperformed human experts in forecasting the votes of individual justices on the US Supreme Court in forthcoming judgements for the approaching 2002 term (Joshua, 2018). In contrast to the human expert group, which was made up of renowned attorneys and law professors, the computer model was able to anticipate 75 per cent of the votes correctly (Joshua, 2018).

An analogous investigation, centred on rulings of the European Court of Human Rights (ECHR), was carried out in 2016 (Aletras et al., 2016). According to the study, the AI "judge" made the same decisions as ECHR justices in almost four out of five cases involving torture, degrading treatment, and privacy (Aletras et al., 2016). The programme looked at 584 English-language data sets about fair trials, privacy, torture, and inhumane treatment. The software evaluated the data in each instance and came to its own legal conclusion (Aletras et al., 2016). The AI's decision was identical to the court's decision in 79% of the cases it evaluated (Villata et al., 2022). There were three major and most reliable factors for forecasting the verdicts of the European Court of Human Rights, i.e, the language, the topics and the circumstances mentioned in the case texts (Villata et al., 2022).

Issues in the Predictability of AI Tools

The application of AI to case outcome prediction has a number of drawbacks. For example, in the previously mentioned experiment using the ECHR rulings. The 10% decrease in accuracy

levels was found to be related to the AI tool's usage of the case's pre-trial facts rather than the facts from the final verdict, which typically indicate the reasoning behind the decision (Villata et al., 2022). The investigation demonstrated that AI's performance in predicting future case outcomes appears to be significantly worse (Branting, 2015). On the other hand, if AI is employed to merely categorise decisions that have been made by Courts, better accuracy levels are achieved (Branting, 2015).

The way laws and conditions change over time presents another challenge to applying AI to forecast case outcomes. As time goes on, new preferences surface, new elements are added, and significant decisions change the importance of earlier conclusions (Villata et al., 2022). The experiment demonstrated how search results are of worse quality when AI is trained for one period and then predicted for another. The older the case used, the greater the drop in performance (Villata et al., 2022). The experiments also show that there is a concept shift occurring, but they do not say which instances can still be trusted: landmark cases can happen at any moment, and there will be landmark cases for various legal topics at various times (Villata et al., 2022). The possibility that current data may not be a trustworthy indicator of the future is a recognised fact (Villata et al., 2022). A true prediction of case outcome can be made only if the case at hand is properly analysed and the facts and circumstances of presently decided cases inherently match with the future ones. This approach to predictability is not static. It is relative to several evolving factors; hence, automated GenAI tools cannot achieve high accuracy levels in predicting case outcomes (Villata et al., 2022).

In short, the availability of input before the hearing and the constant evolution of case law poses two difficulties for achieving accurate case outcomes with the help of GenAI (Verheij, 2021). Since legal decisions require an explicit justification, the lack of explanation for AI-aided predictions also poses a significant problem. Some evidences are supporting such doctrinal conclusions. For instance, the group JURI-SAYS website, which tracks the system's performance month by month, provides a clear illustration of the challenges of prediction. Currently, accuracy stands at 57.1% over the last month (JURI Says, n.d.).

There is little chance of success in the real world when it comes to forecasting or, worse, making decisions on judicial cases. Despite ML's advancements, AI should assist solicitors rather than take their position.

Generative AI's Potential in Legal Decision-Making

Judges routinely use GenAI in both the formulation and drafting of their rulings. Globally, the application of AI in the criminal justice system is expanding swiftly. Examples include the well-known DoNotPay chatbot lawyer smartphone app, robot judges in Estonia that decide small claims, and AI judges in Chinese courts (Gatlewar, 2023).

Judge Juan Manuel Padilla of the Caribbean Colombian city of Cartagena also looked to ChatGPT for assistance in a case where the parents of an autistic youngster were suing his healthcare provider for charges and expenses related to his treatment (Gatlewar, 2023).

The instances below shed light on judges' most recent use of artificial intelligence (AI) in decision-making:

Use of GenAI by Colombia's First Circuit Court (2023)

When a judge in Colombia utilised ChatGPT to rule in a case involving a disagreement with a health insurance provider regarding whether medical care for an autistic child should be covered, it was the first time that GenAI was used in a courtroom. This occurred in January 2023. The first Circuit Court of Cartagena released a paper on January 30, 2023, in which Judge Juan Manuel Padilla Garcia asked the AI tool, "Is an autistic minor exonerated from paying fees for their therapies?" and "Has the constitutional court's jurisprudence rendered favourable decisions in comparable cases?" The chatbot's full response was added to the decision.

Though this case is apparently the first time a judge has used an AI text generator that, according to Judge Garcia, was merely to extend the arguments of the adopted decision and not to replace the decision itself, the controversial use of GenAI in courts has been

heavily criticised by AI ethicists because these tools amplify pre-existing forms of inequality (Xiang, 2022).

Use of GenAI by the Punjab and Haryana High Court (2023)

In May 2023, the Punjab and Haryana High Court rendered a groundbreaking ruling in the case of Jaswinder Singh, who had been detained in 2020 on suspicion of killing and abusing someone. This was another example of the use of artificial intelligence (AI) in legal decision-making on an equal footing. After rendering a decision on the case, Judge Anoop Chitkara chose to contact GenAI for support. "When the attacker committed a cruel attack, what is the legal precedent regarding bail?" The Justice asked ChatGPT-4 a question. "If the attackers have been charged with a violent crime involving cruelty, they may be deemed a flight risk and a danger to the community," said the computerised judicial expert in response. The court may be less likely to grant bail in these situations or may set the bond amount very high to guarantee that the offender shows up for court and doesn't endanger public safety. However, attackers may be viewed as a flight risk and a threat to the community, whether they are accused of a violent, cruelty-related crime, like torture, murder, or severe assault. "A fundamental principle of the justice system is the presumption of innocence," according to ChatGPT-4, as it concluded its Legal Aid. This means that even in cases where the accused is presumed guilty of brutal assault, bail may still be granted if there are good reasons to think the accused poses no threat to the community. Judge Chitakra denied the accused's bail because he had behaved harshly towards the victim based on the previously mentioned assistance (Cost, 2023).

Although the use of AI in court decisions is not prohibited by law, AI tools typically produce biased (Rose, 2022a), discriminatory (Rose, 2022b), or outright incorrect (Rose, 2022c) responses because language models only synthesis sentences based on assumptions derived from the millions of examples that were used to train the system, rather than possessing a true "understanding" of the text (Cost, 2023).

OpenAI, the company that created ChatGPT, has added filters to get rid of some of the most troublesome answers. However,

the tool's creators caution that it still has a lot of restrictions and shouldn't be used to make important decisions (Cost, 2023). These restrictions on the application of GenAI make sense since an individual cannot assess the legitimacy and authenticity of AI without having a thorough understanding of the work that the technology is performing (Cost, 2023). Even when the user is an expert in the field, it is not always obvious that they would comply with all the ethics and obligations while using the technology. In this respect, a case of the British Court of Appeal carries enough weight.

Use of GenAI by British Court of Appeal (2023)

The British Court of Appeal acknowledged GenAI as "jolly useful" in legal research and decision-making in one of its cases. Justice Birss led ChatGPT to produce a summary of the pertinent law that comprised a specific portion of the draft judgment. This marked the first known usage of GenAI in Britain. The court pointed out that because the task completed by GenAI fell within his purview and professional expertise, he was qualified to assess the text produced and spot any possible problems. He retained full personal responsibility over the document and examined the AI output before incorporating it into his judgment (Farah, 2023).

How GAI is Likely to Change the Nature of Courts and Their Function?

Along with novelty, revolution also entails losses. However, the use of GAI in legal systems improves the effectiveness of court proceedings. However, it also leads to a loss of "humanness." Parties to a lawsuit typically anticipate that their case will be heard by a human judge who will be able to relate to their issues and apply the law in a way that will result in a fair outcome. The element of "humanness" disappears from the case in which the adjudicator becomes an artificial intelligence or robot. The absence of humanness could influence the constitutional standing that courts have in society (Gentile, 2023).

Artificial Intelligence Versus Human Intelligence

According to neuroscience research, the "mind" is made of energy that is produced by emotion, thinking, and making decisions

(Leaf, 2024). This implies that we are our mind, that the "Brain" is only our mind's way of producing energy, and that the "Brain" only reacts to these singular experiences (Leaf, 2024). Human intelligence functions in this way: our minds trigger our brains to become responsive. Any individual, when working, employs their thoughts first and then responds to the brain. According to research undertaken in the United States, France, Israel, the United Kingdom, and Chile, it has been noted that external factors, such as the words used during the first three minutes of a hearing, the parties' inclusion or exclusion, the developments of events, the time of day the hearing is held, or even the defendant's name, influence the outcome of cases (Bhupatiraju, 2021). AI integration with the legal system will get rid of these external factors.

Modern technology is capable of creating brains and using them to judge cases (Tashea, 2017). "Whether this technology would make any difference as compared to human judges for not being alive or consisting of a mind," is the question that remains, nonetheless. Understanding how GenAI functions in law is necessary to respond to this question (Tashea, 2017).

When GenAI is used to make legal decisions, an algorithm examines millions of cases that are similar to each other, determines what is fair, and selects the conclusion that is closest to the ideal outcome among the options. That is not how a human judge works (Tashea, 2017).

Furthermore, courts and government organisations purchase algorithms from private companies rather than creating their own. This frequently indicates that the algorithm's decision-making procedure is private (Tashea, 2017). How the software makes decisions is only visible to the owners and, to a lesser extent, the buyer (Tashea, 2017).

Here is a comprehensive illustration of the comparative analysis based on the research carried out for this part:

Table 1
Comparative Analysis

Aspect	Human Judicial Reasoning	GAI-Generated Output
Source of authority	Legal training, judicial oath, constitutional mandate	Statistical patterns derived from training data
Reasoning process	Normative evaluation, discretion, contextual balancing	Probabilistic text generation
Transparency	Reasoned judgments with traceable logic	Often opaque; reasoning cannot be fully explained
Accountability	Judge personally accountable; decisions appealable	No legal personality; responsibility shifts to the user
Bias control	Ethical duties, appellate review, and procedural safeguards	Bias embedded in data and model architecture
Error correction	Appeals, review, judicial discipline	Errors may go undetected without expert oversight
Due process	Grounded in fairness, hearing, and justification	Risk of undermining justification and explanation

Eric Loomis was found guilty in a case tried by the La Crosse County Circuit Court in the US. Loomis responded to a series of questions during intake, which were then input into Compas, a risk-assessment tool utilised by the Wisconsin Department of Corrections and created by a privately held company. The defendant's "high risk" score on this risk-assessment programme was one of the reasons the trial judge handed Loomis a lengthy sentence. Loomis contested his punishment because he was not authorised to evaluate the algorithm. Subsequently, the state supreme court dismissed Loomis's case, holding that the output of the algorithm provided adequate transparency (*Loomis v. Wisconsin*, 2016).

Furthermore, despite being designed to function similarly to the human brain, deep learning algorithms like Compass are inherently opaque (Tashea, 2017). These algorithms are not explicitly coded; instead, they make connections on their own (Gentile, 2023). This opaque and dynamic procedure may make it

more difficult for judges to make well-informed decisions and for defence attorneys to vigorously represent their clients (Tashea, 2017).

The correctness of the risk assessment performed by the algorithm cannot be evaluated without a thorough comprehension of its decision-making process. Imagine that a defence lawyer summons the creator of a neural-network-based risk assessment programme to testify to refute the "high risk" score that may have an impact on her client's sentencing. The engineer might explain to the jury on the stand how the neural network was built, what inputs were used, and what results were obtained in a particular situation. The developer was unable to describe the software's decision-making procedure, though. How can a judge evaluate the reliability of a risk-assessment tool with these facts or lack thereof if she is unable to comprehend how it makes decisions? How might an appeals court be informed if the tool concluded that a defendant's risk to society was established by socioeconomic factors, a constitutionally questionable input?

Making a well-reasoned choice and outlining the underlying assumptions is one of the core components of legal decision-making (Wojciechowski et al., 2025). Schematically, there are various goals for giving justifications in court rulings. First, justifications aid in the losing party's comprehension of its defeat and increase the validity of the ruling (legitimacy aim). Reasons also enable the disputing parties and, if the ruling is made public, other parties in comparable circumstances to modify their future conduct (incentive objective). Additional justifications enable other decision-makers to adopt the same strategy or justify deviating from it (consistency objective) (Scherer, 2019).

It may seem that the system, which is burdened by a backlog of cases of little consequence, stands to gain from the prompt resolution of cases by AI tools. However, there may be greater concern for maintaining the primacy of justice when the instruments used for such prompt disposal have a direct impact on basic rights (Gentile, 2023).

Biasness

Because the data used to train AI systems is frequently intrinsically biased, simulating racial and gender inequalities that are present in our society, AI systems are infamous for having problems. A National Institute of Standards and Technology study (Grother et al., 2019) claims that there is a lot of racial prejudice in facial recognition software. These systems' developers frequently struggle to clearly describe how they operate, which makes accountability challenging and makes fixes more difficult. AI specialists and academics are cautioning developers to step back and concentrate more on how and why a system produces particular outcomes than on the fact that the system can accurately and quickly produce them, as AI systems grow more complicated and humans become less able to understand them (Grother et al., 2019).

The danger is that the system might be applying values that we don't agree with, leading to biased decisions (such as those that are sexist or racist). Another possibility is that the system is choosing poorly, but we are powerless to stop it since we don't know how it thinks.

Bias is ingrained in data and may strengthen itself over time, according to a paper on artificial intelligence published by the National Institution for Transforming India (also known as NITI Aayog) (Marda, 2018). It suggests that "identifying the in-built biases and assessing their impact, and in turn finding ways to reduce the bias" is one approach to dealing with this. It adopts a *ceteris paribus* strategy, meaning that everything else stays the same. By just identifying and eliminating bias in datasets, one might expect to achieve more equitable outcomes, even when biased data actually comes from an unfair, discriminatory, uneven, and biased society. This approach's drawback is that it views artificial intelligence (AI) only as a mathematical model rather than as a socio-technical system. It is essential to comprehend and make adjustments for the social context in which these systems will operate if one hopes to lessen bias within them. In fact, the goal ought to be to prevent discriminatory results. As Eubanks has noted, the employment of automated decision-making technologies will only exacerbate

systemic injustices unless they are designed to eliminate them (Eubanks, 2018).

This is because AI relies on data created by humans, who are influenced by their inclinations and preferences. The data reflects biases from the past. Because AI is exponential, it could exacerbate prejudices and possible inequalities in legal interpretation. Therefore, using AI to improve the impartiality of judicial decision-making may not be the best course of action.

Hallucinations

Various legal and IT experts have expressed doubts about the dependability of chatbots (The Economic Times, 2023). Professor of public policy at the University of Bogota, Juan David Gutierrez, said that ChatGPT might issue laws and verdicts that did not exist (OpenAI, 2023). There are several instances of chatbots providing false information and providing answers that seem plausible but aren't. We refer to these as "hallucinations."

In essence, hallucinations are mistakes that appear in the output of generative AI, presented as facts that the system is unable to identify as incorrect. This is because generative AI isn't genuinely "intelligent"; rather, it guesses a sentence's next word and provides the most likely response based on past performance. Even OpenAI's GPT-4 is roughly 85-90% factually accurate on multiple-choice questions, but this level of accuracy is not obvious when GenAI is employed in legal practice (OpenAI, 2023).

In an experiment conducted by Linklaters, an International law company with its headquarters located in London, it was found that while GenAI excels in certain domains, it falls short in others (Singleton, 2025). In its response to 50 legal questions, GenAI misrepresented parts of the Data Protection Act 2018 and provided incomplete answers on English contract law. A Linklaters data privacy expert recommended that anyone using GenAI for any kind of legal task must have sufficient expertise in that particular area of the law (The Economic Times, 2023).

As discussed below, the case of *Mata v. Avianca* is a wake-up call for the legal profession as far as the hallucinations of AI in

the courtroom are concerned. In this case, the ethical violations illustrate the need for human oversight in GAI-assisted legal research, answering the central research question about the limits of AI assistance.

In *Mata v. Avianca* (No. 22-cv-01461) (2023), Plaintiff Mr Mata claimed in this complaint that a serving tray impacted his knee during a flight in 2019 and caused injuries. Asserting that the lawsuit was time-barred, Avianca tried to have it dismissed. Steven Schwartz, Mr Mata's attorney, responded to Avianca's move for dismissal. Legal research for the Memorandum of Law was done by lawyers using OpenAI. At least six cases, replete with quotes, were created by the AI. It also mentioned several additional actual cases with made-up holdings. These citations were concealed by the AI using names of courts, judges, and attorneys, along with case captions that appeared real. For the substantial elements of his brief, Mr Schwartz relied on imaginary cases without verifying the citation through an assessment of the data set (Weiser, 2023).

Defendants pointed out the mistakes in the citations and told the court that they were unable to locate a number of the cases that Mr Schwartz's brief cited. Upon discovering the same, the court mandated that Mr Schwartz furnish the cases. Mr Schwartz returned to ChatGPT and gave the ChatGPT extracts of the cases in a submitted document, indicating that these snippets are made available via an internet database, undeterred by the inquiries and concerns raised by Avianca and the court. The court asked Mr Schwartz to provide justification for why he shouldn't be sanctioned when Avianca informed the judge that it was still unable to identify the instances. Now that he was compelled to acknowledge that he had been duped, Mr Schwartz acknowledged the mistake but maintained that his ignorance was acceptable because he "did not understand" that ChatGPT was not a search engine, but a generative language processing tool primarily designed to generate human-like text responses with little regard for authenticity.

When Mr Schwartz claimed in an affidavit that ChatGPT "supplemented" his research to give "the false impression that he had done other, meaningful research on the issue and did not rely exclusively" on ChatGPT, the court determined that he had engaged

in bad faith. In reality, ChatGPT was "the only source of his substantive arguments." Additionally, it concluded that when Mr Schwartz "consciously ignored" the multiple clues that the instances he had referenced were fake, his actions transcended from being "objectively unreasonable" to "bad faith."

The court enumerated numerous ethical guidelines that Mr Schwartz and his firm broke when they submitted their brief with false citations in its legal conclusions. The Court directed Mr Schwartz and his company to notify their client of the sanctions the court had issued, as well as the judges whose names were falsely mentioned in the phoney cases. Additionally, a \$5,000 fine was mandated.

We get a glimpse of some of the cutting-edge risks associated with using AI in legal practice through the Mata case. To avoid these risks, the US District Court for the District of Columbia issued a historic ruling on the copyrightability of AI-generated works on August 18, 2023 (Setty & Poritz, 2023) to address these GenAI-related concerns.

"Only works of human creation are protected by United States copyright law," the Court ruled in its decision. As to the statement, copyright has not extended to safeguard works produced by emerging technologies that function without human guidance. A fundamental prerequisite of copyright is human authorship. The US Copyright Act does not define "author." However, drawing on the history of the US Copyright Act, pertinent case law, and dictionary definitions, the Court determined that: *"By its plain text, the [US Copyright Act] thus requires a copyrightable work to have an originator with the capacity for intellectual, creative, or artistic labour. Does the creator need to be a person in order to be protected by copyright? Yes."*

Synthesis: Due Process and Accountability Concerns

The challenges posed by GAI in judicial decision-making are not merely technical or ethical in nature; they engage foundational constitutional principles governing the administration of justice (de la Osa & Remolina, 2024). Freedom from bias and

factual accuracy are integral to the right to a fair trial (Stewart, 2020). When judicial reasoning is influenced directly or indirectly by opaque, probabilistic systems incapable of explaining their internal logic, these principles are placed under strain.

From a constitutional perspective, adjudication must be intelligible, reviewable and attributable to a legally accountable decision-maker (Ewing, 2000). The introduction of generative systems prone to hallucination and data-driven bias risks undermining these requirements by obscuring the basis of legal reasoning. Unlike traditional legal tools, generative systems don't merely assist in information retrieval; they actively shape legal narratives, citations and conclusions. As a result, their unregulated use raises concerns about procedural fairness, equality before the law, and the erosion of *ratio decidendi* as a constitutional obligation (Sourdin & Brown, 2025).

These concerns are further confirmed through case studies discussed above, which illustrate that while GAI can support judicial actors in research and drafting, its use raises significant doctrinal concerns relating to due process and accountability. In the Colombian Punjab and Haryana High Court cases, GAI was employed as a supplementary tool, yet the absence of standardised disclosure requirements and verification mechanisms exposes risks of uncritical reliance on probabilistic outputs. Conversely, the approach adopted by the British Court of Appeal demonstrates a more cautious model, wherein GAI-assisted content remained subject to expert human scrutiny and full judicial responsibility.

The *Mata v. Avianca* decision underscores the systemic dangers of unchecked reliance on generative systems, particularly when fabricated legal authorities undermine the integrity of adjudication and the fairness of proceedings. These cases collectively reveal that due process is threatened not merely when GAI replaces judicial reasoning, but when its outputs escape meaningful human evaluation and traceable justification. Accountability, a cornerstone of judicial legitimacy, becomes diluted when responsibility for reasoning is obscured by opaque algorithmic processes. Accordingly, these examples reinforce the necessity of confining GAI to an assistive role, accompanied by

enforceable duties of disclosure, verification, and professional oversight to ensure compliance with constitutional and ethical standards.

Drawing a Balance Between the Benefits of GAI and The Legal Obligations to Which Users Have to Adhere

GAI supports lawyers in their legal practice. GAI is able to evaluate text proposals, identify any problems, and recommend text revisions. GAI can "fit" data into a template and create documents; therefore, it drafts documents. GAI is capable of data analysis and outcome prediction before a civil action is filed. GAI also offers insight into arguments and legal reasoning, helping judges and solicitors with their legal studies. GAI is able to recognise legal hazards, including those pertaining to intellectual property and data protection. The courts must now decide on the morality and legality of AI-generated word products due to the technology's rapid growth and application, particularly in legal contexts. The awkward scenarios were made clear by the *Mata v. Avianca, Inc.* case (2023).

Rules Framed by the American Bar Association

The House of Delegates of the American Bar Association passed a resolution calling on judges and lawyers to address the growing legal and ethical concerns related to the application of artificial intelligence in the practice of law (Rourk, 2020). The ethical and beneficial use of AI, the bias, explainability, and transparency of automated decisions made by AI, and the regulation and supervision of AI and its suppliers are some of these concerns. The goal of the resolution is to encourage the moral application of technology (Rourk, 2020). According to another resolution, "[t]o maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology" (American Bar Association 2019).

In the United States, lawyers are expected to advise their clients about the advantages and disadvantages of the applicable technology (Butler, 2023), and to represent them with competence. This implies that lawyers cannot utilise technology carelessly or

without properly appreciating its advantages and disadvantages for their clients. A lot of law firms have already started to caution their lawyers about using genAI in their professional capacities. But only 15% of law firm respondents reported that their companies had issued cautions about the use of GenAI at work, while 66% reported not receiving any such warnings, and the remaining 19% stated they were unsure if any had been provided.

Standing orders pertaining to the use of GenAI in courtrooms have been issued by courts in Texas, Illinois, Manitoba, and Canada. Each court's decision imposes the responsibility of informing the court of the lawyer's use of GenAI in detail, as explained below. The lawyer is also required by the court to verify the legitimacy of GenAI's work.

Order of the Court of Texas

On May 30, Northern District of Texas Judge Brantley Starr issued an order. In Starr's order, GenAI is described as "these platforms are prone to hallucinations and bias." "A certificate attesting that either no part of the filing was drafted by generative artificial intelligence (such as ChatGPT, Harvey.AI, or Google Bard) or that any language drafted by generative artificial intelligence was checked for accuracy by a human being using print reporters or traditional legal databases must be filed on the docket by all attorneys appearing before the Court" (Chrostowski, 2023). Starr's order characterises GenAI as: "These platforms are prone to hallucinations and bias" (Chrostowski, 2023). They fabricate everything on hallucinations, including citations and quotes. Bias or dependability is another problem. Generative artificial intelligence is the result of programming created by humans who did not take an oath to put aside their personal prejudices, biases, and beliefs in order to faithfully enforce the law and represent their clients (Chrostowski, 2023).

Order of the Court of Illinois

In an order issued by the Court of Illinois, Judge Gabriel A. Fuentes declared that:

“Using artificial intelligence (AI) to produce legal research that contains 'bogus judicial decisions' cited for substantive propositions of law is one way to endanger the mission of federal courts.” (US District Court for the Northern District of Illinois, 2023).

Practice direction by the Court of King’s Bench of Manitoba

To address the reasonable doubts regarding the accuracy and credibility of the data produced by artificial intelligence, the Court of Manitoba directed attorneys that whenever they prepare Court filings with the help of AI, they must indicate in their filings the manner in which AI was used (Court of King's Bench of Manitoba, 2023).

Order of the US Court of International Trade

In this instance, Judge Stephen Vaden issued an order directing the attorneys to not only declare their use of GenAI tools for drafting legal documents but also to certify that their use has not led to the disclosure of any private information. The judge wrote: "The Court's ability to safeguard proprietary and confidential information from unauthorised parties is challenged by AI technologies" (US Court of International Trade, 2023).

However, according to a survey report, attorneys expressed their concern over the aforementioned rulings on the use of GenAI, saying that levying a mere requirement of manual review does little to increase the efficiency of legal research using GenAI.

Conclusion and Recommendations

The integration of GAI into judicial processes presents both opportunities and profound legal risks. While GAI has demonstrated its capacity to enhance efficiency, assist legal research, and support judicial actors, its deployment in decision-making contexts raises serious concerns relating to due process, transparency, bias, and accountability. As illustrated through comparative case law and regulatory responses, GAI differs fundamentally from earlier forms of legal automation by generating legal reasoning rather than merely retrieving or predicting outcomes.

This paper has argued that the legitimacy of judicial decision-making cannot be preserved if generative systems are permitted to operate autonomously or without meaningful human oversight. Judicial authority derives from reasoning, accountability and public trust. There are elements which GAI, by its design, cannot independently satisfy. Accordingly, GAI must be confined to an assistive role, operating under clear regulatory frameworks that impose duties of verification and professional responsibility on its users. Judge Chitkara of the Punjab and Haryana High Court once said, "AI cannot replace a judge, but it has immense potential as an aid in judicial processes" (Cost, 2023). Since legal decisions are made based on written submissions by solicitors, it is more the solicitors' obligation to ensure that technology is used ethically and prevent it from impeding the due process of law. An artificial intelligence-generated system cannot suspend an attorney's knowledge, information, or beliefs, nor can its ethical duties be surpassed. Therefore, attorneys must stay up to date on the newest advancements and changes in the legal field. In a similar vein, a court should exercise caution and weigh all the hazards before using GenAI in judicial decision-making. For example, one should not use a pre-trial tool that predicts someone's likelihood of showing up to court to predict someone's likelihood of committing a crime.

In view of these, Courts and bar associations must continue to develop binding ethical and legal standards governing GAI use, particularly in high-stakes adjudication affecting fundamental rights. By situating GAI within a doctrinal legal framework, this research contributes to the emerging discourse on responsible legal innovation and offers normative guidance for ensuring that technological advancement strengthens rather than undermines the rule of law.

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