

Civil Justice Council

Use of AI for Preparing Court Documents

A response by the Association of Personal Injury Lawyers

April 2026



## Introduction

APIL welcomes the opportunity to respond to the Civil Justice Council's (CJC) proposals on the use of AI in the preparation of court documents. We agree with the CJC working group's rationale that the current rules and professional standards are sufficient to regulate the use of AI by legal professionals when preparing court documents. Our view is that all documents which clearly identify the legal representative taking professional responsibility should not be subject to a declaration regarding the use of AI.

We believe that introducing a declaration would be counter to the pro-innovation approach adopted in the UK and reduce the efficiency that AI has introduced in certain tasks. Requiring a declaration could also result in unintended consequences, including satellite litigation, which would inevitably increase costs and delays.

In instances where the content of the documents being relied upon, such as expert reports and translated documents, falls outside the expertise of the legal professional, we believe there should be a requirement for experts and translators to declare and explain their use of AI.

## Scope

**Question 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.**

APIL agrees with this. This approach is consistent with current practice.

## Statements of Case

**Question 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?**

We agree with this proposal. Ultimately, the responsibility for any document remains on the legal representative. When using AI to support legal advice, the principles of professional standards and regulations already hold them accountable for the documents submitted to the court, and it is the legal professional's responsibility to ensure AI is operating as fairly as possible.

We agree with the CJC's stance that the rapid evolution of AI will mean that it will become increasingly difficult to distinguish when AI has been used and how, as it becomes integrated into legal tools. The introduction of a declaration would be counter to the pro-innovation approach adopted in the UK and reduce the efficiency that AI has introduced in certain

tasks. It could also create more challenges and satellite litigation regarding where and how it has been used, which would inevitably increase costs and delays.

**Question 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.**

No, APIL supports the approach proposed by the CJC.

#### Skeleton arguments and other advocacy documents

**Question 4: 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?**

We agree with the CJC's proposal. Our view is that all documents that clearly identify the legal representative who is taking professional responsibility should not be subject to a declaration regarding the use of AI. We believe that professional responsibility and existing standards provide sufficient safeguards. Please see our response to question 2 for more information.

**Question 5: 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.**

No, APIL supports the approach proposed by the CJC.

#### Disclosure

**Question 6: 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?**

APIL agrees with this proposal. As mentioned in the consultation document, AI and technology-assisted review software have been used in disclosure for years, and courts have embraced their use.

#### Witness statements

**Question 7: 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?**

We agree with the proposed distinction between trial witness statements and non-trial witness statements.

**Question 8: 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?**

The same principles for statements of case, skeleton arguments and advocacy documents apply to non-trial witness statements, given that the statement bears the legal representative's name. The professional standards and regulations already hold them accountable for the documents submitted to the court, and it is their responsibility to ensure AI is operating as fairly as possible.

**Question 9: 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.**

No, APIL supports the approach proposed by the CJC.

**Question 10: 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?**

Not applicable

**Question 11: 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?**

APIL agrees with the premise that statements should always be in the witness's own words. AI use should be limited to basic functions such as correcting grammar or spelling, but it should not be used to change the content, the intention and the meaning of the original statement.

Whilst we recognise there is a risk that AI can essentially redraft a claimant's entire words, we would be concerned with the introduction of a rule requiring a declaration that AI has not been used to generate content. The documents that witnesses are relying upon to write the

statement may have been generated through the use of AI, and there is a risk that challenges arise if the use of AI is detected in the statement.

We believe this should be addressed in guidance instead of formal rules. The guidance should reinforce the principle that witness statements should always be drafted in the witnesses' own words, clarify the position on reliance on documents that may have been AI-generated and remind witnesses that AI could change the meaning and tone of the statement.

**Question 12: 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**

Our view is that where the translator has signed a statement of accuracy and taken responsibility for the translation, there is no need for further rules. APIL's concern with this is ensuring that injured claimants do not suffer the consequences of errors caused by AI systems. Responsibility for the translated content should fall on the professional who signs off on the document.

While we do not oppose the use of publicly available translation software, we have reservations about the accuracy of the translations and where responsibility would lie for errors or inaccuracies, given that legal representatives do not have the expertise to verify that the translation is correct. We recognise, however, that from a cost-saving perspective, a publicly available tool could be useful provided that both parties have access to it and are able to check the translation themselves.

**Question 13: 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?**

No comment.

#### Experts

**Question 14: 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?**

We agree with this proposal. Experts should be required to declare and explain the use of AI in their statement of truth, excluding purely administrative use. This proposal is in line with the Academy of Experts' Guidance for Expert Witnesses on the use of Artificial Intelligence

(AI)<sup>1</sup>. The guidance advises experts to include a clear statement identifying whether any artificial intelligence tools have been used in the preparation of the report, including distinguishing between administrative uses and the generation of substantive content, and confirming that the content remains independent and reflects the professional's own opinion.

We believe that guidance on what is classed as substantial generative use will be fundamental to ensure that the approach is consistent between experts in their declarations. Transparency regarding AI use is key for legal representatives to assess the reliability of the reports before trial, given that this falls outside their expertise. Legal professionals have the means to, for instance, check case law citations created by AI hallucinations, but would not have the knowledge to verify whether the content of the expert's report is accurate.

### General Issues

#### **Question 15: Is the term artificial intelligence sufficiently clear to be used in these proposed rules? If not do you have an alternative proposal?**

Considering that the legal regulators, professional bodies and the judiciary use the term artificial intelligence, we believe any rules or guidance should follow the same approach. We suggest that the definition of artificial intelligence should align with that adopted by the Law Society or the legal regulators for consistency.

#### **Question 16: 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?**

As mentioned above, we strongly believe that guidance on the distinction between administrative and generative use will be extremely important, as this can impact the course of a claim and legal outcomes. Claimants should not be penalised for someone else's lack of oversight regarding AI accuracy or failure to declare its use.

#### **Question 17: Should the endorsements proposed always identify the AI tool used? If so, to what end?**

We believe that this requirement would be helpful for the purpose of assessing the quality of the tool used by translators or experts. However, we can foresee issues where the tool used is not publicly available, is developed in-house or where the agreement with the developer/vendor restricts disclosure of commercially sensitive information.

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<sup>1</sup> The Academy of Experts, *Guidance for Expert Witnesses on the use of Artificial Intelligence (AI)*, 30 January 2026. Available at: <https://academyofexperts.org/practising-as-expert/expert-witness-guidance/guidance-for-expert-witnesses-on-the-use-of-artificial-intelligence-ai/>

**Question 18: 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?**

There is no need for a new rule granting permission to use AI for specific purposes in proceedings, as existing civil procedure rules and the available processes to make an application are sufficient.

For any queries relating to this response, please contact Ana Ramos, Legal Policy Officer, [ana.ramos@apil.org.uk](mailto:ana.ramos@apil.org.uk)