

Lord President Address to the Royal Faculty of Procurators in Glasgow
3 June 2026

Introduction

Good evening, everyone and thank you Mr Williamson for that generous introduction. It is a great pleasure to be invited to speak at the Royal Faculty. Change and continuity are themes in my address, and there can be few more powerful examples of continuity in a changing profession and world than the RFPG.

Given the changes we have all successfully adapted to, it is ironic that predictions of doom are frequently heard when there are significant procedural and technological changes in the law. I recall the fears that granting the Sheriff Court jurisdiction over divorce, which happened only a year or so after I called to the bar, could effectively render the junior bar redundant by depriving them of instructions. Thankfully, these predictions turned out to be wide of the mark. I also remember the arguments over the introduction of the first ever Code of Conduct for advocates in 1988, during my term as Clerk of Faculty. Almost forty years later, the resistance at the time from our profession to this sensible measure appears surprising. Perhaps this is why, as a profession, we have a reputation of finding it difficult to adapt to change.

In the current context, the AI revolution poses real challenges with which the profession and the judiciary must grapple. I am confident that it will not, as some of its more overexcited promoters suggest, spell the end of judges and lawyers. The history of the RFPG, whose written records go back to 1668¹ and which has since then endured through

¹ Royal Faculty of Procurators of Glasgow, "History of the Faculty", <https://www.rfpg.org/history-of-the-faculty>

the Glorious Revolution, the Forty-Five, two World Wars, and innumerable seismic social and political changes, suggests that our professions are more durable than that.

I want to explain how the Scottish judiciary is approaching the deployment of AI. For some in the room, particularly those from larger firms, our progress may seem comparatively modest; for others it may appear uncomfortably rapid. Much has been written and said already on this topic. Perhaps some of it even by humans. It is, nevertheless, critical that the Scottish legal profession, and the judiciary, engage fully with these discussions and debates, inform ourselves about what is coming rapidly down the track and what opportunities and risks come with it.

My priority, as head of the Scottish judiciary, is to build and maintain confidence in our system of justice, and in our legal profession, in a rapidly changing world, while safeguarding the rule of law. So far as the operational side of the courts and tribunals is concerned, the Scottish Courts and Tribunals Service is engaging proactively with these technological changes and what these mean for how we carry out our work. What I respectfully ask of the profession is that you approach these matters with an open mind.

In this address, I will:

- set out some background on the legislative and regulatory framework around AI;
- highlight how AI is starting to influence the work of the courts and judiciary here and across the world;
- discuss the benefits and risks that these changes might bring to the judiciary, the legal profession and the importance of regulation; and
- reflect on the importance of building trust and confidence in our system of justice and consider how AI may assist us in that endeavour.

Artificial intelligence is rapidly becoming a part of our daily lives. We already see AI-generated submissions in the Inner House. While I hope that the Inner House is not an ivory tower, I know that if *we* are seeing AI-generated work occasionally in the Court of Session, those who work and practise in the sheriff courts are likely to be seeing it more frequently. My working assumption is that AI is entering the courtroom to stay. All judicial office-holders must be ready, able to understand it and make appropriate use of it. That inevitably means the profession must adapt. To paraphrase a famous saying : “You may not be interested in AI, but AI will soon be interested in you.”

International and domestic legal framework

Before diving into the rise of the robots, I want to mention some important features of the international and domestic legal framework relating to Artificial Intelligence.

The United Kingdom became a signatory to the Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law² on 5 September 2024. The object and purpose of the Framework Convention is to ensure that activities within the lifecycle of artificial intelligence systems are consistent with human rights, democracy and the rule of law.

The Framework Convention applies to activities undertaken by public authorities, thus capturing the activities of courts and tribunals performing judicial functions. Broadly speaking, the Framework Convention requires states to adopt or maintain measures to ensure that AI systems are:

- consistent with obligations to protect human rights;

² Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law, CETS No. 225, Artificial Intelligence, Vilnius, 5.IX.2024: [The Framework Convention on Artificial Intelligence - Artificial Intelligence](#)

- are not used to undermine the integrity, independence and effectiveness of democratic institutions and processes, including the principle of the separation of powers, respect for judicial independence and access to justice; and
- embody the principles of respect for human dignity and individual autonomy, transparency and oversight, accountability and responsibility, equality and non-discrimination, privacy and personal data protection, reliability and safe innovation.

More specific to lawyers, there is also the European Ethical Charter on the use of AI in judicial systems and their environment³, adopted by the Council of Europe in December 2018. This Charter calls for the adoption of five key principles when using AI within judicial systems. These are:

- respect for fundamental rights;
- non-discrimination;
- quality and security;
- transparency, impartiality and fairness, and
- under user control.

The EU Artificial Intelligence Act⁴ came into force on 1 August 2024. This legislation categorises AI systems intended for the administration of justice and democratic process as high risk because of “their potentially significant impact on democracy, the rule of law, individual freedoms as well as the right to an effective remedy and to a fair trial.”

Closer to home, the Artificial Intelligence (Regulation) Bill⁵ was introduced into the UK Parliament as a Private Member’s Bill. It was sponsored by Lord Holmes of Richmond

³ European Ethical Charter on the Use of Artificial Intelligence in Judicial Systems and Their Environment, European Commission for the Efficiency of Justice (CEPEJ), Council of Europe (2018), [CEPEJ European Ethical Charter on the use of artificial intelligence \(AI\) in judicial systems and their environment - European Commission for the Efficiency of Justice \(CEPEJ\)](#)

⁴ Regulation (EU) 2024/1689 of the European Parliament and Council of 13 June 2024. This was published in the Official Journal of the European Union on 12 July 2024 (OJ L 2024/1689).

⁵ Artificial Intelligence (Regulation) HL Bill (2024-26) 76. Available at: <https://bills.parliament.uk/publications/59353/documents/6094>

and first read in the House of Lords on 4 March 2025. In the King’s speech on 13 May, it was announced that the UK Government intend to introduce a Regulation for Growth Bill, that will extend to the whole of the UK, in the next few months. It is proposed that the Bill creates cross-cutting AI sandboxes that would enable responsible testing and adoption of AI-enabled products and services across multiple sectors.

There is also a raft of policy and guidance on AI provided by the UK and Scottish governments, the Faculty of Advocates, the Law Societies in Scotland, England and Wales and Northern Ireland, the Bar Standards Board, the judiciary in England and Wales and SCTS.

In April 2025, SCTS published a policy document: “Our approach to the development of services using Artificial Intelligence”⁶, setting out the guiding principles and overarching governance that the courts and tribunals will follow. Seven principles will guide the use of AI. These are safety and security, transparency, privacy and data protection, equality and fairness, control and empowerment, accountability, and adoption for the public good. The policy also focusses on the key principles of confidentiality and privacy, accountability and accuracy, and security considerations.

AI is a critical research priority for the Judicial Institute (our judicial training body), which on 30 April this year, welcomed the Master of the Rolls, Sir Geoffrey Vos, to give its biennial lecture on the topic of AI and the Judiciary. Sir Geoffrey’s address is available online.⁷ It is erudite and stimulating. His message was simple: we, the current generation of

⁶ Scottish Courts and Tribunals Service, “Our Approach to the Development of Services Using Artificial Intelligence”, April 2025, <https://www.scotcourts.gov.uk/media/xalno3ff/scts-ai-policy.pdf>

⁷ Sir Geoffrey Vos, “Artificial Intelligence and the Judiciary”, Speech delivered on 30 April 2026 at Parliament House, Edinburgh. Available at: <https://www.judiciary.scot/home/media-information/media-hub-news/2026/05/05/sir-geoffrey-vos-delivers-judicial-institute-lecture-on-ai-and-the-judiciary>

lawyers and judges, bear a historic responsibility. We are the ones who are here at the beginning of the AI revolution and it is our duty to future generations to lay the foundations of a fair justice system that will both utilise technology to an extent never seen before and service a population which is conditioned to the immediate outputs and simplicity of AI. I strongly agree.

AI advances at pace

Notwithstanding the valiant attempts to build ethical guardrails for the development and use of AI within the justice system, it is important to recognise that AI is being widely used across the legal profession and in court systems around the world. The UK and Ireland Legal Insights Report 2026⁸, found that 89% of 500 legal professionals surveyed use AI in some capacity, with 70% adopting these tools in the last year.

In the legal profession in Scotland, larger law firms are using AI for traditional tasks, such as legal research and drafting, that would previously have been the remit of junior lawyers. Contracts are now produced using AI. Legal problems are also put through analysis on AI. Faster results are achieved at a lower cost. If AI is deployed to execute tasks which may have once been discharged by junior lawyers, we must ensure these young members of the profession are properly trained and possess the necessary analytical skills to ensure that they are content with the end-product which AI generates.

We are also seeing a marked rise in unrepresented party litigants using AI tools to generate material which is being submitted to the courts. Many party litigants, as those in this room will know, have legitimate legal points to litigate on but lack the means to instruct representation. Replacing their submissions with the often-inaccurate output of ChatGPT

⁸ Clio, UK & Ireland Legal Insights Report 2026, "Technology, AI, and the Future of Legal Practice", page 6.

risks obscuring those points and makes it more challenging for the courts to dispense justice quickly.

The Oxford Institute of Technology and Justice, a partnership between the University of Oxford's Blavatnik School of Government and the Clooney Foundation for Justice, has created an AI Justice Atlas⁹ which tracks how AI has been used in courts and justice systems across the world. This is a fascinating resource. I have picked out several examples of where AI has been used in cases:

- There are case recommendation systems that analyse authoritative datasets to identify relevant cases and legal arguments based on a set of facts and which can understand legal terms and reasoning;
- There are sentencing systems which analyse, predict or recommend types of sentences that might apply in similar cases and where proposed sentences fall outside variance ranges;
- There are case distribution systems that use key datasets to distribute and schedule court business, producing predictive case timelines based on previous cases;
- There are systems which look to group similar cases across the court programme as a way of driving efficiency in the court system;
- There are systems for generating draft judgments and reports based on judges' writing styles and judicial records;

⁹ Oxford Institute of Technology and Justice, <https://www.techandjustice.bsg.ox.ac.uk/ai-atlas>

- There are automated decision-making systems for small claims based on factual summaries provided by the parties which have the legal status of judgments for the purposes of enforcement; and
- There is fairly common use of AI for translation and transcription functions.

In its AI Opportunities Action Plan¹⁰, published on 13 January 2025, the UK Government called on the public sector to “rapidly pilot and scale AI products and services and encourage the private sector to do the same” in order to “drive better experiences and outcomes for citizens and boost productivity.”¹¹

As part of its five year Artificial Intelligence strategy¹², published in March 2026, the Scottish Government also highlighted the vital role which the public sector has in influencing the faster and future adoption of AI across the Scottish economy. It is of the view that “public trust is a factor in AI adoption”¹³ and “the responsible use of AI by public services will help to build that trust.”¹⁴

The advances in AI are not limited to the court system, where perhaps progress is necessarily slower and more cautious. Alternative dispute resolution, where there is an obligation to act, if not judicially, then at least fairly, is already leading the way. In November 2025, the American Arbitration Association launched an AI Arbitrator for certain types of construction dispute.¹⁵ The system uses AI agents to consider the material submitted by the parties, identify the elements of each claim, map evidence to those claims

¹⁰ UK Government, Department for Science, Innovation & Technology, “AI Opportunities Action Plan”, 13 January 2025. Available at: <https://www.gov.uk/government/publications/ai-opportunities-action-plan/ai-opportunities-action-plan>

¹¹ Ibid, see “Opportunity section”.

¹² Scottish Government, “Scotland’s Artificial Intelligence Strategy 2026-2031”, 20 March 2026. Available at: <https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2026/03/scotlands-ai-strategy-2026-2031/documents/ai-strategy-scotland/ai-strategy-scotland/govscot%3Adocument/ai-strategy-scotland.pdf>.

¹³ Ibid, page 10.

¹⁴ Ibid, page 10.

¹⁵ Information on the release is available at: <https://www.adr.org/press-releases/aaa-icdr-ai-arbitrator-now-available/>

and contextualise this within the legal framework, before checking with parties if they agree with that analysis.

Once the parties agree, the system produces a draft award that is checked by a human arbitrator before being issued. This is not the only example of automated online decision-making, but this trend may have implications for how our future system of justice works.

You can see the attraction. Individuals have access to fast, efficient, predictable decision-making producing certainty for business. This expands access to justice, particularly for individuals and small to medium sized businesses, where the cost of litigation is often expensive. I would remind the sceptics of the rapid uptake of adjudication when it was introduced in 1998; the aspiration embedded in section 108 of the Housing Grants, Construction and Regeneration Act 1996¹⁶ was for a decision, within 28 days of referral. AI offers the possibility of a decision within 28 seconds.

The producers of these alternative forms of dispute resolution understand that trust, speed, clarity and cost need to be at the heart of their approach to these systems. When one overlays public attitudes towards the justice system and AI onto this landscape, the picture becomes more complex. In March 2024, the Office for National Statistics published a report on Trust in Government¹⁷ which noted that, while the judiciary and court system was one of the more trusted institutions, only 62% of survey respondents had high or moderately high trust in us, with 21% having low or no trust, 13% having a neutral view and 4% reporting that they don't know how much they trust us.

¹⁶ 1996 c. 53.

¹⁷ Office of National Statistics, "Trust in government, UK 2023", published on 1 March 2024. Available at: <https://www.ons.gov.uk/peoplepopulationandcommunity/wellbeing/bulletins/trustinggovernmentuk/2023>

In its Artificial Intelligence Index Report 2025, Stanford University's Human Centred Artificial Intelligence¹⁸ noted that "globally, optimism about AI products and services has increased, with the sharpest gains in countries that were previously the most sceptical."¹⁹ While that Report also highlighted that in 2022, Great Britain, at 38%, was among the countries least likely to view AI as having more benefits than drawbacks, that number had increased in 2025 by 8%.²⁰ Given the rapid advances which have been made in AI over the last year, confidence in the benefits which it has will no doubt have increased. The perceptions of the traditional institutions of the State, alongside the growing trust in this technology, bring challenges for the courts and tribunals which we cannot ignore.

We now live in an age where generations are defined by their social media usage. Sir Geoffrey reminds us that: "As lawyers and judges, we need to persuade all the generations of the relevance of our justice systems **to them** and to persuade them of the relevance of the rule of law **to them**. We will not do that successfully unless we engage with **their** methods of communication."²¹ I strongly agree. In an age where many people, particularly younger people, no longer rely on traditional channels to obtain information, we must be prepared to think creatively about how to ensure that all sections of the public understand the importance of the independent justice system for them.

So where does this leave us?

It is not beyond contemplation, that a possible future may emerge whereby the vast majority of civil disputes might be resolved between parties in ways that bypass the

¹⁸ Stanford University Human-Centred Artificial Intelligence, "The 2025 AI Index Report". Available at: https://hai.stanford.edu/assets/files/hai_ai_index_report_2025.pdf

¹⁹ Ibid, footnote 18, Chapter on Public Opinion, page 23, paragraph 7

²⁰ Ibid, footnote 18, Chapter on Public Opinion, page 23, paragraph 7.

²¹ Ibid, footnote 7.

traditional Courts altogether. Where that alternative system is faster, cheaper to use and its outcomes are easier to understand and predict. A recent report by the *Club des Juristes* in France, entitled “*Intelligence Artificielle et justice civile: perspectives et ambitions*”, suggested that compensation for personal injury should be determined by AI.²² Some of the reparation lawyers in the room may welcome the idea of replacing the *Ogden* tables²³ and *Kemp & Kemp*²⁴ with a robot. Others may not.

To those who say this is infeasible, I say look at the success of the tech companies, such as eBay or Amazon, in offering AI driven online dispute resolution systems. This shows there is a critical need for the Scottish judiciary and courts to engage constructively with these new technologies and consider the risks and benefits that AI has for our service users and us.

Benefits and Risks

Access to justice

Research commissioned by Consumer Scotland found that 48% of 1013 adults it surveyed in Scotland had experienced a legal problem between 2021 to 2023; 37% were not confident they can achieve good outcomes across a range of legal scenarios; and 24% did not consider the justice system in Scotland is accessible.²⁵ Research carried out by the Legal

²² Club des Juristes, “Intelligence Artificielle et justice civile: perspectives et ambitions”, April 2026. Available at: <https://think-tank.leclubdesjuristes.com/wp-content/uploads/2026/04/Rapport-IA-et-justice-civile.pdf>

²³ UK Government, “Ogden tables: actuarial compensation tables for injury and death”. Available at: [Ogden tables: actuarial compensation tables for injury and death - GOV.UK](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/118422/Ogden-tables-actuarial-compensation-tables-for-injury-and-death-2015-2025.pdf) (last updated 9 January 2025).

²⁴ Kemp & Kemp, *The Quantum of Damages*, Sweet & Maxwell.

²⁵ Consumer Scotland, “Consumer experiences of legal services in Scotland” January 2024. Available at: <https://consumer.scot/media/v02pzrrm/using-legal-services-in-scotland.pdf>

Services Board in 2020 found that the percentage of the population in England and Wales with a low perception of accessibility was 18%.²⁶

Barriers to accessing justice have multiple causes, including the cost of instructing a lawyer, a scarcity of lawyers in some remote areas and spheres of practice, which include criminal defence work and civil legal aid. I need hardly remind the current audience of these challenges, practical difficulties in reaching courts and justice systems that are often ill-equipped to meet the needs of marginalised people.

AI technology presents, therefore, a sustainable opportunity to provide access to justice more quickly and at a more cost-effective rate. Access to justice, the right to participate effectively in proceedings and equality of arms, are fundamental rights guaranteed under Article 6 of the European Convention of Human Rights. Where the use of AI by party litigants and lawyers serves to promote those rights in a safe and responsible manner, such use ought to be encouraged.

Court Efficiencies

What changes might we see in the courts and tribunals? Over time, I would anticipate that a greater number of routine administrative tasks will become automated. As has been seen in other jurisdictions, technology to predict case durations may help us to allocate resources more effectively.

One of the biggest challenges judges face is making efficient use of the limited time available to us. Anything which may produce efficiencies will be welcomed. Using AI to sort and prioritise cases, draft interlocutors and decrees, or summarise lengthy materials will

²⁶ Legal Services Board, "State of Legal Services 2020 report". Published in November 2020. See page 22, figure 3.7. Available at: <https://legalservicesboard.org.uk/wp-content/uploads/2020/11/The-State-of-Legal-Services-Evidence-Compendium-FINAL.pdf>

help judges get to the core issues more quickly. If applied in Scotland, the AI dividend will be that judges' time will be freed up to concentrate on tasks that require the exercise of good human judgement and sound legal reasoning.

SCTS is committed to exploring the potential use of AI. SCTS's initial focus has been on establishing proofs of concept using Natural Language Processing and Generative AI technologies to enhance the efficiency and accuracy of transcription, summarising and translation services. This is in addition to using AI to support the submission of online forms in civil actions. These innovations offer real scope to achieve efficiencies and improve court services.

Service Delivery

AI has the potential to support a more seamless user journey through the court system. This can include the wide expansion of digital services and case management functions powered by AI. If it is used to support certain aspects of judicial decision making, AI also has the potential to provide greater predictability around the outcome of a dispute, which may be more cost effective for users.

AI Risks

AI comes with risks, especially when it is used for legal research and advice. Platforms, such as ChatGPT, are well known for their unreliability. Where they provide advice on the law, it is frequently English law that is referred to. In the Scottish case of *Jennings v Natwest Group plc*²⁷ in 2025, the Sheriff Appeal Court remarked that submissions generated by ChatGPT have the potential to "complicate and obscure the true analysis of

²⁷ *Jennings v Natwest Group plc* [2025] SAC Civ 41, Sheriff Principal Nigel Ross at paragraph 10.

legal issues.” These tools are inclined to tell their users what they want to hear. Three of the cases cited in the appellant’s submissions appeared to be non-existent.

The Right Honourable Lord Reed recently highlighted one of the practical challenges which AI poses to the judiciary, courts and tribunals. When speaking at a Law Society of Scotland event, he said that the courts may have to “fight fire with fire” by deploying AI in response to a “huge increase” in claims being enabled by these technological advancements.²⁸ He is right. Courts and tribunals do not have infinite resources so we must consider carefully how to respond to an upturn in service demands. While Lord Reed does not think that using AI is problematic for legal research, he emphasised that if it is used to produce work, it requires a bespoke system that can address issues such as confidentiality.

The risk of dependence on AI tools may diminish critical legal analysis. This becomes more pertinent if there is an increase in cases coming before the courts and tribunals. AI should be used as a supplementary tool, not a replacement for sound judicial reasoning. Judges must not outsource their thinking to an algorithm. As the very recent case in the High Court in England, *Cork and Another v Smith*²⁹ demonstrates, if legal practitioners do not check what AI produces, not only will they mislead the court, that could culminate in regulatory action being taken, additional costs, reputational damage and a considerable waste of court time.

A further concern is the prohibitive cost of specialised AI legal research tools which may serve to widen the justice gap. While large law firms are likely to have the resources to

²⁸ Journal of the Law Society of Scotland, 22 May 2026. Available at: <https://www.lawscot.org.uk/members/journal-hub/articles/courts-could-have-to-fight-fire-with-fire-as-ai-spreads-lord-reed-says-at-society-event/>

²⁹ [2026] EWHC 1199 (Ch).

fund investment into AI technology, smaller firms, which often provide legal aid services or provide advice to local communities, are unlikely to be in a position to adapt as quickly.

Beyond the risks within the judiciary's specific sphere of control, there are wider issues with which the profession must grapple. A recent report published on 18 May by the AI Accountability Lab at Trinity College, Dublin, argues that an unrestrained adoption of AI poses a threat to the rule of law.³⁰ The Lab argues that "Big AI" captures the public narrative in a way which encourages a lack of regulation and of failing to comply with legal rules. In case you have just asked ChatGPT what "Big AI" is, let me see if I can beat it to the answer. "Big AI" is essentially the umbrella term for central AI systems which are often designed by the tech giants, such as Google or Microsoft. While there are many benefits to the advances in AI technology, it must be designed, and used, in a way which respects the rule of law.

Bias

The AI Guidance for Judicial Office Holders in England and Wales (2025) wisely warns users to "be aware of bias."³¹ There is well-documented evidence that AI tools can replicate, and even exacerbate, human biases. For example, in the United States, the COMPAS system used by the courts to assess the likelihood of reoffending, has been criticised for allegedly perpetuating race and gender bias. Stanford University HAI's Artificial Intelligence Index Report 2025, which I mentioned earlier, also highlights ongoing bias concerns.³²

³⁰ Trinity College Dublin, Big AI's control of narrative and regulation poses significant threat to rule of law, 18 May 2026. Available at: https://www.tcd.ie/news_events/articles/2026/big-ai-threat-to-rule-of-law/

³¹ Courts and Tribunals Judiciary, "Artificial Intelligence (AI) Guidance for Judicial Office Holders", 31 October 2025 (see page 5). Available at: <https://www.judiciary.uk/wp-content/uploads/2025/10/Artificial-Intelligence-AI-Guidance-for-Judicial-Office-Holders-2.pdf>

³² Ibid, footnote 18.

The judiciary are of course familiar with addressing bias. The domestic approach to apparent bias is set out in the leading authority of *Porter v Magill*³³: would a fair-minded and informed observer, having considered the facts, conclude that there is a real possibility that the tribunal was biased? As research demonstrates, AI tools can replicate and exacerbate human biases so not everything labelled as “neutral”, truly is. It will be necessary, therefore, for the courts and tribunals to ensure that AI tools are not used to frustrate the administration of justice.

Fundamental rights and freedoms

It has been authoritatively propositioned that the right to an independent and impartial tribunal requires access to a human judge. Some jurisdictions, however, such as Singapore, have adopted Online Dispute Resolution forums, using AI technology to adjudicate on private disputes. How, then, are Convention rights and the need for swift, cost-effective and convenient justice, properly balanced? Where, for example, a human judge identifies an authority which contradicts submissions already made, it is necessary for the court to afford the parties the opportunity to comment on it, where fairness so requires. How might this translate into a purely automated process? Many AI systems are not amenable to review. One cannot easily go into the “black box” of an algorithm and determine whether it was informed by flawed or discriminatory data. The Post Office scandal affords a sobering example of the injustice which can arise where a presumption of reliability is applied, even to far less complex systems than the AI models now in development.

³³ [2001] UKHL 67, [2002] 2 AC 357.

The risks raised by AI are potentially serious, to the extent that they may impinge on the fundamental rights of citizens. As noted by Dame Victoria Sharp in one of the first “AI hallucination” cases (*R on the application of Ayinde v Haringey LBC*³⁴) there are serious implications for the administration of justice if AI is misused by lawyers, with knock-on effects on public confidence in the justice system. Public confidence in the administration of justice is a bedrock requirement for the rule of law. It is for this reason that the English courts have had no hesitation in invoking their *Hamid*³⁵ jurisdiction to hold lawyers who mis-use AI tools to account.

A recent example of this is the case of *Sabrina Rodney v Gee’z Micro Bar and Pitstop and others*³⁶. On 23 April 2026, Judge Grimshaw referred two solicitors to the Solicitors Regulation Authority because false AI-generated case citations had been submitted in an appeal which he presided over. He held that the guidance provided by the Court in *Ayinde* was that judges should take a robust approach when dealing with lawyers who have provided false authorities to the court.

Regulating the use of AI in the legal profession will undoubtedly present challenges for the Law Society, the Faculty of Advocates and others, as technology quickly evolves and becomes more advanced. This comes at a time when there has been increased scrutiny across the profession, consumers of legal services and among politicians about how lawyers in Scotland should be regulated, due to the enactment of the Regulation of Legal Services (Scotland) Act 2025.

³⁴ [2025] EWHC 1383 (Admin), [2025] 1 WLR 5147.

³⁵ *R v (Hamid) v Secretary of State for the Home Department* [2012] EWHC 3070 (Admin), [2013] CP Rep 6.

³⁶ Dudley Appeal 18 of 2025, judgment available at <https://www.judiciary.uk/wp-content/uploads/2026/05/Transcript-of-judgment-re-contempt-M00DD215.pdf>

Unbeknown to the judiciary, the Bill initially proposed to give the Scottish Ministers powers to regulate lawyers directly and supplant some of the day-to-day regulatory bodies, such as the Law Society of Scotland³⁷. The Bill also sought to remove aspects of the Court of Session's oversight of the legal profession and impose the Scottish Ministers as a co-regulator, alongside the Lord President.

The judiciary was fundamentally, and unanimously, opposed to this attempt to bring the legal profession under political control. Given the serious constitutional concerns the Bill posed to the rule of law, it was necessary for the judiciary to respond publicly to the Parliament's call for views on the Bill.³⁸ In the judiciary's view, the only way to ensure that lawyers could stand up for the individual, against the government of the day, was for the Court of Session, to remain as the ultimate regulator of the legal profession in Scotland.

To address our constitutional concerns, the Bill was rewritten at Stage 2.³⁹ Significant regulatory powers, that were initially bestowed on Ministers, were transferred to me. In my role as the ultimate regulator of the legal profession, the Act gives me new powers to review the performance of the Law Society, the Faculty of Advocates and other regulators. It will be challenging for the profession that major changes in the regulatory framework will be implemented at the same time as it grapples with the risks and benefits arising from AI.

Given my role, it would be remiss of me not to remind you that while technological advancements will bring many important opportunities for lawyers, it is vital that all members of the profession are familiar with, and follow, the rules, guidance and

³⁷ The Bill, as introduced, is available at: <https://www.parliament.scot/-/media/files/legislation/bills/s6-bills/regulation-of-legal-services-scotland-bill/introduced/bill-as-introduced.pdf>

³⁸ The response of the Senior Judiciary to the Regulation of Legal Services (Scotland) Bill can be found at: https://judiciary.scot/docs/librariesprovider3/judiciarydocuments/consultation-responses/20230808-full-response.pdf?sfvrsn=b099580a_1

³⁹ The Bill, as amended at Stage 2, is available at: <https://www.parliament.scot/-/media/files/legislation/bills/s6-bills/regulation-of-legal-services-scotland-bill/stage-2/bill-as-amended-at-stage-2.pdf>

developments on AI produced by their respective regulatory bodies. All who practise in Scotland must be clear about how the use of AI tools impact, not only on their professional obligations towards their clients, but also to the Court. We have remarkable tools at our fingertips but these must be handled with care.

AI and Open Justice

The judiciary need to consider how we harness the power of AI to support the development of a justice system that is open, fair and accessible and enjoys high levels of public trust. As Sir Geoffrey made clear, we must retain this confidence among the next generation. If we are unable to achieve these goals, there are certainly signals which indicate that the justice system, and more fundamentally our systems for upholding the rule of law, may become vulnerable to significant future disruption from technological change.

It is worth mentioning our approach to Open Justice within the Scottish courts and tribunals. We have taken an approach that adopts a definition of Open Justice, based on the Law Society of Scotland terminology, as the principle that allows the public to understand the workings of the law, through which we build and maintain confidence in the courts, tribunals, judiciary and the rule of law. This principle manifests itself in different ways across common law jurisdictions but there is a consistent theme that:

- Justice must be done, and be seen to be done;
- The process of justice being done must be made more accessible using a wide variety of tools and methods;
- There is a critical role for the media in reporting openly and fairly on justice matters; and

- There is an important role for the judiciary and the courts and tribunals around education and engagement – all of which must serve to promote the rule of law, openness and transparency, and thus confidence in the impartiality, fairness and integrity of the justice system.

In Scotland, the work undertaken by the judiciary and SCTS to make justice more trauma-informed, and modernise its approach to equality, diversity and inclusion to reflect the society which it serves, are integral components of Open Justice. This work aims to ensure that the ability to view, access and effectively participate in the justice system is available to all, including those who have experienced trauma, along with minority and minoritised groups.

The aims of the emerging Open Justice Framework are:

- To ensure that there is full and appropriate access to the actual workings and decisions of the courts and tribunals to all those who may wish to access proceedings.
- To ensure effective engagement with stakeholders to build an understanding, and profile, of the courts and tribunals, including fair and accurate reporting on the decisions.
- To build public awareness, support and confidence in the work of SCTS and the judiciary and actively manage the reputation and perception of the judiciary, courts, and tribunals.

- To ensure that the way we do things does not directly or indirectly exclude participation in, or understanding of, the justice system and actively promotes inclusion.

If we think of how we can use AI as an enabling tool to advance the objectives of this framework, we start to create a virtuous circle of technological innovation being used with a clear purpose, underpinned by strong and consistent values and ethics. That will foster greater trust and confidence in the courts and tribunals service. Many of the people in this room will have good ideas of how we may be able to use technology to enhance our justice system. Some things it might include in the future could be:

- Using AI tools to support court and tribunal users to navigate the system more effectively, particularly party litigants who require additional support;
- Giving judicial office-holders access to AI tools and training to free up judicial time;
- Using AI to optimise court programming more effectively, reducing journey times and churn in the system;
- Thinking about how AI might be used to support effective digital services and online case management.

Digital capability within the Judiciary

We must also consider the opportunities around developing the digital capability of judges. If we understand how these tools may be used to generate benefits, we need to comprehend how they work and what they can and cannot do. This will not only be of use to judges in identifying opportunities to enhance the way they undertake their roles, but it

will also be a core future skill. Especially if these technologies become ubiquitous in the interactions between parties, giving rise to the dispute that ends up in the courts. It is a future in which digital fluency may prove as indispensable as legal fluency.

On this point, may I commend the work of the Judicial Institute in leading from the front in developing a course dealing with judging in the digital world – with input from AI and justice scholars from the University of Dundee, along with a series of webinars on AI and legal tech being hosted jointly with the other jurisdictions across the UK. Training in using AI tools that are currently available to the judiciary – chiefly MS Copilot – is also available.

Beyond the use of AI, and in the context of maintaining Open Justice, we should also consider how we, in making judicial decisions and undertaking our judicial responsibilities, can support and enhance the experience of court and tribunal users. We must communicate effectively through our judgments. Both in terms of publishing more of what we decide and the reasons for those decisions, so these are clear and easy to understand. As Lord Sumption has pointed out, when the public is able to see how the courts operate and understand the reasons for decisions, those decisions are generally accepted. Citizens then realise that the judiciary do in fact dispense justice “without fear or favour, affection or ill-will”.

Conclusion

AI has taken the world by storm and continues to have significant impacts on the way society operates. Both for the good and for the bad. What is clear, however, is that AI is not going anywhere. Its impact is not abating any time soon.

AI will be a cardinal theme of my own term of office as Lord President. It is my responsibility to ensure that the judiciary engages effectively with this technology. I hope that Scotland's legal profession rises to the challenges and seizes the opportunities presented by AI. The history of the RFPG, with its track record of managing and promoting change, gives me every confidence that it will.

**The Right Honourable Lord Pentland
Lord President and Lord Justice General
3 June 2026**