Demystifying AI for Barristers: Opportunities, Challenges, and Ethical Considerations

Artificial Intelligence (AI) is reshaping industries and professions and the bar is no exception. Generative AI and Large Language Models (LLMs), like ChatGPT, offer barristers wide ranging helpful tools including for research, drafting, and case analysis. However, the use of AI where we have sensitive client data also raises ethical, regulatory, and professional concerns. Understanding AI's capabilities and limitations is crucial for its responsible integration into any barristers practice . This article explores AI's nature, existing guidance, its benefits and risks, and its future in the profession.

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A recently conducted scientific study *(WhatsApp poll amongst my fellow barristers)* revealed a shockingly low rate of any AI knowledge at all (60%) and even lower rate of knowingly adopting it (40%). While adoption will likely increase, some barristers resist new technology—just as they clung to fax machines long after email became standard. Those who ignore AI risk becoming obsolete in a profession increasingly shaped by technology and as 'left behind' as a fax machine in a box of dusty dictaphones.

Self-employed and self-regulated, barristers often lack structured tech training. This cautious approach can hinder progress. Concerns at the bar about AI-generated misinformation or 'hallucinations'—like the infamous New York case where lawyers cited **AI-invented case law**—are valid but manageable. The key takeaway?[1] Use the tech , benefit from GPT machine led legal research more powerful than Google on steroids – but always verify your sources, whether they come from a pupil or a machine!

AI guidance for barristers

The legal profession must embrace AI or risk falling behind. At the **LawtechUK Generative AI Event (5 February 2025)**, the Master of the Rolls, **Sir Geoffrey Vos**, outlined three reasons barristers must engage with AI:

> **1. Integration is inevitable** – Other industries are adopting AI, and the legal sector can't remain isolated.
> **2. AI-related disputes will rise** – Understanding AI is essential for handling emerging liability issues.
> **3. AI improves access to justice** – Digital tools can speed up and lower the cost of dispute resolution.

> There is a real danger here of if you don't adopt AI of "snooze and you lose " - use it but do so cautiously and responsibly as we should all be in everything we do. Vos urged balance between AI sceptics and enthusiasts. AI isn't inherently problematic, but its outputs must be checked for accuracy and confidentiality.

Lord Justice Colin Birss has openly acknowledged using ChatGPT, calling it "jolly useful." He tested AI by summarizing a legal principle he knew well and verified its accuracy before including it in a judgment. His endorsement highlights AI's potential, provided human oversight remains paramount. His influence will likely shape judicial policy on AI's role in court proceedings.. Importantly he has clearly stated that he retained full personal responsibility for his ruling which had some Chat GPT assistance. This public acknowledgement of the use of AI in a judgment demonstrates how AI can assist but not replace human legal expertise. This also highlights the importance of professional /judicial oversight whenever using AI to check its work and ensure its accuracy- just as any responsible pupil supervisor or professional would whether being assisted by a learned friend or a learned machine.

While he is not an AI developer, Lord Justice Birss is one of the most senior judges in the UK engaging with AI's role in the legal profession and engaging with Lawtech UK–. His influence will be likely to shape judicial policy on future AI use in courts.

The Future of AI in Legal Practice

AI's role in law will grow, but its use must be carefully managed. The **Supreme Court of New South Wales** has recently **banned AI-generated affidavits** and requiring lawyers to verify AI-assisted submissions. Chief Justice Andrew Bell has imposed partial bans on the use of generative AI by lawyers, unrepresented litigants and judges, describing the approach of the state's highest court as "hard and conservative" and stating. "The task of judging in our society is a human one…I think if that were to be abdicated to machines, a very important part of our democratic fabric would be lost."[2]

The Australian guidance tackles for them one of the most pressing debates – namely whether AI should be permitted to make legal decisions. While many believe human judgment should remain central to justice, some experts argue that AI could reduce human bias in certain legal determinations. Ultimately, our profession must strike a balance between leveraging AI's efficiencies and maintaining human oversight.

The evil that NSW is trying to avoid seems predominantly to be any erosion of the judicial decision making function and the human element in providing evidence rather than any attack on the powerful research capability and ability to digest and summarise large volumes of material which are two of the most important capabilities of AI in the legal field. The UK via the guidance to barristers of the Bar Standards Board[3] and the judicial guidance[4] has thus far taken a more flexible approach, focusing on accountability rather than outright bans. It may however only be a matter of time before some of the more repetitive tasks of the judiciary and admin are undertaken by AI. Clients are already using AI tools in practice to get legal advice and will surely want their counsel to add significant value to the advice and research they can already do for themselves using GPTs at a far lower cost. Barristers risk clients feeling that they are able to obtain almost the same for far less so have to be able to understand what a machine can deliver to be able to provide a service which is far superior. The law may move slowly, but it will ultimately need to be the most reliable foundation for the adoption of new technologies such as automated assistants and automated decision-making by AI with a core of well trained barristers who are able to understand what can and should be automated and what should not.

The Nature of AI and Its Safe Use

A **Generative Pre-trained Transformer (GPT)** is an AI model designed to generate human-like text. Since **ChatGPT's launch in 2022**, its adoption has surged—including among barristers. Custom GPTs with a personalised protected login trained on legal texts offer **enhanced accuracy and security** for professional use. Despite its capabilities, **AI is a tool, not a substitute** for human expertise. Unlike traditional automation, AI learns patterns and may produce **unexpected** or **inaccurate** outputs. Legal writing, a core skill for barristers, requires **persuasion and originality**—and it if these qualities and the necessary human touch which AI struggles to replicate. Studies show AI produces well-structured but unoriginal work, reinforcing the need for **human critical analysis**.

However, AI can significantly save time by summarizing legal principles or providing a useful starting point for research saving literally hours of time so it is critical to be able to use it.
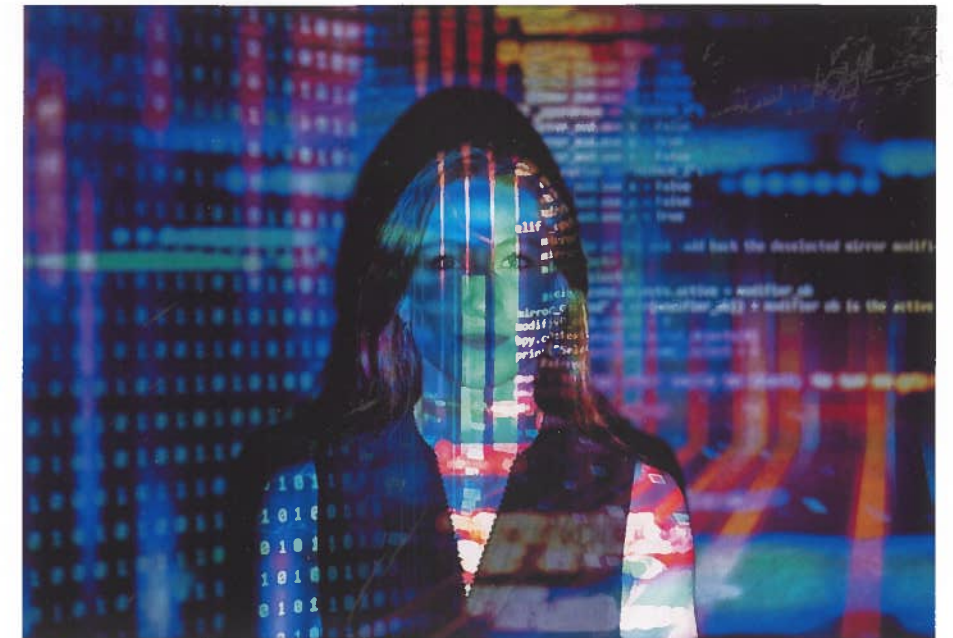
Pros and Cons of AI in Legal Practice

Pros

✓ **Efficiency & Time-Saving** – AI accelerates research, drafting, and admin work, allowing barristers to focus on strategy and advocacy.

✓ **Cost Reduction** – Automating routine work cuts costs for chambers and clients, improving accessibility.

✓ **Improved Access to Justice** – AI-assisted tools help underserved populations navigate legal issues.

✓ **Skill Development for Juniors** – Learning AI tools gives junior barristers a competitive edge.

✓ **Enhanced Client Service** – AI improves work speed and accuracy, benefiting clients.

Cons

⚠ **Job Displacement Risks** – Automating lower-end tasks may reduce training opportunities for junior barristers. This in turn creates a significant issue as the ability to human verify depends on the proper acquisition of human knowledge.

⚠ **Accuracy & Reliability Issues** – AI can generate inaccuracies, requiring human verification.

⚠ **Client Confidentiality Concerns** – AI tools may pose data security risks.

⚠ **Ethical & Regulatory Challenges** – Barristers remain accountable for AI-generated work, necessitating strict oversight.

⚠ **Over-Reliance on Technology** – Excessive dependence on AI may erode barristers' expertise and judgment.

⚠ **Resistance to Change** – Failure to engage with AI could disadvantage barristers in an evolving profession.

⚠ **Conclusion & Where to Start**
If you're still unsure about what Generative AI is or what it can do – start with the free version of ChatGPT-4.0 for legal research—just as you would with Google. Experiment with its capabilities while ensuring client confidentiality (just as you wouldn't leave a brief unattended on a train).

AI is revolutionizing legal practice, offering efficiencies alongside new ethical and regulatory challenges. I predict that Barristers who embrace AI will gain a huge competitive advantage over those who have not , but vigilance is essential. Ensuring transparency, accuracy, and ethical integrity will be key to integrating AI responsibly into your practice.

Bibliography / Suggested Further Reading

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