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GenAI, Fake Law & Fallout

A review of the misuse of generative artificial intelligence in legal proceedings

NOVEMBER 2025

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GenAI, Fake Law & Fallout:

A review of the misuse of generative artificial intelligence in legal proceedings

Executive summary

This report reviews case law illustrating the use and misuse of generative artificial intelligence (GenAI) in legal proceedings across **ten common law and hybrid jurisdictions** (Australia, Canada, Hong Kong, India, Ireland, New Zealand, Singapore, South Africa, United Kingdom, United States of America), between **1 January 2023 and 30 September 2025**.

It draws on a dataset of **520 GenAI cases** compiled by the Centre for the Future of the Legal Profession **(CFLP)** at UNSW Faculty of Law & Justice, University of New South Wales, Sydney, Australia. The dataset is sourced using official records of **legal proceedings before a court, tribunal, commission, or similar forum**, where the record notes the suspected or confirmed use or misuse of GenAI (or similar AI) tools to prepare materials filed, submitted, or relied upon by a party.

The report includes **data visualisations showing trends in GenAI use**, including:

- **Who is using GenAI?** In Australia, self-represented litigants (SRLs) account for over 78% of identified cases, with the balance of cases involving legal professionals and others (eg expert witnesses, third parties, etc). Similar SRL dominance is observable in larger overseas case samples (eg US, UK, Canada).
- **Where and when?** Reported GenAI cases cluster in lower courts / tribunals / commissions where self-representation is common, and the number of GenAI cases has accelerated during 2025. Australia ranks second to the US in reported volume of GenAI cases in this dataset.

Recurring and often overlapping themes or risk patterns arise when AI-generated material enters legal proceedings, being: 1. fake and incorrect case citations and summaries; 2. flawed legal reasoning based on unverified AI output; 3. procedurally incorrect and defective documentation; and 4. prolix documentation and 'flooding' of courts and other parties.

Selected Australian case summaries in the report illustrate instances of GenAI misuse by **legal professionals and SRLs**, including **how AI was used, what went wrong, and the court's response**.

Practical tips from the dataset are outlined for **practitioners adopting AI in legal practice**, and **for SRLs using AI to prepare for court**. The report concludes that **GenAI presents a practical challenge, not an existential threat**. With time, education, sensible governance, and clear accountability, the ethical, responsible and productive **adoption of AI in legal proceedings, and in legal services more broadly, is achievable**.

This research was funded by the Australian Academy of Law.

GenAI, Fake Law & Fallout:
A review of the misuse of generative artificial intelligence in legal proceedings

'In this case law review from UNSW's Centre for the Future of the Legal Profession, self-represented litigants accounted for over three quarters (78%) of Australian GenAI cases.'

- Period of review:
  1 January 2023 – 30 September 2025
- Jurisdictions reviewed:
  10 – Australia, Canada, Hong Kong, India, Ireland, New Zealand, Singapore, South Africa, UK, USA
- Total GenAI cases in the dataset: 520
- Australian GenAI cases in the dataset: 87
- Australian cases by user type:
  Legal professionals – 10; Self-represented litigants (SRLs) – 68; Other – 9 (=78% SRLs)
- Australian courts/tribunals/ commissions represented: 23

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Section 1. Introduction

This report summarises trends in the use of generative artificial intelligence **(GenAI)** by lawyers, self-represented litigants **(SRLs)**, and third parties in legal proceedings in Australia and other common law and hybrid jurisdictions. It draws on a review of case law and related research conducted by the Centre for the Future of the Legal Profession **(CFLP)** at the Faculty of Law & Justice, University of New South Wales, Sydney, Australia from February 2024 to September 2025.

CFLP was launched in late 2023 to support the Australian legal profession in navigating the challenges and opportunities of technology, innovation and societal expectations. Our research provides evidence-based insights, tailored solutions and thought leadership for the profession.

GenAI presents both opportunities and risks for the legal profession and the broader legal sector. The release of ChatGPT in November 2022 marked the beginning of a period of rapid uptake and intense interest in technological transformation, which continues today. GenAI's adoption has implications for how legal services are delivered, as well as other aspects of work and daily life.

There are many lenses through which to study GenAI's impact. CFLP elected to focus on the recorded use of GenAI in legal proceedings before courts, tribunals, commissions, and similar forums. Using official records, such as published court reports, we compiled a dataset of cases involving the suspected or confirmed use of GenAI in legal proceedings (the **GenAI cases dataset**).

This dataset began with a handful of official reports from cases in Australia and the United States **(US)**, including the much discussed opinion of Castel J in *Mata v Avianca Inc.*[1]

Initially intended to inform other CFLP research and executive education,[2] what began as a trickle – just a few recorded cases every other month during 2023 – became a steady stream across 2024 and 2025, particularly in the US. For comparative purposes, the GenAI cases dataset now includes cases from across ten common law and hybrid jurisdictions: Australia, Canada, Hong Kong, India, Ireland, New Zealand, Singapore, South Africa, UK, USA. While we are aware of GenAI cases occurring in other jurisdictions, our dataset focuses on common law and hybrid jurisdictions due to their closer alignment with Australian legal practice and procedure.

Since commencing this work, CFLP has identified several other publicly available datasets on AI use in legal proceedings, compiled by academics and professionals in other countries.[3] We acknowledge their valuable contributions to research on this issue. Like many researchers in this area, we have found that a modest initial enquiry has evolved into a time-intensive and complex program of research.

The objective of CFLP's GenAI cases dataset is to support our research and enhance public understanding of the growing impact of GenAI use in legal proceedings. Drawing on selected Australian cases and insights from the broader dataset, we aim to inform evidence-based decision making by Australian policymakers, courts, the judiciary, legal professionals, and other legal services providers.

CFLP acknowledges grant support for this research from the Australian Academy of Law (AAL). This support enabled completion of the GenAI cases dataset and preparation of this public report. Any errors or omissions remain CFLP's responsibility.

[1] *Mata v Avianca Inc* 678 F.Supp.3d 443 (S.D.N.Y. 2023).

[2] See examples of CFLP's research and education events at <https://www.unsw.edu.au/law-justice/centre-future-legal-profession>.

[3] Damien Charlotin, *AI Hallucination Cases* (Database, accessed 3 October 2025) https://www.damiencharlotin.com/hallucinations/; AI Law Librarians, *GenAI Legal Hallucination Tracker* (Webpage, accessed 3 October 2025) https://www.ailawlibrarians.com/full-screen-interactive-table/; Matthew Lee, 'AI Hallucination Cases Tracker', *Natural and Artificial Intelligence in Law* (Blog, 1 October 2025) https://naturalandartificiallaw.com/ai-hallucination-cases-tracker/#AI_Hallucination_Cases_Tracker_Under_Construction.

Section 2. Research scope, methodology, limitations

What is a 'GenAI case'?

For the purposes of this research, a **GenAI case** is a **legal proceeding** before a court, tribunal, commission, or forum, **in which the official record** (eg decision, direction, order, ruling, or published reasons) **notes the suspected or confirmed use or misuse of GenAI (or similar AI) tools** to prepare or generate materials that were **filed, submitted, or relied upon by a party** during the proceedings.

AI-generated materials at issue may include written and oral submissions, affidavits, expert reports, character references, and other evidentiary documents. AI involvement may **be admitted** by the person who prepared or submitted the material, or **reasonably suspected** by the judicial officer, decision-maker, or another party, and recorded in the official record.

For ease of reference, Appendix 1 lists other terms frequently used in this report.

Research scope and methodology

CFLP's research covers legal proceedings determined, reported and published from late-November 2022 until 30 September 2025. We have conducted online research since February 2024, using official records from Australia, Canada, Hong Kong, India, Ireland, New Zealand, Singapore, South Africa, UK, USA.

Our sources comprise a mix of public websites and commercial legal databases available via UNSW Library.[4] All information is in the public domain, and the research adheres to UNSW research guidelines.

Our dataset **includes** only cases where AI use or misuse is directly recorded or referenced in official case records. We **exclude** reports of AI use based solely on media coverage, commentary, anecdote, or materials outside of official records (eg industry publications or marketing).[5]

Research limitations

This is an analysis of reported legal case law – it does not attempt to measure the overall prevalence of AI use in legal proceedings. Not all AI use is captured and reported, referenced, published, searchable, or made public. For example:

- AI misuse **may be detected and corrected** early (eg through intensive case management), and may not be recorded in the final reported decision.
- Issues with AI use may be raised with parties by court staff, judicial officers, or opponents, and **resolved before hearing**.
- AI use **may not be problematic or material** to the decision, so may not be mentioned in final reasons.
- AI use **may go undetected** by decision-makers and other parties.
- **Not all proceedings are formally reported on or published** and thus not all are available for research purposes.
- AI use may be **redacted from the final reported decision** and dealt with in other ways.[6]

Our searches were also limited to official records accessible from Australia. We do not have access to all official records across all jurisdictions in scope.

Accordingly, our dataset likely represents only the 'tip of the iceberg', and does not capture the full extent of AI use across legal proceedings.

[4] Sources included the following research databases and collections: AUSTLII; BAILII; BarNet Jade; CANLII; CaseBase via Lexis Advance (UNSW subscription); CourtListener; Fair Work Commission; Find Case Law (National Archives UK); Google Scholar (case filter); HKLII; ICLR (UNSW subscription); Indian Kanoon; Justia; Legal Reference System (HK Judiciary); Lexis+ (UNSW subscription); Manupatra (UNSW subscription); NSW Caselaw; NZLII; SAL LawNet.com; SAFLII; Supreme Court of India/Judgments; The Courts Service of Ireland; vLex (UNSW subscription); Westlaw AU (UNSW subscription); Westlaw International (UNSW subscription); Westlaw US (UNSW subscription); WORLDLII.

[5] CFLP's GenAI cases dataset does not include examples of proceedings involving litigation preparation and support systems using AI, such as those used for eDiscovery or analytics, unless these have a GenAI component that has influenced submissions/evidence.

[6] This includes when a court refers a legal practitioner's conduct to the regulator, and anonymises the individual's details where the referral is intended to be in the public interest rather than punitive, and the regulator (not the court) will investigate that conduct separately, and the individual's conduct may not impact the court's decision on the substantive matter. This is becoming a common practice in Australia. See Section 5 for examples; and South Australian Employment Tribunal, *Referral to the LPCC for the citation of fake cases* (Media Release, 16 October 2025) <https://www.saet.sa.gov.au/2025/10/16/referral-to-the-lpcc-for-the-citation-of-fake-cases/>.

Section 3. Recurring themes

CFLP's GenAI cases dataset currently includes 520 examples. While not exhaustive, this is a sufficiently large sample to illustrate distinct trends across most jurisdictions in scope, particularly in Australia.

Our case law analysis indicates that AI 'hallucinations' are common in GenAI cases, but are not the only issue arising from GenAI use. We identified recurring themes that highlight a broader range of risks when AI-generated material enters legal proceedings:[7]

Theme	Description
1. Fake and incorrect case citations and summaries	GenAI tools generating non-existent cases, incorrect citations, statutory references, or inaccurate legal summaries.
2. Flawed legal reasoning	Submissions containing incorrect, unfocused or irrelevant arguments apparently based on unverified GenAI outputs or deficient research.
3. Incorrect documentation	Legal documents prepared using GenAI that exhibit procedural defects and other substantive errors.
4. Prolix documentation, and 'flooding'	Voluminous, often incoherent or irrelevant material produced using GenAI, increasing the burden on courts and opposing parties

Some cases in our dataset show only one of these issues; others show several; and on occasion, all four issues make an appearance. Failure to verify AI-generated material is a key driver of the first two themes, but may be less so for themes three and four. All four themes were present in case law well before the advent of ChatGPT, but GenAI tools appear to facilitate and amplify these poor behaviours.

When used appropriately and where permitted by courts, GenAI tools and outputs are not inherently problematic. This position is reflected in Australian court AI guidelines and practice notes,[8] and in some decisions in our dataset. However, many cases in our dataset illustrate that uncritical reliance on GenAI outputs may produce poorly founded claims, increases administrative burdens, causes delays, and attracts additional judicial scrutiny and criticism. In more serious instances, it has led to failed claims, and sanctions including adverse costs orders, regulatory referrals, and potential findings of contempt.

Another clear theme is the distribution of **GenAI cases by user type**. While cases involving legal practitioners misusing AI draw most media attention, the majority of cases in Australia involve **SRLs, comprising over three-quarters of examples**. A similar trend appears in GenAI cases from other countries in our dataset where we have a sufficiently large collection to observe a pattern, such as the US, the UK and Canada.

The next section presents further data and insights from CFLP's GenAI cases dataset, followed by illustrative case studies involving GenAI misuse by Australian legal practitioners and SRLs.

[7] Extract from Michael Legg, Vicki McNamara, and Armin Alimardani, 'The Promise and the Peril of the Use of Artificial Intelligence in Litigation', (2025) 48(4) *University of New South Wales Law Journal* 1196 <https://dx.doi.org/10.2139/ssrn.5352645. For another approach to categorising the types of AI misuse issues, see Chief Justice Andrew Bell, 'Change at the Bar and the Great Challenge of Gen AI' (Speech, Address to the Australian Bar Association Conference, 29 August 2025) [66]-[83] <https://nswbar.asn.au/the-bar-association/publications/inbrief/view/13dbc1d59f076b32283b003eb800f0de>.

[8] See Appendix 2.

Section 4. CFLP GenAI cases research: data and insights

The figures below present visualisations of data from CFLP's GenAI cases dataset for the period 1 January 2023 to 30 September 2025 (inclusive). As this report focuses on Australia, most charts are of Australian data, with selected cross-jurisdiction comparisons for context.

4.1 Cases by country

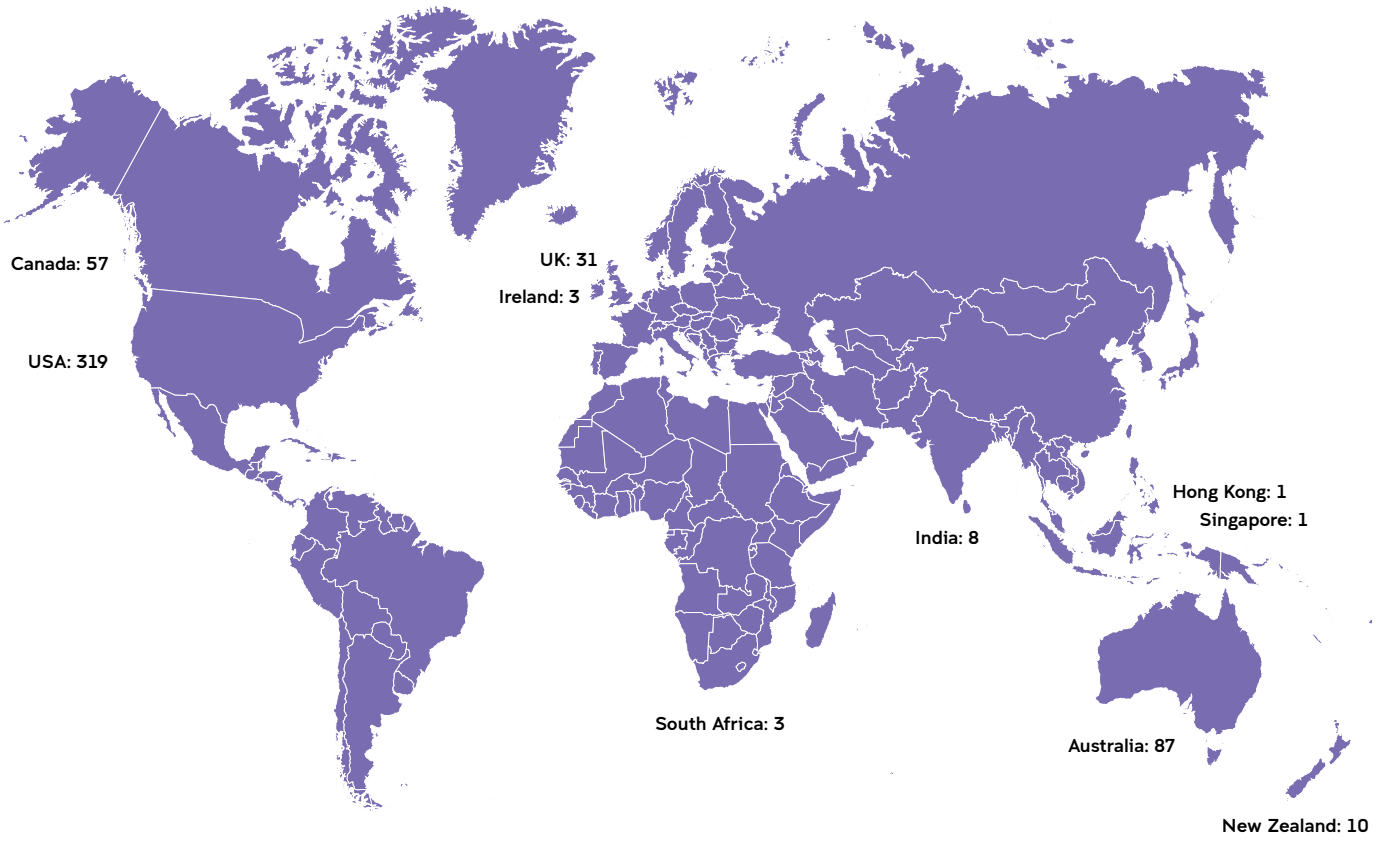

Figure 1: CFLP GenAI cases dataset: GenAI cases by country

In CFLP's dataset, most reported GenAI cases occurred in the US courts. This is unsurprising, given the number of US courts (federal, state, local), and high litigation volumes.[9] Also, resources such as the US *Public Access to Court Electronic Records* (PACER)[10] provide broad public access to US federal court records, allowing GenAI misuse to be detected in materials filed during a case, not just final opinions. This has resulted in a relatively higher count relative to other jurisdictions.

By contrast, in Australia, documents filed during legal proceedings may not be publicly available, and many courts only publish selected decisions (typically those that are considered

[9] For example, US state courts alone handle an estimated 66 million cases each year – see PEW, *How Many Cases—and What Kind—Do State and Local Courts Handle?* (Web Page, 6 March 2025) <https://www.pew.org/en/research-and-analysis/data-visualizations/2025/03/how-many-cases-and-what-kind-do-state-and-local-courts-handle>. See also United States Courts, Statistical Reports (Web Page, accessed 16 October 2025) <https://www.uscourts.gov/statistical-reports>.

[10] Public Access to Court Electronic Records (PACER) is a service of the US federal Judiciary, with the mission of providing broad public access to court records – see <https://pacer.uscourts.gov/>.

legally significant, or decisions from superior courts). As a result, instances of GenAI use, particularly in lower courts and tribunals, may be under-represented in public sources.

Even with these constraints, Australian courts (plus tribunals, commissions, and similar forums) account for the second highest number of reported GenAI cases globally, followed by Canada and the United Kingdom. This is notable, given Australia's smaller population,[11] and overall caseload.[12]

4.2 Cases by user type

Cases were classified by the **apparent user** of GenAI, as follows:

- **Legal practitioner** – legal professionals representing a party in a case, including both solicitors and barristers in Australian cases.[13]
- **SRL/Pro se** – a litigant presenting their own case, often without ongoing legal representation.[14]
- **Expert or other third party** – experts, lay witnesses, and third parties (such as lay advocates, McKenzie Friends, or legal services consultants not admitted to practice as legal professionals).
- **Judge** – a judge or judicial officer, whose reasons disclose GenAI use in preparing the decision (eg drafting, sense-checking, or research prompts).

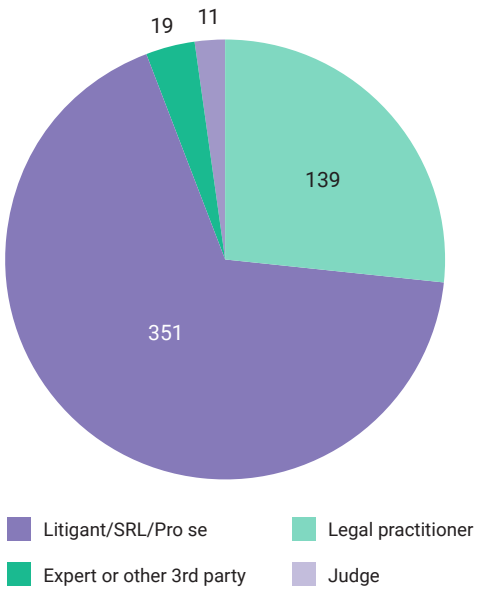

Figure 2: CFLP GenAI cases dataset: Number of GenAI cases by user type (All jurisdictions)

Across all jurisdictions, SRLs substantially outnumber other types of users (possible drivers are discussed in Section 7). The same pattern appears in Australian GenAI cases, where SRL users of GenAI make up over three-quarters of examples, illustrated below.

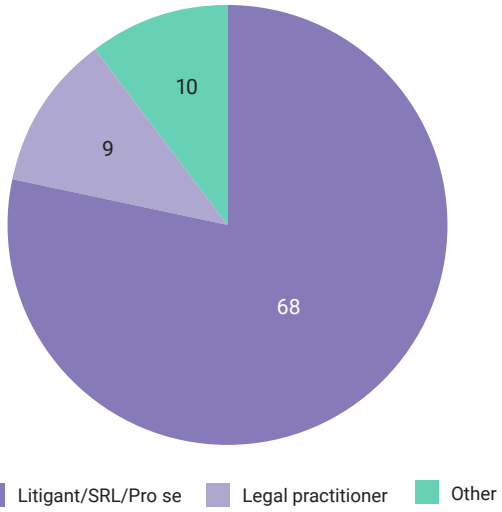

Figure 3: CFLP GenAI cases dataset: Number of GenAI cases by user type (Australia)

4.3 Australian GenAI cases by hearing or registry location (state or territory)

Patterns of GenAI cases across Australia reflect geographic concentration of the population and caseloads. NSW and Victoria are Australia's most populous states and handle higher levels of legal proceedings compared to other states and territories, with relatively higher numbers of GenAI cases recorded in these states. Figure 4 shows the current distribution of GenAI cases across Australia by hearing or registry location.

[11] Estimated as 27,782,581, see Australian Bureau of Statistics, *Population clock and pyramid* (Web Page, accessed 12:52PM on 16 October 2025) <https://www.abs.gov.au/statistics/people/population/population-clock-pyramid>.

[12] Australian Government and state and territory courts finalised 1,226,085 cases in 2023-2024 (being criminal and civil matters, excluding coroners' courts, tribunals and commissions tasked with dispute resolution). See Australian Government Productivity Commission, *7 Courts*, Report on Government Services 2025 – Part C, Section 7 (Web Page, 4 February 2025) <https://www.pc.gov.au/ongoing/report-on-government-services/2025/justice/courts/>.

[13] GenAI cases involving legal practitioners may be understated in official case reports, for various reasons including preserving the anonymity of the individuals involved. For an example, see this media release regarding the referral to the legal regulator of a practitioner's conduct in citing fake cases, which at the date of writing had not appeared in official case records: South Australian Employment Tribunal (n 6).

[14] Terminology varies between jurisdictions and courts. Other terms used in relation to SRLs includes pro se litigant, unrepresented litigant, and litigant in person.

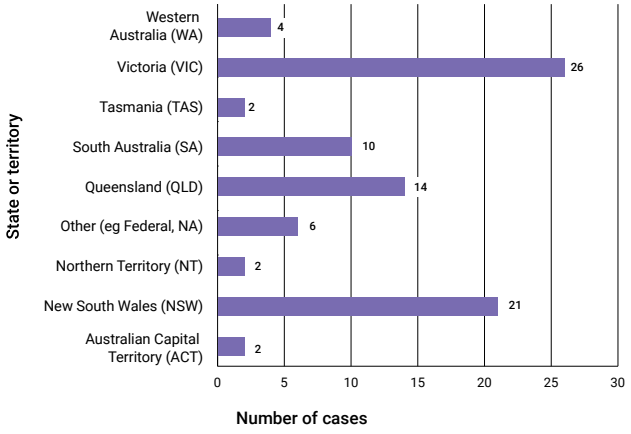

Figure 4: CFLP GenAI cases dataset: Number of Australian GenAI cases by hearing location (state or territory)

Over time, GenAI case patterns may be shaped by formal AI guidance issued by courts and legal regulators. The existence of formal guidance may also influence GenAI case numbers, as judicial reasons may be more likely to record and address GenAI use explicitly. A summary of current Australian court and tribunal guidance appears at Appendix 2.

4.4 GenAI cases by Australian court, tribunal or commission

GenAI cases in Australia appear more frequently in lower level courts, tribunals and commissions, where self-representation is common (if not the default). Figure 5 shows the number of GenAI cases by Australian forum, listed in alphabetical order.

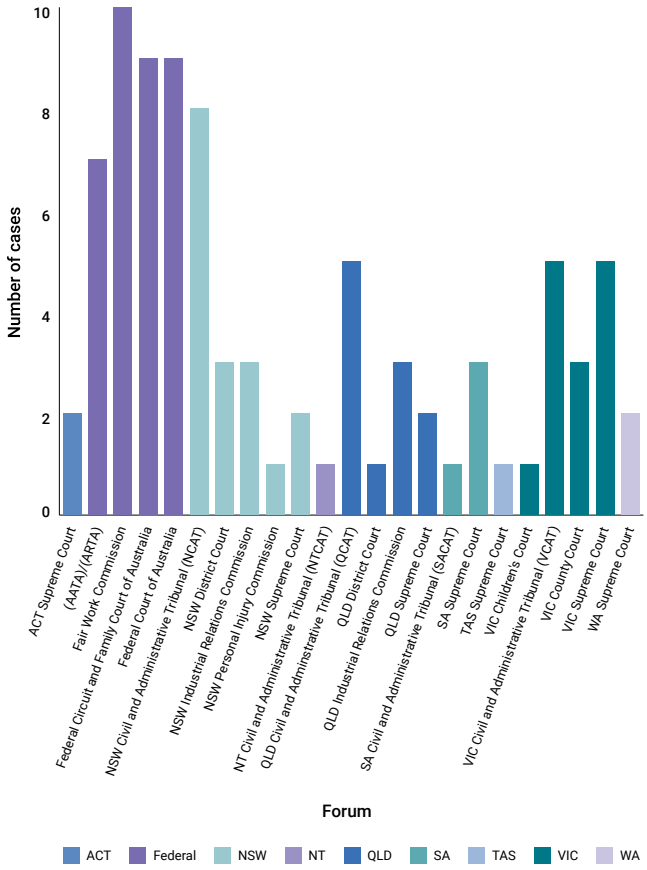

Figure 5: CFLP GenAI cases dataset: Australian GenAI cases by court, tribunal or commission (alphabetical order)

Figure 6 shows the number of GenAI cases by Australian forum, grouped by location (federal, state, territory) and then by level.

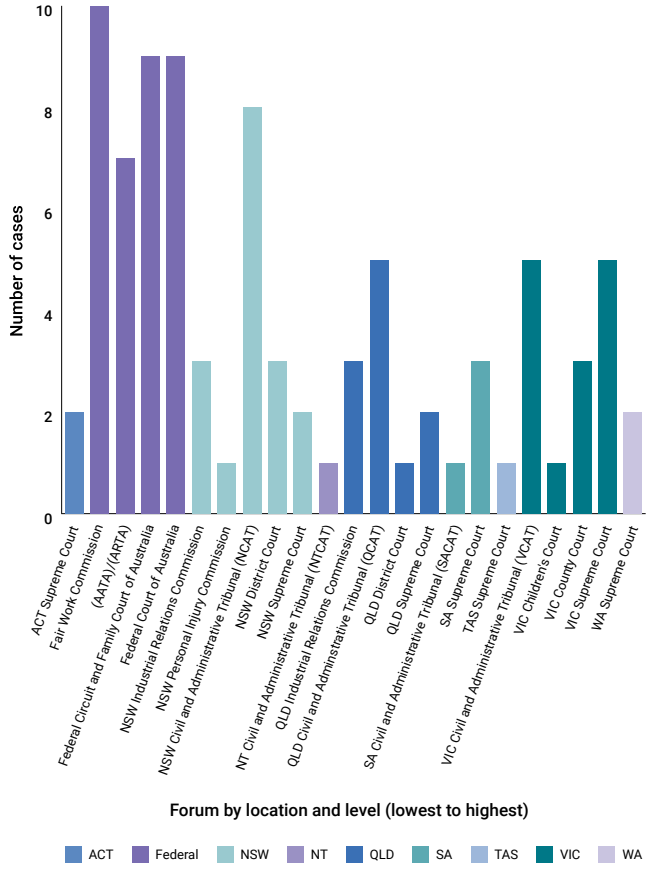

Figure 6: CFLP GenAI cases dataset: Australian GenAI cases by court, tribunal or commission, by location and by level

4.5 GenAI cases by year of decision

Year-on-year, there has been a rise in reported GenAI decisions.[15] Figure 7 shows the percentage breakdown of total GenAI cases in our dataset, by year of decision for all jurisdictions.

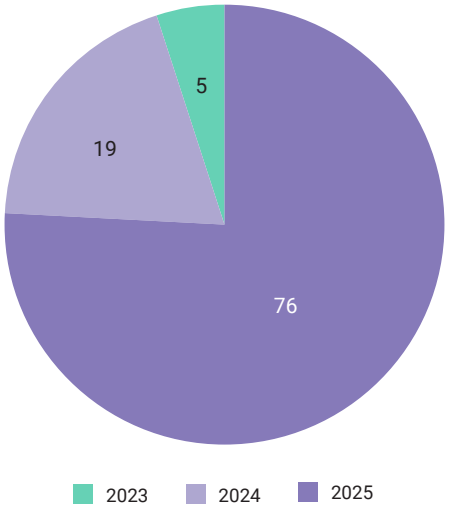

Figure 7: CFLP GenAI cases dataset: Percentage of total GenAI cases by year of decision, 1 January 2023 to 30 September 2025 (All jurisdictions)

A similar pattern occurred in Australia, with the majority of examples in our dataset decided in 2025. Figure 8 shows the percentage breakdown of Australian GenAI cases, by year of decision. Note: 2025 figures are for just the first nine months to 30 September 2025, and the proportion of total GenAI cases will rise with a full year of data.

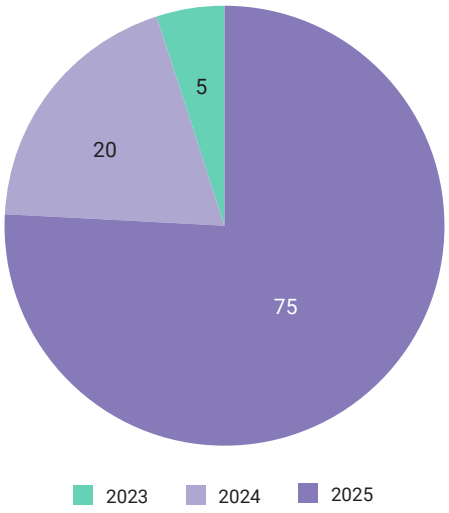

Figure 8: CFLP GenAI cases dataset percentage of total GenAI cases by year of decision, 1 January 2023 to 30 September 2025 (Australia)

This trend has coincided with growing court and legal regulator guidance responding to the use of AI.[16] Whether these responses will curb GenAI-related issues or encourage more reporting of AI use remains an open question.

The next sections illustrate these patterns with selected examples of Australian case law involving GenAI use by legal practitioners and SRLs.

[15] Note that decision date may lag the actual use of GenAI in proceedings. Although CFLP has attempted to track the latter, we have not presented this data as it is often difficult to determine the precise date of GenAI use based solely on the record of proceedings.

[16] See Appendix 2 for Australian examples. Similar court and legal regulator responses have been issued in other jurisdictions in CFLP's GenAI cases dataset.

Section 5. Australian GenAI case summaries: legal professionals

When used appropriately GenAI can enhance legal services, for example, assisting with drafting; summarising complex materials; extracting information from large datasets; accelerating knowledge retrieval; brainstorming legal strategies, etc. However, realising this potential requires a clear understanding of GenAI's limits and risks, supported by appropriate safeguards for legal practice.

GenAI use is becoming routine in many law practices, and courts recognise that this brings opportunities as well as risks. However, courts also clearly expect legal professionals to comply with their pre-existing ethical duties when using AI, including the duty not to mislead the court (by presenting fake law and unverified AI outputs), and duties of competence, independence and supervision.[17]

The examples below focus on Australian cases where legal professionals' misuse of GenAI resulted in **judicial criticism, referral to a legal regulator, costs orders**, or otherwise attracted **significant adverse publicity**. They are not the only examples involving legal professionals in our dataset. However, this subset illustrates recurring risk patterns, and Australian courts' responses and expectations of legal practitioners.

Dayal [2024] FedCFamC2F 1166[18]

Category	Details
Case details	Judgment of Humphreys J • Federal Circuit and Family Court of Australia (Division 2) (Victoria) Date of judgment: 27 August 2024
What happened (AI use)	A solicitor used an AI-driven research tool within LEAP legal software to generate a list of authorities and summaries for *Handa & Mallick* [2024] FedCFamC2F 957.
What went wrong	The solicitor did not verify output before submitting it to the Court. The authorities and summaries were fictitious. He admitted using AI without understanding its functionality, acknowledged his duty to ensure accuracy, apologised, compensated the other party's costs, and notified his professional insurer.
Court's response	Judge Humphreys observed: *'The use of technology is an integral part of efficient modern legal practice. At the frontier of technological advances in legal practice and the conduct of litigation is the use of AI. Whilst the use of AI tools offer opportunities for legal practitioners, it also comes with significant risks.'*[19] The Court referred the matter to the Victorian Legal Services Board and Commissioner, noting the referral was not punitive, but was made as: *'it is in the public interest for the Victorian Legal Services Board and Commissioner to be aware of the professional conduct issues arising in this matter, given the in-creasing use of AI tools by legal practitioners in litigation more generally.'*[20] The Court also emphasised the duties of legal practitioners relevant to the conduct, including: *'[t]he paramount duty to the court and to the administration of justice … Other fundamental ethical duties, including to deliver legal services competently and diligently … and …To not engage in conduct which is likely to diminish public confidence in the administration of justice or bring the legal profession into disrepute.'*[21] The Court anonymised the names of the solicitor and firm in the published judgment, seeking not to penalise them further.[22]
Key takeaway	**Unverified AI-generated material is risky. Remedial steps may mitigate this, but do not preclude courts from regulatory referral, due to the public interest in maintaining professional standards and responsible AI use in litigation. The regulator subsequently varied this solicitor's practising certificate.**[23]

[17] For more detailed coverage of the interaction of lawyer's duties and GenAI, see Michael Legg, '"Fake It 'til You Make It" – Not with AI and the Courts: Lawyers' Duties as Protections for the Administration of Justice' (2024) 98(9) *Australian Law Journal* 685.

[18] *Dayal* [2024] FedCFamC2F 1166 <https://jade.io/article/1092470>.

[19] Ibid [10].

[20] Ibid [21].

[21] Ibid [17].

[22] Ibid [2].

[23] These variations included the solicitor no longer being entitled to practise as a principal lawyer or operate his own law practice; only practising as an employee solicitor; undertaking supervised legal practice for a period of two years; and no longer being authorised to handle trust money.
See: Victorian Legal Services Board + Commissioner, *Statement on the 'Mr Dayal' matter* (Media release, 2 September 2025) <https://lsbc.vic.gov.au/news-updates/news/statement-mr-dayal-matter>.

Valu v Minister for Immigration and Multicultural Affairs (No 2) [2025] FedCFamC2G 95[24]

Category	Details
Case details	Judgment of Skaros J • Federal Circuit and Family Court of Australia (Division 2) (New South Wales) Date of judgment: 31 January 2025
What happened (AI use)	The applicant's solicitor filed an application and submissions with citations and purported quotes from an Administrative Appeals Tribunal decision, which did not exist. The material was generated using ChatGPT.
What went wrong	The solicitor failed to verify the AI-generated content. After the First Respondent identified the issues, the solicitor emailed amended submissions directly to the Court without the other party's consent, further damaging his case.[25] At a directions hearing regarding his conduct, he acknowledged using AI, admitted the failures and apologised, citing health issues and time constraints.
Court's response	Judge Skaros found that the solicitor's conduct fell: *'short of the standard of competence and diligence that the applicant in the substantive proceedings was entitled to expect from his legal representative …[and]… a legal practitioner's duty to the Court, including the duty to ensure that the Court is not deceived or mislead, even if unintentionally'.*[26] The conduct caused unnecessary work for the Court and other parties. Judge Skaros acknowledged the solicitor's remorse, his apology, his deep embarrassment at his conduct, and other circumstances, electing to anonymise the solicitor's name to protect his identity. However, the Court nonetheless directed the matter to be referred to the relevant regulator, emphasising: *'There is a strong public interest in referring this conduct to the regulatory authority in NSW given the increased use of generative AI tools by legal practitioners. The use of generative AI in legal proceedings is a live and evolving issue … the misuse of generative AI is likely to be of increasing concern and that there is a public interest in the [regulator] being made aware of such conduct as it arises.'*[27]
Key takeaway	Even where the intention to mislead the court is absent and there are mitigating circumstances, courts will refer conduct involving the misuse of GenAI if it is regarded as in the public interest. This case highlights the importance of maintaining high professional standards when using AI in legal practice.

[24] *Valu v Minister for Immigration and Multicultural Affairs (No 2)* [2025] FedCFamC2G 95 <https://jade.io/article/1115083>.
[25] Ibid [19].
[26] Ibid [18].
[27] Ibid [37].

Murray on behalf of the Wamba Wemba Native Title Claim Group v State of Victoria [2025] FCA 731[28]

Category	Details
Case details	Judgment of Murphy J • Federal Court of Australia (Victorian Registry) Reasons published: 2 July 2025
What happened (AI use)	The applicant's solicitors filed documents with incorrect and fabricated citations, arising from AI-assisted search (Google Scholar) during preparation.
What went wrong	A junior solicitor, working remotely and without access to the firm's original physical or electronic copies of documents, compiled citations using Google Scholar and failed to verify them. Most were false or incorrect. The supervising solicitor admitted inadequate oversight and lack of systems to check the junior's work.
Court's response	Justice Murphy attributed the errors to inexperience and poor supervision, not bad faith, but emphasised the risk of AI 'hallucination' and the obligation to verify outputs. The Court declined to refer the matter to the legal regulator but ordered the firm to personally pay the respondent's costs on an indemnity basis attributed to the AI-generated errors.[29] Justice Murphy made the following key observations: *'The Court's position arises out of a recognition that the use of AI is a rapidly evolving issue in legal practice. It is apparent … that many members of the legal profession use AI in some form, and that they see it as a useful tool in the conduct of litigation.'*[30] *'Whilst the use of AI in the legal profession is growing, practitioners must be aware of its limitations. It is critical that legal practitioners use proper safeguards to verify the accuracy of the work produced. Any use of AI must be consistent with the overriding duty of legal practitioners as officers of the Court and their fundamental obligation to uphold, promote and facilitate the administration of justice.'*[31]
Key takeaway	AI use must align with legal practitioners' overriding duty to the Court. Robust supervision and verification systems are also critical, particularly for junior lawyers working under time and access constraints.

Director of Public Prosecutions v GR [2025] VSC 490[28]

Category	Details
Case details	Judgment of Elliott J • Supreme Court of Victoria (Criminal Division) Date of judgment: 14 August 2025
What happened (AI use)	Defence submissions prepared by instructing solicitors contained non-existent case citations and fictitious quotes from a second reading speech and a report, sourced from unidentified AI.
What went wrong	Both initial and revised submissions contained AI-generated inaccuracies. Neither side checked the material before providing it to the Court, causing delay to the proceedings and undermining the Court's confidence in the submissions' accuracy.
Court's response	Senior counsel accepted responsibility for the 'fault' and apologised to the Court. The Court accepted the apology, but stressed that the accuracy of submissions is fundamental to the administration of justice, and that AI outputs must be independently and thoroughly verified, referencing the Supreme Court of Victoria's *Guidelines for litigants: Responsible use of artificial intelligence in litigation.*[33]

[28] *Murray on behalf of the Wamba Wemba Native Title Claim Group v State of Victoria* [2025] FCA 731 <https://jade.io/article/1141678>.
[29] Ibid [16].
[30] Ibid [11].
[31] Ibid [12].
[32] *Director of Public Prosecutions v GR* [2025] VSC 490 ('*DPP v GR*') <https://jade.io/article/1146926>.
[33] Supreme Court of Victoria, Guidelines for litigants: *Responsible use of artificial intelligence in litigation*, May 2024 <https://www.supremecourt.vic.gov.au/forms-fees-and-services/forms-templates-and-guidelines/guideline-responsible-use-of-ai-in-litigation>.

Category	Details
Court's response (continued)	Justice Elliott also observed: *'The ability of the court to rely upon the accuracy of submissions made by counsel is fundamental to the due administration of justice. Self-evidently, as was immediately and unequivocally acknowledged by counsel in this case, any use of artificial intelligence without careful and attentive oversight of counsel would seriously undermine the court's processes and its ability to deliver justice in a timely and cost-effective manner.'*[34] *'Regrettable as it is to single out counsel and their instructing solicitors in this case for what has occurred, in light of the matters set out above it is important to record that counsel must take full and ultimate responsibility for any submissions made to the court. To this end, it is not acceptable for artificial intelligence to be used unless the product of that use is independently and thoroughly verified. The same may be said for solicitors responsible for producing or filing court documents.'*[35]
Key takeaway	Legal professionals bear ultimate responsibility for the accuracy of submissions made to the court. Unverified AI use can undermine court processes, seriously disrupt proceedings, and cause reputational damage and ethical breaches.

JNE24 v Minister for Immigration and Citizenship [2025] FedCFamC2G 1314[36]

Category	Details
Case details	Judgment of Gerrard J • Federal Circuit and Family Court of Australia (Division 2) (South Australia) Date of judgment: 15 August 2025
What happened (AI use)	The applicant's lawyer commenced proceedings, filing documents citing non-existent cases and authorities that did not support the propositions advanced. When challenged, he emailed amended written submissions to the Court without the respondent solicitor's consent.
What went wrong	Initially claiming he had conducted conventional legal research, the applicant's lawyer later filed an affidavit, explaining that he had used two AI tools to generate the documents (Claude AI for research and to improve legal arguments, and Microsoft Copilot to validate the submissions). He admitted that he *'developed an overconfidence in relying on AI Tools and failed to adequately verify the generated results …[and he]… had an incorrect assumption that content generated by AI Tools would be inherently reliable which led [him] to neglect independently verifying all citations through established legal databases'*.[37]
Court's response	Judge Gerrard accepted the lawyer's apology and noted mitigating circumstances, but emphasised the public interest in referring the conduct to the legal regulator, given the growing use of AI in legal practice, and also made a personal costs order of $8,371.30 against the lawyer (in addition to refund of the applicant's costs in full). The lawyer's name was anonymised by the Court, adopting the same approach as in *Valu (No 2)* and *Dayal*. Judge Gerrard observed: *'To be clear, it is not the initial reliance on AI that constitutes the vice in such matters. It is the placing before the Court of false authorities or evidence that constitutes improper conduct and a breach of a legal practitioner's duty to the Court.'*[38] *'The Court is … concerned by the lawyer's somewhat simplistic statement that he understands he should have verified the accuracy of the citations. Whilst that is obviously important, the Court is concerned that the lawyer does not fully comprehend what was required of him. It is not sufficient to simply check that the cases cited were not fictitious. What is expected from legal practitioners as part of their duty to the Court and to their client is that those cases (if they do exist) are reviewed to ensure they are authority for the principle the lawyer wishes to rely upon, have not been subsequently overturned or distinguished by a higher court, and are considered in respect of how and why those principles are relevant to the factual matrix of the case in which they intend to advance that proposition. Legal principles are not simply slogans which can be affixed to submissions without context or analysis.'*[39]
Key takeaway	Verification of AI-generated outputs must be substantial, not superficial. Using one AI tool to verify the output of another is inadequate. Breaches of professional duties due to the misuse of AI can have significant financial and reputational consequences, as well as regulatory implications.

[34] *DPP v GR* (n 32) [79].
[35] Ibid [80].
[36] *JNE24 v Minister for Immigration and Citizenship* [2025] FedCFamC2G 1314 <https://jade.io/article/1147103>.
[37] Ibid [14].
[38] Ibid [25].
[39] Ibid [34].

Section 6. Tips for legal professionals: Using AI responsibly in legal practice

AI should be used to enhance legal skills in practice, not replace professional judgment. Rigorous verification, effective supervision, and compliance with court protocols mark the difference between helpful innovation and unacceptable professional risk.

The following practical lessons for legal practitioners draw upon the full range of examples involving legal professionals in CFLP's GenAI cases dataset:

- Ethical and professional duties still apply; the duty to the court is paramount: Even where there is no intention to mislead when submitting AI-generated materials to courts, legal professionals' conduct may be referred to regulators particularly where the public interest warrants oversight.
- Understand how GenAI works: Legal professionals need to become better educated about GenAI's capabilities, limits, data handling, retention, and provenance to unlock its value in legal practice and manage risk.
- Use GenAI with care: Using AI for legal research or legal advice is not a substitute for legal analysis, critical judgment, or reliance on authoritative legal sources.
- Verification is non-negotiable: Treat plausible but fabricated answers from AI as a known risk. Verify AI-generated material against authoritative sources.
- 'AI-verifying-AI' is not acceptable: Verification must use primary, authoritative sources for checking legal information and other facts, not another AI model.
- Supervision matters: Weak training, lack of senior review, and poor legal workflows (including juniors working without adequate oversight) feature prominently in the GenAI cases involving legal professionals' misuse. AI safeguards (eg verification checklists) are essential in legal practice.
- Consequences vary and can be serious: While anonymisation and educative responses are common in the Australian GenAI cases, regulatory referrals, strikeouts, reputational harm, and adverse costs (including wasted and indemnity costs orders) also arise.
- Follow court protocols: Stay current with evolving AI use requirements and disclosure expectations; understand the variations between forums.

Tips for legal professionals using AI in practice

BEFORE using AI

Know the tools
Functionality, limitations, data handling/retention, training, data provenance, privacy standards, and risk mitigations.

Set boundaries
Implement a practice wide AI risk management framework, specifying approved AI tools and permissible tasks; restrict to lower risk contexts.

Plan for AI verification
Use AI verification processes, eg adopt a written verification checklist for any AI-touched work product.

Check professional insurance and potential liability
Understand legal regulator guidance on AI use, and confirm professional indemnity coverage for AI-related risks.

Respect confidentiality and privacy
Avoid uploading sensitive, private personal, and client identifying data to AI tools. Understand the differences between public versus enterprise grade AI tools.

Check court protocols
Confirm any AI disclosure requirements or restrictions for the relevant forum.

Apply healthy scepticism
AI models hallucinate and AI-generated outputs may be biased, or inaccurate. Interrogate veracity, relevance and usefulness of AI-generated material.

WHEN using AI

Verify AI outputs independently
Confirm every citation and legal proposition using authoritative, reliable primary legal sources, not another AI tool.

Avoid misleading conduct
Remove or rewrite unverifiable AI-generated content; ensure you do not mislead the court or opposing parties.

Be transparent when required
Disclose AI use where court protocols require, or where appropriate. Respect and proactively address client requirements or concerns about AI use.

Document your process
Keep a matter level log of AI use (who used what, for which task, how verified).

For legal teams

Train and supervise
Ensure all team members know approved AI uses, verification standards, confidentiality constraints (eg client restrictions), and court expectations. Understand how AI is being used for a matter, including by others working on the matter (both internally and externally, such as by consultants or expert witnesses).

Two-tier review for AI-generated material
Require human review plus senior level sign-off for any legal document touched by AI.

Continuously improve
Monitor for technology improvements and new risks arising from using AI tools. Record AI related incidents, update AI risk management frameworks regularly, and refine AI use permissions and legal workflows incorporating AI tools.

Section 7. Australian GenAI case summaries: self-represented litigants

Self-representation is common in Australia's lower courts and tribunals, particularly in family, migration and employment matters. The cost of legal services is a major driver, along with non-cost related barriers (for example, limited access in regional and remote areas to legal professionals), and for some, distrust of lawyers and courts. While legal representation is generally advisable for more complex matters, courts recognise that many people will choose to appear for themselves. In some low-cost forums designed for less complex disputes, parties may require leave to be represented by a lawyer or other professional advocate.[40]

Against this backdrop, there are many examples of SRLs in CFLP's GenAI cases dataset who used GenAI to prepare and conduct their cases. The attraction is obvious: consumer-grade tools are readily available, low-cost, simple to use, and produce confident sounding answers without trawling legislation or case law, or arranging (and paying for) legal advice.

The risk of SRL overreliance on GenAI is equally clear. Due to limited understanding of AI's limitations and legal procedures, many SRLs appearing in the case law lacked the skills or resources to verify AI-generated outputs against reliable sources. Common problems included the submission of fabricated ('hallucinated') authorities, incorrect or irrelevant citations and summaries, overembellished drafting, and arguments with no legal foundation.

SRLs are not bound by professional and ethical conduct rules, but they are still subject to court and tribunal protocols and have a duty not to mislead the court or their opponents.[41] Our review suggests that most SRL misuse of GenAI to date is inadvertent rather than deliberate. Courts often recognise this lack of intention, and respond in an educative manner, reminding SRLs of their duties, directing them to applicable AI-guidance, and managing around AI-generated filings and submissions. Even so, consequences of GenAI misuse can be serious. GenAI-tainted material is usually disregarded or struck out; warnings are issued about sanctions if GenAI misuse continues; and an SRL's case may fail in part or in full.

When conduct amounts to abuse of process (eg such as persistent nuisance or vexatious behaviour), courts have imposed stronger case management measures, cost orders, and other sanctions. Although to date uncommon in Australian GenAI cases, contempt of court remains a possibility in serious cases.[42]

The following examples illustrate common patterns in GenAI use by Australian SRLs, and a range of judicial responses. They are included for their frequency of citation in other Australian GenAI cases, and for what they reveal about Australian courts' evolving response to SRLs and GenAI.

[40] For example, see Federal Circuit and Family Court of Australia, *Attending Court/Representing myself* (Web Page, accessed 16 October 2025) <https://www.fcfcoa.gov.au/attending-court/representing-myself>; and Victorian Civil & Administrative Tribunal, *What VCAT does/Legal and professional representation* (Web Page, accessed 16 October 2025) <https://www.vcat.vic.gov.au/what-vcat-does/legal-and-professional-representation>.

[41] *May v Costaras* [2025] NSWCA 178, [15] (Bell CJ) <https://jade.io/article/1146294>.

[42] *Weedbrook v Partlin* [2024] QDC 194, [41] <https://jade.io/article/1107316>.

Finch v The Heat Group Pty Ltd [2024] FedCFamC2G 161[43]

Category	Details
Case details	Judgment of Riley J • Federal Circuit and Family Court of Australia (Division 2) Date of judgment: 27 February 2024
What happened (AI use)	The self-represented Applicant sought to restrain a law firm from acting for the Respondents in the proceedings. During proceedings, she sent the judge's chambers a list of numerous irrelevant, misdescribed, or non-existent cases.[44]
What went wrong	All the cited cases were 'entirely fabricated'.[45] When questioned, the Applicant argued the list was prepared by someone else, and denied knowledge of AI use.[46]
Court's response	The Court emphasised the significant risks posed by SRLs using AI in proceedings – not only the waste of court resources in verifying fictitious legal materials, but also the risk of misleading the court.[47] Judge Riley noted: *'[The Applicant's] provision of 24 authorities which were said to be examples of cases where MinterEllison had been restrained from acting for a client, but which were not, is an egregious instance of [the Applicant] misleading the court. While [the Applicant] apologised, and is an unrepresented litigant, misleading the court in this way remains a serious issue. If the court had delivered an ex tempore judgment … and relied on the summaries of cases [the Applicant] provided, the court could have been led into substantial error.'*[48] The application was dismissed.
Key takeaway	SRLs must not mislead the court and must verify all of their submissions, whether AI-generated or not. Honest disclosure of the use of AI tools where required by court protocols, or when asked by the court, is advisable.

Luck v Secretary, Services Australia [2025] FCAFC 26[49]

Category	Details
Case details	Judgment of Rofe, Hespe and Kennett JJ • Federal Court of Australia (General Division) Date of judgment: 7 March 2025
What happened (AI use)	The self-represented Appellant had a prolific history of litigation.[50] In this case and several of her other recent cases,[51] she apparently used AI in the course of preparing submissions.[52] She filed an application seeking that two of the judges recuse themselves. False and inaccurate case law was provided to support the application.[53]
What went wrong	The application referred to purported authorities involving Justice Rofe, which the Applicant argued raised concerns about judicial impartiality, procedural fairness, and systemic bias. One case cited was non-existent, another referenced a judgment using a medium neutral citation to an unrelated matter.
Court's response	The Appellant did not admit to using AI in this instance, and no specific penalties were imposed for submitting false citations. However, the Court noted the risk posed by the 'propagation' of false information through the inappropriate use of AI, observing: *'The case referred to in the first paragraph of this extract does not exist. The judgment with the medium neutral citation referred to is a completely different matter which did not involve Rofe J. We apprehend that the reference may be a product of hallucination by a large language model. We have therefore redacted the case name and citation so that the false information is not propagated further by artificial intelligence systems having access to these reasons.'* [54] The application was dismissed. The Appellant was subsequently declared a vexatious litigant.[55]
Key takeaway	In addition to the risk of SRLs using AI to generate submissions and failing to verify citations, this case illustrates what is now a common practice in other Australian GenAI cases, with courts redacting AI-generated case names and citations to limit the spread of false information.[56]

[43] *Finch v The Heat Group Pty Ltd* [2024] FedCFamC2G 161 <https://jade.io/article/1064326>.

[44] Ibid [128].

[45] Ibid [128].

[46] Ibid [137].

[47] Ibid [138].

[48] Ibid.

[49] *Luck v Secretary*, Services Australia [2025] FCAFC 26 ('*Luck*') <https://jade.io/article/1120720>.

[50] *Luck v Secretary*, Services Australia (Vexatious Proceedings Order) [2025] FCAFC 103, [21] <https://jade.io/article/1146320>.

[51] See for example *Luck v Commonwealth of Australia* [2025] FCA 68, [31] <https://jade.io/article/1115997>; *Luck v Principal Registrar and Chief Executive Office of the Federal Court of Australia (Permanent Stay)* [2024] FCA 1256, [3] <https://jade.io/article/1106072>.

[52] In *Luck v Principal Registrar and Chief Executive Officer of the Federal Court of Australia (Permanent Stay)* [2024] FCA 1256 <https://jade.io/article/1106072>, Justice Wheelahan commented at [3] that the Applicant had 'informed the Court during the hearing that as an unrepresented litigant she had benefited from using artificial intelligence, or AI, technology in the preparation of her documents. She apologised in advance for the prospect that the Court might identify that some of the citations in her documents were not accurate. Indeed, there is at least one case cited by the applicant in her written material that does not exist.'

[53] *Luck* [14].

[54] Ibid.

[55] *Luck v Secretary, Services Australia (Vexatious Proceedings Order)* [2025] FCAFC 103 <https://jade.io/article/1146320>.

[56] See for example *Khoury v Kooij* [2025] QSC 217, [17] <https://jade.io/article/1148528>; *Gribble v Essential Energy trading as Essential Energy* [2025] NSWDC 344, [39], [43] <https://jade.io/article/1148251>; *JML Rose Pty Ltd v Jorgensen (No 3)* [2025] FCA 976, [7] < https://jade.io/article/1147168>; *Wang v Moutidis* [2025] VCC 1156 [15] <https://jade.io/article/1147074>; *Bottrill v Graham (No 2)* [2025] NSWDC 221, [72], [75] <https://jade.io/article/1137109>.

LJY v Occupational Therapy Board of Australia [2025] QCAT 96[57]

Category	Details
Case details	Judgment of Dann J • Queensland Civil and Administrative Tribunal (QCAT) Date of judgment: 26 March 2025
What happened (AI use)	The self-represented Applicant cited several irrelevant or non-existent cases in her submissions to the Tribunal.
What went wrong	The Tribunal inferred that the Applicant had used GenAI, failed to verify the authorities she cited, and was unaware of court guidelines on AI use applicable to non-lawyers.
Court's response	Exercising QCAT's powers, Judge Dann decided to investigate whether the Applicant may have used GenAI, and checked one of the fictitious cases cited using ChatGPT, noting the following: *'As the Tribunal can inform itself in any way it considers appropriate, I checked what ChatGPT had to say, if anything, about Crime and Misconduct Commission v Chapman [2007] QCA 283. ChatGPT told me broadly:* *(a) Where the case could be found. As I have already noted, it does not exist in any of those locations, which are databases of Australian and Queensland cases and legislation;* *(b) By way of overview that the case is a significant case decided in the Queensland Court of Appeal, revolving around whether a stay should be granted for the suspension of a solicitor's ability to practise law and that it is a case which highlights key issues relating to administrative law, procedural fairness and the balance of convenience when determining whether to grant a stay pending appeal;* *(c) The Crime and Misconduct Commission had decided to suspend Mr Chapman's ability to practise law, based on certain alleged misconduct;* *(d) Mr Chapman sought a stay, arguing it would cause significant harm to him professionally and personally as it would prevent him from earning a livelihood and effectively practising law whilst his appeal was pending. It would also impact the interests of his clients as they would no longer have access to his legal services.* *This information is wrong: the case does not exist.'* [58] The Tribunal referred the Applicant to the Queensland Courts AI-guidelines for non-lawyers,[59] noting: *'It is important that Ms LJY, and other litigants before the Tribunal, understand that including non-existent information in submissions or other material filed in the Tribunal weakens their arguments. It raises issues about whether their submission can be considered as accurate and reliable. It may cause the Tribunal to be less trusting of other submissions which they make. It wastes the time for Tribunal members in checking and addressing these hallucinations. It causes a significant waste of public resources.'* [60]
Key takeaway	**Litigants must consult applicable AI-guidance from courts, and verify every citation against official sources. Submitting non-existent or irrelevant cases damages a litigant's credibility, wastes court resources, and invites closer scrutiny that will likely harm, not help, their case.**

Bottrill v Graham & Anor (No 2) [2025] NSWDC 221[61]

Category	Details
Case details	Judgment of Gibson DCJ • District Court of New South Wales. Judgment date: 20 June 2025
What happened (AI use)	The self-represented second defendant filed late written submissions prepared using AI. The submissions contained multiple inaccuracies.

[57] *LJY v Occupational Therapy Board of Australia* [2025] QCAT 96 ('*LJY*') <https://jade.io/article/1127848>.

[58] Ibid [21]-[22].

[59] Queensland Courts, *The Use of Generative Artificial Intelligence (AI) Guidelines for Responsible Use by Non-Lawyers*, 13 May 2024, <Artificial-Intelligence_Guidelines-for-Non-Lawyers.pdf>.

[60] *LJY* (n 57) [26].

[61] *Bottrill v Graham (No 2)* [2025] NSWDC 221 <https://jade.io/article/1137109>.

Category	Details
What went wrong	Cases and court rules cited were *'not merely misstated but, in some circumstances, imaginary'*.[62] When questioned by the Court whether she had used GenAI, the second Defendant admitted she had, explaining that *'this was because she had very little time to provide submissions in reply and was deeply distressed by these proceedings'*.[63] The second Defendant also failed to verify in the body of the submissions that *'all citations, legal and academic authority and case law and legislative references not only exist but are accurately summarised'*,[64] a requirement under the District Court's Practice Note on AI use.[65]
Court's response	Judge Gibson noted that the use of AI to cite non-existent case law, or to mislead the court, is viewed seriously by courts.[66] However, distinguishing the approaches courts have taken to legal practitioners in previous cases, she observed *'...the same approach may not be appropriate where the use of such material by a litigant in person occurs', noting the practice of courts to 'ignore the submissions in question'*.[67] Her Honour was critical of the second Defendant, warning that she must not put AI-generated material before the Court again,[68] and also observed the practice of redacting hallucinated citations from the decision.[69]
Key takeaway	**SRLs must comply with court requirements and practice notes on GenAI use. Unverified AI-generated citations, whether misstated or fictitious, waste court time. The court may disregard such submissions, and time pressure or distress are no excuse.**

Page v Long [2025] VCC 868[70]

Category	Details
Case details	Judgment of Tran J • County Court of Victoria, Common Law Division Date of judgment: 27 June 2025
What happened (AI use)	The self-represented Defendant's written submissions cited 13 cases; 11 did not exist. Some citations were similar to real cases, but none supported the propositions advanced as part of the defence.
What went wrong	The Court inferred the Defendant had used GenAI to prepare the submissions, and was relying on unverified, fictitious case law.
Court's response	Judge Tran observed: *'It is likely these cases are another example of a litigant's misplaced reliance upon generative AI to assist them in preparing submissions. Any litigant (whether represented or unrepresented) who chooses to use such technology … has a primary obligation to ensure that the document is accurate and not misleading.'* [71] Judge Tran further noted: *'Generative AI can be beguiling, particularly when the task of representing yourself seems overwhelming. However, a litigant runs the risk that their case will be damaged, rather than helped, if they choose to use AI without taking the time to understand what it produces, and to confirm that it is both legally and factually accurate.'* [72] The Court found in favour of the Plaintiff and awarded damages of $120,000, plus costs.
Key takeaway	**Litigants who use GenAI to prepare court materials must independently verify that AI outputs are legally and factually accurate, and support their arguments. Unverified AI content can mislead the court and damage a litigant's case.**

[62] Ibid [71].
[63] Ibid [73].
[64] Ibid [69].
[65] Ibid, 'On 18 December 2024, the District Court adopted the Supreme Court Practice Note SC Gen 23 – Use of Generative Artificial Intelligence, which sets out, in paragraphs 7 – 25 a series of requirements for both legal practitioners and unrepresented parties to use caution when presenting affidavits, submissions and expert reports to the court as to the use of Gen AI. Paragraph 16 sets out restrictions in relation to written submissions and summaries of argument, to the effect that the author must verify, in the body of the submissions, that all citations, legal and academic authority and case law and legislative references not only exist but are accurately summarised. The District Court General Practice Note 2 commenced 3 February 2025.'
[66] Ibid [74].
[67] Ibid [75], citing *Nikolic v Nationwide News Pty Ltd* [2025] VSCA 79 <https://jade.io/article/1128843>; *Nash v Director of Public Prosecutions (WA)* [2023] WASCA 75 <https://jade.io/article/1000160>, [9]; *Luck v Secretary, Services Australia* [2025] FCAFC 26, [14] <https://jade.io/article/1120720>.
[68] Ibid [77].
[69] Ibid [72].
[70] *Page v Long* [2025] VCC 868 <https://jade.io/article/1141654>.
[71] Ibid [20].
[72] Ibid [21].

May v Costaras [2025] NSWCA 178[73]

Category	Details
Case details	Judgment of Bell CJ, Payne and McHugh JA • Supreme Court of New South Wales, Court of Appeal Date of judgment: 8 August 2025
What happened (AI use)	The Respondent used an AI program to prepare written and oral submissions, including voluminous materials containing fictitious and irrelevant citations.
What went wrong	The Respondent was open about using AI to prepare both her written submissions and slides used in oral submissions.[74] However, the Court found the following issues with this approach: *'This gave rise to a number of difficulties. The first was that a large number of authorities were referred to by the respondent. Most had little, if anything, to do with the issues in this case. One authority, at least, was an hallucination. Secondly, the written and oral submissions made by the respondent travelled well outside the issues raised by the appeal … It would be unfair to the appellant to act upon claims forming no part of the appeal. Thirdly, whilst a sincere attempt was made by the respondent to address the legal issues as she understood them, her submissions were of no real assistance to the Court. The respondent's written and oral submissions were a cogent demonstration that the use of artificial intelligence by non-legally trained users is likely to add to the cost and complexity of legal proceedings without appreciable benefit. It may be that more intrusive case management techniques will need to be employed in future to seek to prevent self-represented litigants from unfairly increasing the costs and complexity of proceedings by the use of artificial intelligence.'* [75]
Court's response	The Court stressed its comments about AI use were not a personal criticism of the Respondent, noting that she 'was self-represented and doing her best to defend her interests'.[76] Chief Justice Bell observed that GenAI is likely to have a continuing role in litigation into the future,[77] and *'may contribute to improved access to justice which is itself an obviously laudable goal'*.[78] However, His Honour made the following observation about the use of GenAI at this stage of its development: *'the present case illustrates the need for judicial vigilance in its use, especially but not only by unrepresented litigants. It also illustrates the absolute necessity for practitioners who do make use of Generative AI in the preparation of submissions – something currently permitted under the Practice Note – to verify that all references to legal and academic authority, case law and legislation are only to such material that exists, and that the references are accurate, and relevant to the proceedings'*.[79] Overall, the Respondent's use of AI did not assist the Court in making its decision, and *'highlight[ed] the serious shortcomings of the use of Generative AI … by a person who is not capable of either checking the accuracy or veracity or relevance of what has been generated.'*[80] The decision is widely cited in subsequent analogous Australian cases involving SRLs and AI use.[81]
Key takeaway	**AI use can increase the cost and complexity of cases without appreciable benefit, and courts must be alert to AI use by litigants who are not in a position to verify outputs. Although using GenAI to prepare submissions may be permissible, it is essential that authorities are verified as existing and accurate, and that submissions focus on the issues relevant to proceedings.**

[73] *May v Costaras* [2025] NSWCA 178 <https://jade.io/article/1146294>.
[74] Ibid [49] (Payne JA).
[75] Ibid.
[76] Ibid [2] (Bell CJ).
[77] Ibid [12], citing *Ayinde v The London Borough of Haringey* [2025] EWHC 1383, [5]-[9] (Dame Victoria Sharp).
[78] Ibid [17].
[79] Ibid.
[80] Ibid [4].
[81] See for example *Stewart v Good Shepherd Australia New Zealand* [2025] VSCA 206, [63] <https://jade.io/article/1148260>; *Helmold & Mariya (No 2)* [2025] FedCFamC2F 858, [8] <https://jade.io/article/1154879>.

Deysel v Electra Lift Co [2025] FWC 2289[82]

Category	Details
Case details	Judgment of Slevin, DP • Fair Work Commission Judgment date: 8 August 2025
What happened (AI use)	The Applicant filed an out of time claim regarding the cessation of his employment with his former employer, seeking an extension. He claimed he was unaware of his workplace rights at the time his employment ceased, and of the statutory time limit. He consulted ChatGPT for advice when preparing his claim.
What went wrong	ChatGPT provided incorrect advice, including that the Respondent had breached employment and statutory obligations, and suggested the Applicant had a cause of action under section 365 of the *Fair Work Act 2009* (Cth). Relying solely upon this advice from ChatGPT resulted in the Applicant filing a meritless case. The Applicant ignored ChatGPT's own advice to seek professional help.
Court's response	The application was dismissed. Deputy President Slevin observed: *'As to the merits of the claim, Mr Deysel confirmed during the conference that he had used an artificial intelligence large language model, Chat GPT, in preparing his application. So much was clear from the deficiencies in the application which failed to address the matters required to make good a claim that Part 3-1 of the Fair Work Act had been contravened. The application also included an extract from advice given by Chat GPT which was that various employment and other statutory obligations had been contravened by the Respondent. The advice suggested that Mr Deysel commence various legal actions against the Respondent, including making application under s. 365 of the Act. I can see no basis for this advice.* *Chat GPT also advised Mr Deysel to consult a legal professional or union representative to determine the appropriate course of action. He did not do so. Mr Deysel simply followed the suggestion made by Chat GPT and commenced the proceedings. The circumstances highlight the obvious danger of relying on artificial intelligence for legal advice. The result has been Mr Deysel commencing proceedings that are best described as hopeless and unnecessarily wasting the resources of the Commission and the Respondent in doing so.* *I find that there are exceptional circumstances surrounding Mr Deysel's application being the lengthy delay in bringing the application and Mr Deysel's use of, and reliance upon, Chat GPT to bring what appears to be an altogether unmeritorious claim. I also find that those circumstances tell against granting an extension of time for the pur-poses of s. 366(2) of the Act. The prejudice caused to the Respondent in allowing the claim to proceed is also a factor in rejecting the application.'*[83]
Key takeaway	General-purpose AI is not a substitute for advice from a qualified legal professional or other appropriate expert. Sole reliance on AI can result in ill-founded applications, or undermine the merits of a case and weigh against a court or tribunal exercising procedural discretion on an SRL's behalf.

[82] *Deysel v Electra Lift Co* [2025] FWC 2289 <https://jade.io/article/1151784>.
[83] Ibid [6]-[8].

Wang v Moutidis [2025] VCC 1156[84]

Category	Details
Case details	Judgment of Kirton J • County Court of Victoria (Commercial Division) Judgment date: 18 August 2025
What happened (AI use)	The self-represented Defendant filed AI-written submissions, which he disclosed to the Court. The submissions included errors and irrelevant information, including fabricated quotes and cases.
What went wrong	The Defendant's written submissions quoted fabricated quotes from expert reports, non-existent legal authorities, and arguments that were legally wrong or irrelevant to his claim. The Court assumed these were AI hallucinations.
Court's response	The Court rejected the Defendant's written submissions, as follows: *'For the record, I note here that I have taken the issues in dispute and Mr Moutidis' contentions to be what he has said in his oral submissions during the trial, rather than on his written closing submissions. As he was self-represented at the trial, I allowed him to make submissions at the same time as he gave evidence, and during his cross examination of Mr Wang and the experts. He then made formal closing submissions orally at a hearing convened specifically for that purpose. I have determined the claims on the basis that his position is what he stated to me during the trial, not in his written submission.* *This is because I have little confidence in the accuracy or reliability of his written submissions. Mr Moutidis conceded that he had prepared this document using Artificial Intelligence (Gen AI), and there are obvious errors or irrelevancies in the document.'*[85] The Court also elected to not provide full details of hallucinated citations 'as there is a risk of it being picked up as genuine by other Gen AI'.[86]
Key takeaway	**Disclosure of GenAI use does not excuse inaccuracies. Where AI-generated written submissions contain fabricated or irrelevant material, the court may exercise its discretion to disregard them, determining the case by reference to oral submissions instead. However, litigants remain responsible for verifying that all authorities exist and support the propositions advanced.**

Khoury v Kooij [2025] QSC 217[87]

Category	Details
Case details	Judgment of Martin SJA • Supreme Court of Queensland Date of judgment: 3 September 2025
What happened (AI use)	The Applicant filed written submissions containing 'broad, sweeping and un-particularised assertions …[and]… no evidence to support his claims'.[88]
What went wrong	The Applicant did not disclose whether AI was used in the preparation of his written submissions. His written submissions cited multiple non-existent cases, misquotes from existing cases, and cases that were irrelevant to his arguments. The Applicant also referred to non-existent legislative provisions.[89]
Court's response	Senior Judge Administrator Martin observed: *'I will assume for present purposes that Mr Khoury has not deliberately concocted authorities in an attempt to mislead the court. It is more likely that he has relied upon an AI chatbot and that these contentions and citations are the result of some form of AI hallucination. Whatever the source of these citations, there is no authority for the propositions he advances.* *When these reasons are published generally … The names and citations of the non-existent case names and the reference to non-existent extracts will be redacted so that the false information is not propagated further by artificial intelligence systems having access to these reasons.'*[90] The application was dismissed and the Applicant was ordered to pay costs related to the application.
Key takeaway	**Misconceived claims that are unfounded in law and unsupported by evidence (including unverified, AI-generated material) will fail and litigants may face adverse costs orders, regardless of intent.**

[84] *Wang v Moutidis* [2025] VCC 1156 <https://jade.io/article/1147074>.
[85] Ibid [14]-[15].
[86] Ibid [15], noting that 'this has been the approach taken in other courts and I adopt it' – see footnote [2].
[87] *Khoury v Kooij* [2025] QSC 217 <https://jade.io/article/1148528>.
[88] Ibid [13].
[89] Ibid [15].
[90] Ibid [16]-[17].

Section 8. Tips for self-represented litigants: Using AI safely when preparing for court

SRLs considering using an AI tool to research legal rights or to draft materials for court should use it with care, and understand the tool's capabilities and limits. Practical lessons from Australian GenAI cases involving SRLs include the following.

- **Duty to the court:** All litigants have an overriding duty not to mislead the court.
- **Accountability**: Litigants are responsible for all materials that they submit to the court in the course of proceedings, whether or not AI was used to prepare those materials.
- **AI is not a substitute for proper legal research:** Use authoritative, primary research resources when preparing materials and verifying sources.
- **Verify before filing:** Litigants must check all AI-generated material for accuracy, existence and relevance to the legal issues in their case before submitting it to the court.
- **Risks of misusing AI:** Hallucinated or irrelevant AI-generated authorities can damage the credibility of litigant's case, leading to strike-outs, warnings, or adverse costs orders.
- **Follow the rules:** Courts expect all litigants to meet the requirements of relevant court practice notes or protocols, including those on AI use.
- **Be transparent:** If a court or practice note requires disclosure, or a judicial officer asks, SRLs should state briefly and honestly how they used AI.

Tips for SRLs

1 Check the relevant court or tribunal rules before you start

- Look for any AI-guidance or practice note on court/ tribunal/commission websites; if unsure, contact the registry.
- Some documents (eg affidavits, witness statements, character references) may have specific preparation requirements and some tasks (eg transcription/translation) may not be accepted by the court if unapproved AI is used.
- If you ask another person to prepare a character reference or statement supporting your case, ensure that they know about any AI-guidance and follow its terms.

2 Check everything before you file

- Ensure all submissions are accurate, relevant to your case, comply with court filing and page limits, and other court rules.
- Verify that every authority cited in submissions (eg cases and legislation) exist, are accurate, and are relevant.
- Use authoritative sources to verify, whether or not AI was used to generate materials. Do not use AI to check output from another AI.

3 Keep AI for low-risk tasks and protect privacy

- Use AI for plain English explanations, or to outline/structure a draft - not for final legal analysis, evidence, or citations.
- Avoid pasting personal / sensitive information into public AI tools; check the tool's data handling terms.
- Do not rely on AI for legal advice or legal research – seek help early from Legal Aid or community legal centres where possible.

Section 9. Conclusion and recommendations

In the course of this research and the development of CFLP's GenAI cases dataset, we have developed a fresh appreciation for the complexity that GenAI poses for courts, the judiciary, the profession, and both consumers and providers of legal services. Balancing AI's transformative potential, including the prospect of more readily accessible and affordable legal help, against the need to protect the rule of law and public confidence in legal processes is not straightforward.

Many courts, tribunals and commissions were operating under acute resource pressures well before GenAI arrived. The rapid influx of GenAI use in litigation and other areas of law has forced the legal sector to grapple with an emerging technology that evolves quickly, lacks transparency, and is not always well-suited for legal uses without clear guardrails, governance, and training. Our dataset illustrates that GenAI can accentuate and amplify pre-existing issues (such as invented, inaccurate, or irrelevant legal authorities; poorly founded claims; prolix filings; and flooding) particularly when users do not (or cannot) verify AI-generated material against authoritative sources.

At the same time, the growing number of GenAI case numbers does not, in itself, justify alarmism. When used responsibly, GenAI can assist with many lower level tasks in legal work. Legal practitioners' understanding of AI's role in legal practice is maturing and proficiency is spreading. Australian courts and legal regulators are articulating clear expectations guiding AI use. Practical resources on using AI when preparing for hearings are emerging,[91] designed for SRLs and other court users. And judicial reasoning to date shows a measured and pragmatic approach to GenAI, with educative and proportionate case management for inadvertent misuse, and firmer responses for serious or repeated noncompliance.

GenAI presents a practical challenge, not an existential threat. The following recommendations are intended to strike the right balance. With time, education, sensible governance, and clear accountability, the ethical, responsible and productive adoption of AI in legal proceedings, and in legal services more broadly, is achievable.

[91] For example, see the Fair Work Commission, *Guide to 'Preparing for a Hearing'* (Online, accessed 2 October 2025), 20 <https://www.fwc.gov.au/documents/resources/hearing-guide.pdf>.

Recommendations

For courts/tribunals/commissions

AI practice notes and guidelines

Harmonise the approach to GenAI use between Australian forums; standardise wording for GenAI disclosure; include a verification compliance statement or checkbox on relevant forms and documents.

SRL guidance

Design AI guidance for SRLs, adopt short, plain language cheatsheets on using AI safely - what's acceptable, what to verify, how to verify, where to get help.

Tighter case management

Set up a triage process for documents with suspected AI hallucinations, commencing well before hearing dates.

Discoverablity and research

Add a tag or headnote when GenAI use is discussed in reasons for a decision, improving transparency and enabling trend analysis.

For legal practitioners

Educate yourself and your teams

Understand how AI works, how to use it responsibly in legal practice, its limits, and how to mitigate risks in legal work.

Set clear boundaries

Implement a practice wide AI risk management framework, restrict AI use to lower risk contexts; respect client confidentiality.

Plan for AI verification

Use verification processes for AI-touched work product. Require human review plus senior level sign-off.

Apply healthy scepticism

Be alert to AI hallucinations and other shortcomings of AI-generated material.

Respect confidentiality and privacy

Avoid uploading sensitive, private personal, and client identifying data to AI tools. Invest in enterprise grade AI tools.

Ensure good supervision systems

Understand how junior lawyers and others working on matters use AI. Build a culture of trust and open communication about AI use.

For policymakers / legal regulators

Harmonise AI-related practice standards

Between jurisdictions and legal professionals. Establish clear mapping to ethical duties. Consult with professionals to understand evolving AI use in practice.

Set technology competency requirements

Encourage proactive, ongoing professional development to deepen lawyers' understanding of technology and AI.

AI-related complaint handling

Share anonymised learnings/ outcomes from AI-related professional misconduct investigations for educative purposes.

For legal educators

Ensure foundational understanding of AI for academics and students

Provide or permit access to appropriate AI tools, teach practical applications in legal contexts, plus limitations and risks. Develop robust AI verification skills.

Ethical AI practices

Instil 'good AI habits' in students from the earliest stages of law degrees, and reiterate throughout.

Focus on skills that still matter

Develop students' legal research and writing skills (both with and without AI), as well as focusing on core human skills that AI cannot replace, such as critical analysis and judgment, and interpersonal skills such as empathy and communication.

Related CFLP research

- Michael Legg, '"Fake it 'til you Make it" – Not with AI and the Courts: Lawyers' Duties as Protections for the Administration of Justice' (2024) 98(9) *Australian Law Journal* 685.
- Michael Legg, 'More people are using AI in court, not a lawyer. It could cost you money – and your case', *The Conversation* (Online, 29 September 2025) <https://theconversation.com/more-people-are-using-ai-in-court-not-a-lawyer-it-could-cost-you-money-and-your-case-264340>.
- Michael Legg and Vicki McNamara, 'AI is creating fake legal cases and making its way into real courtrooms, with disastrous results', *The Conversation* (Online, 13 March 2024) <https://theconversation.com/ai-is-creating-fake-legal-cases-and-making-its-way-into-real-courtrooms-with-disastrous-results-225080>.
- Michael Legg and Vicki McNamara, 'Generative AI, Fake Law and Professional Guidance' *Australian Law Journal* 98 (2024) 494, <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5005967>.
- Michael Legg, Vicki McNamara, and Armin Alimardani, 'The Promise and the Peril of the Use of Artificial Intelligence in Litigation' (2025) 48(4) *University of New South Wales Law Journal* 1196 <https://dx.doi.org/10.2139/ssrn.5352645>.
- Vicki McNamara, 'Generative AI: Uses and abuses in litigation', *LSJ Online* (Online, 7 February 2025) <https://lsj.com.au/articles/generative-ai-uses-and-abuses-in-litigation/>.

Appendix 1: Definitions

The following lists the meaning of terms and phrases used in this report.

Term or phrase	Meaning in this report
Authoritative source	Reputable, established and high-quality primary information sources regarding law and legislation. In the Australian legal context, this includes government legislation websites; case law and legislation websites such as AustLII and JADE; expert and peer reviewed sources; public library legal collections; and commercial legal databases.
Common law jurisdiction	A legal system where law is developed by judges on a case by case basis, building on earlier court decisions (precedent) and interpretation of those decisions. Written laws enacted by government may cover matters outside of case law, or override case law.
Confirmed use	The author or submitting party admits AI use in preparation/generation of the materials relied on in the proceedings and this is recorded in the official record of the decision.
Forum	Collective term covering a court, tribunal, commission or other formal dispute resolution body.
Generative artificial intelligence (GenAI)	Artificial intelligence that generates text or other content in response to prompts (eg large language models).
Hallucination	AI-generated 'hallucinations' are '… a phenomenon where, in a large language model (LLM) often a generative AI chatbot or computer vision tool, perceives patterns or objects that are non-existent or imperceptible to human observers, creating outputs that are nonsensical or altogether inaccurate.'[94]
Hybrid jurisdiction	A legal system combining a mix of common law features with other legal traditions, eg civil law.
Inferred use	The decision-maker or a party reasonably infers AI use and this is recorded in the official record of the decision.
Official record	Court/tribunal/commission documents constituting the record of legal proceedings (eg decisions, reasons, orders, directions).
Practice note	Information for parties involved in legal proceedings, setting out the steps/processes/procedures that practitioners and litigants must follow when preparing for or conducting a case.
Self-represented litigant (SRL)	A party who appears without a legal representative. This term is commonly used in Australia. Other terms used include litigant in person (LIP); pro se litigant; and unrepresented party.
Verification	In the context of AI use in legal proceedings, verification means using authoritative sources to check and validate answers or outputs from AI tools, to ensure that they exist, are correct, are current, consistent, and relevant. If an AI answer or output cannot be verified, it should be treated as potentially unreliable. Also consider that AI may produce plausible but vague or generalised answers that lack nuance and context, or exhibit knowledge gaps, bias, or other faulty reasoning.

[92] Parliament of Australia, *Infosheet 23 – Basic legal expressions* (Web Page, accessed 3 October 2025) <https://www.aph.gov.au/About_Parliament/House_of_Representatives/Powers_practice_and_procedure/00_-_Infosheets/Infosheet_23_-_Basic_legal_expressions>.

[93] IBM, 'What are AI hallucinations?' *IBM Think* (Web Page, 1 September 2023) <https://www.ibm.com/think/topics/ai-hallucinations>.

Appendix 2: Overview of AI guidance, protocols or rules from Australian courts[94]

Court, tribunal or other dispute resolution body	Country – State/ Jurisdiction	Name/Title	Document type	Date issued/ last updated	Applies to 1 = Lawyers 2 = SRLs 3 = Experts 4 = Judicial 5 = All	GenAI use Restricted[95] or Permitted[96]
New South Wales Civil and Administrative Tribunal	Australia – NSW	*NCAT Procedural Direction 7: Use of Generative Artificial Intelligence (Gen AI)*	Practice Note and Judicial Guidelines	7 April 2025	5	Restricted
New South Wales District Court	Australia – NSW	*Practice Note 2: Generative AI Practice Note and Judicial Guidelines*	Practice Note and Judicial Guidelines	3 February 2025	5	Restricted
New South Wales Industrial Relations Commission	Australia – NSW	*Practice Note No. 33: Use of Generative Artificial Intelligence (Gen AI)*	Practice Note and Judicial Guidelines	14 February 2025	5	Restricted
New South Wales Land & Environment Court	Australia – NSW	*Practice Note: Use of Generative Artificial Intelligence (Gen AI)*	Practice Note and Judicial Guidelines	28 January 2025	5	Restricted
New South Wales Supreme Court	Australia – NSW	*Practice Note SC Gen 23 – Use of Generative Artificial Intelligence*	Practice Note and Judicial Guidelines	28 January 2025	5	Restricted
Queensland Courts	Australia – Queensland	*The Use of Generative Artificial Intelligence (AI) Guidelines for Responsible Use by Non-Lawyers*	Guidelines	1 May 2024, updated 15 September 2025	2	Permitted

[94] At the date of this report, a number of other Australian courts are considering or consulting on issuing AI specific guidance including: Federal Court of Australia – see Chief Justice Mortimer, *Notice to the Profession: Artificial intelligence use in the Federal Court of Australia*, 29 April 2025 <https://www.fedcourt.gov.au/law-and-practice/practice-documents/notice-to-profession/29-april-2025#:~:text=The%20Court%20will%20meet%20with%20various%20representative%20bodies%2C,by%2013%20June%202025.%20Was%20this%20page%20useful%3F>; the Supreme Court of South Australia - see Courts Administration Authority of South Australia, *A statement from The Honourable Chris Kourakis, Chief Justice of South Australia launching a survey about use of Generative AI in the South Australian courts*, 30 May 2025 <https://www.courts.sa.gov.au/2025/05/30/a-statement-from-the-honourable-chris-kourakis-chief-justice-of-south-australia-launching-a-survey-about-use-of-generative-ai-in-the-south-australian-courts/>; and the Supreme Court of Western Australia – see Supreme Court of Western Australia, *Artificial Intelligence practice direction: Consultation note*, 2025 <https://www.supremecourt.wa.gov.au/_files/AI_practice_direction.pdf>.

[95] 'Restricted' in this context means that GenAI use is subject to specific limitations, in addition to pre-existing professional and ethical responsibilities obligations to the court; or obligations to uphold core judicial roles and values, such as upholding the rule of law, and protecting the integrity of the administration of justice and court processes. For example, NSW Court Practice Notes are proscriptive in several respects. They include a general prohibition on entering certain classes of information into a GenAI program (see Paragraph 9, *Practice Note SC Gen 23*), and GenAI must not be used to generate the content of affidavits, witness statements, character references, and other evidentiary material (Paragraph 10). Additionally, these types of documents must also contain a disclosure statement that GenAI was not used to generate their contents, or the content of any annexure or exhibit prepared by a deponent for evidentiary purposes in proceedings (Paragraph 13). Expert witnesses are also restricted from using GenAI to draft or prepare the contents of their reports without prior leave of the Court (Paragraph 20). Also from NSW, judicial guidelines specifically prohibit judges from using GenAI to formulate reasons for judgement or to assess or analyse evidence (Paragraph 4), or to edit or proof draft judgements or submit draft judgements to a GenAI program (Paragraph 5).

[95] 'Permitted' in this context means GenAI use is permitted, provided it is consistent with pre-existing professional or ethical obligations to courts, eg the overarching duty not to mislead the court; or in relation to judicial officers and judicial support staff, to maintain core judicial roles and values.

[97] The release of *Practice Note SC Gen 23 – Use of Generative Artificial Intelligence* also resulted in amendments to the *Uniform Civil Procedure Rules 2005* (NSW) and various court forms. The objective of these amendments is designed to deal with the use of GenAI in relation to affidavits, witness statements and other evidentiary material; written submissions and summaries of argument; and experts' reports. See *Uniform Civil Procedure (Amendment No 104) Rule 2025* (NSW) <https://legislation.nsw.gov.au/view/pdf/asmade/sl-2025-27>.

Court, tribunal or other dispute resolution body	Country – State/ Jurisdiction	Name/Title	Document type	Date issued/ last updated	Applies to 1 = Lawyers 2 = SRLs 3 = Experts 4 = Judicial 5 = All	GenAI use Restricted[95] or Permitted[96]
Queensland Courts	Australia – Queensland	*The Use of Generative AI – Guidelines for Judicial Officers*	Guidelines	15 September 2025	4	Permitted
Supreme Court of Queensland	Australia – Queensland	*Practice Direction Number 5 of 2025 - Accuracy of References in Submissions*	Practice direction	24 September 2025	1,2,3	Permitted
Victorian County Court	Australia – Victoria	*Guidelines for Litigants: Responsible Use of Artificial Intelligence in Litigation*	Guidelines	1 July 2024	5	Permitted
Victorian Supreme Court	Australia – Victoria	*Guidelines for Litigants: Responsible Use of Artificial Intelligence in Litigation*	Guidelines	1 May 2024	5	Permitted

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