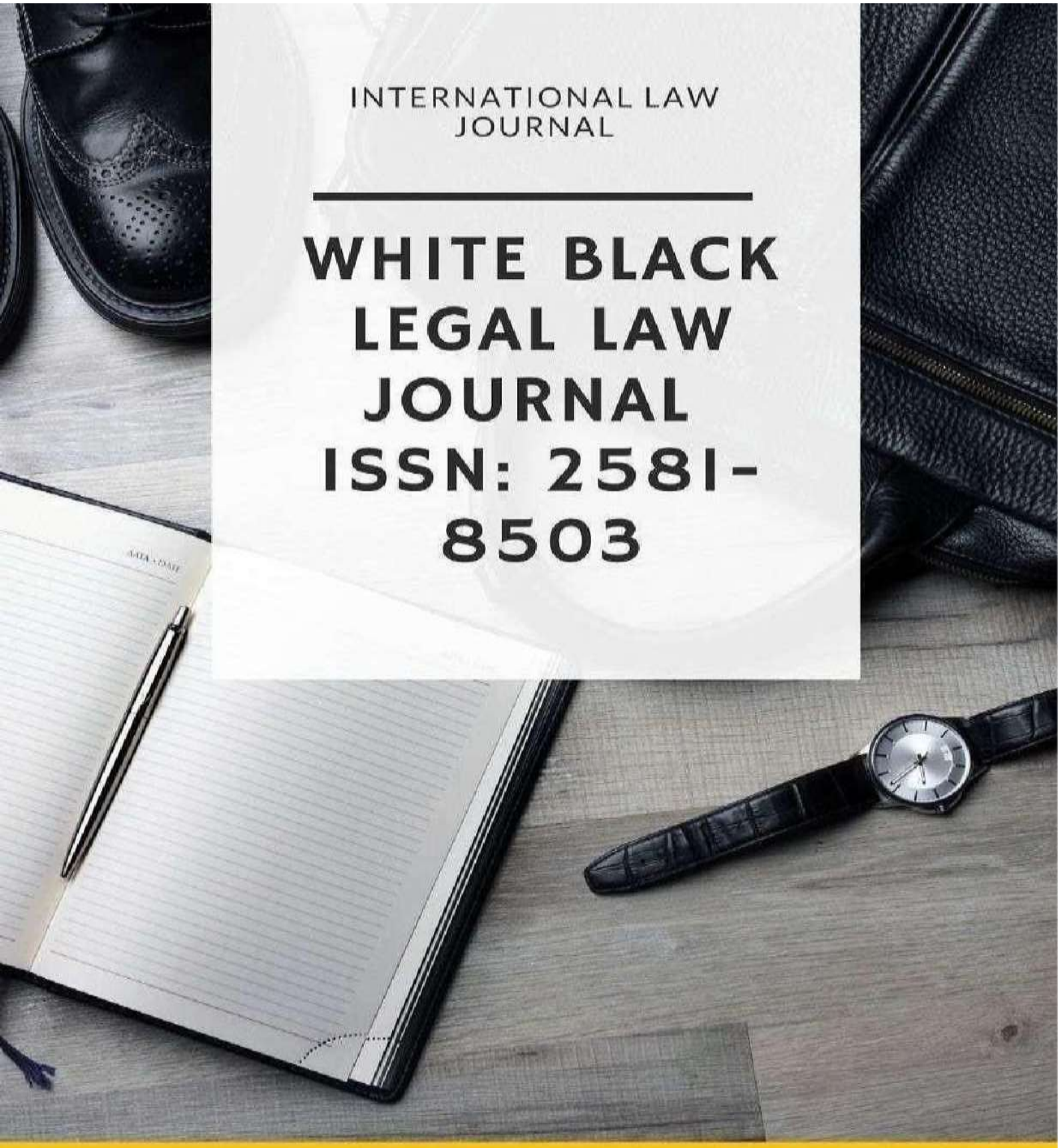

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With this thought, we hereby present to you

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ARTIFICIAL INTELLIGENCE IN LAW: GOVERNANCE, ETHICS, AND ACCESS TO JUSTICE

AUTHORED BY - NAVNEET KAUR[1]

Abstract

This paper examines the accelerating integration of artificial intelligence (AI) into legal systems and practice. It maps the technology landscape, surveys uses across the legal value chain, and analyzes cross-cutting doctrinal, regulatory, and ethical issues. Particular focus is placed on risk-based governance (e.g., the EU AI Act), evolving U.S. federal guidance (including the transition from Executive Order 14110 to subsequent OMB memoranda), Indias Digital Personal Data Protection Act, and professional-responsibility guardrails (ABA Model Rules and Formal Opinion 512). The paper synthesizes lessons from litigation (e.g., *State v. Loomis* on algorithmic risk assessments; sanctions for hallucinated citations) and proposes a practical governance blueprint—SAFE LAW—for courts, regulators, and practitioners. The conclusion charts near-term research priorities: explainability in adjudication, evidence standards for AI-generated material, procurement safeguards, and equitable access to justice.

Keywords: *Artificial intelligence, EU AI Act, OMB AI memoranda, NIST AI RMF, DPDP Act, criminal justice algorithms, legal ethics, explainability, discovery, procurement, access to justice.*

1. Introduction: Law in the Age of Predictive Systems

Over the past decade, legal practice has steadily integrated machine learning (ML) for tasks from document review to litigation analytics. The leap to large language models (LLMs) and foundation models capable of generating text, code, images, and structured analyses has broadened the scope of automation and augmentation. Courts translate judgments with AI; agencies triage cases using predictive systems; firms draft and review contracts with AI copilots. At the same time, courts have sanctioned lawyers for filing briefs with fabricated citations produced by generative systems, and supreme courts have warned against black-box influences on liberty and property interests. The result is not simply faster lawyering, but new

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questions about the nature of legal reasoning, the boundaries of accountability, and how rule-of-law commitments adapt to probabilistic technologies[2].

This paper offers a comprehensive, practice-minded survey. It emphasizes a risk-based approach: the *context* of deployment matters more than the *tool* label. Where AI influences adjudication, due process and reason-giving dominate; where AI touches personal data, lawful processing and data subject rights dominate; where AI shapes markets, competition law concerns rise. Accordingly, the paper blends doctrinal analysis, regulatory developments, and operational guidance.

The legal profession is undergoing a monumental change driven by the rapid proliferation of artificial intelligence technologies. These innovations are automating routine work, enhancing research capabilities, and providing sophisticated predictive analytics that were previously unattainable. A recent survey highlighted the professions enthusiastic outlook on this shift, with 80% of legal professionals believing AI will have a high or transformational impact on their work within the next five years. Furthermore, 72% of those surveyed viewed AI as a force for good in their profession, suggesting a widespread acceptance of the technologys potential benefits.

This transformation is not aimed at rendering lawyers obsolete. Instead, its primary function is to augment the capabilities of legal professionals, empowering them to work more efficiently and deliver greater value to their clients. The overarching theme is the role of AI as a sophisticated legal assistant, a tool designed to support, not supplant, human judgment and expertise. The integration of AI requires legal professionals to embrace a new paradigm, one that prioritizes strategic thinking, creativity, and the application of professional judgment to more complex challenges.

2. What We Mean by AI in Law: A Technical Primer for Lawyers

Legal debates often stumble on imprecise technical language. For clarity:

- **Machine Learning (ML):** Systems that learn patterns from data to make predictions or decisions without being explicitly programmed for every rule. Subtypes include

[2] The Rise of AI in Legal Practice: Opportunities, Challenges, & Ethical Considerations, accessed August 24, 2025, https://ctlj.colorado.edu/?p=1297

supervised learning (classification, regression), unsupervised learning (clustering, anomaly detection), and reinforcement learning[3].

- **Foundation Models (FMs) and LLMs:** Large neural networks trained on broad datasets (text, code, multimodal) that can be adapted for many tasks. They are stochastic and may produce non-deterministic outputs, including plausible but false statements (so-called hallucinations).
- **Risk Assessment Tools:** Typically, supervised models (e.g., logistic regression or gradient boosting) used in criminal justice or parole contexts to estimate recidivism risk.
- **Decision Support vs. Decision Automation:** Decision support informs a human decision-maker; decision automation directly triggers a legal consequence (issuing a penalty, denying a benefit). The latter attracts stricter process duties.
- **Explainability & Interpretability:** Techniques (feature importance, SHAP values, counterfactuals) that help translate model behavior into reasons that can be audited and contested.

Two design lessons for legal use cases: (1) *data provenance and quality* shape both accuracy and fairness; (2) *human factors* (training, workflows, incentives) often determine whether AI improves or degrades decisions.

Legal debates around artificial intelligence often become entangled in vague or imprecise terminology, making it crucial to distinguish between the different categories of technology. **Machine Learning (ML)** refers to systems that learn patterns from data in order to make predictions or decisions without being explicitly programmed for every rule. Within ML, there are several subtypes: supervised learning, which underpins applications like classification and regression; unsupervised learning, which supports clustering and anomaly detection; and reinforcement learning, which uses feedback loops to optimize actions in dynamic environments. Each of these approaches carries distinct implications for accuracy, transparency, and reliability when introduced into legal and regulatory settings[4].

[3] Law Bots: How AI Is Reshaping the Legal Profession - American Bar Association, accessed August 24, 2025, https://www.americanbar.org/groups/business_law/resources/business-law-today/2022-march/law-bots-how-ai-is-reshaping-the-legal-profession/

[4] How AI is transforming the legal profession - Thomson Reuters Legal Solutions, accessed August 24, 2025, https://legal.thomsonreuters.com/blog/how-ai-is-transforming-the-legal-profession/

A particularly influential development is the rise of **Foundation Models (FMs) and Large Language Models (LLMs)**, which are massive neural networks trained on broad, often multimodal datasets. These models can be adapted to a variety of tasks, from drafting documents to answering legal queries, but they remain inherently stochastic and may produce non-deterministic results. A well-known issue is hallucination, where the model generates statements that sound plausible but are factually incorrect. This limitation makes them powerful yet potentially risky tools in legal contexts, where accuracy and accountability are non-negotiable. Risk assessment tools, often built on supervised learning techniques like logistic regression or gradient boosting, illustrate a narrower but equally significant application. In criminal justice and parole settings, they are deployed to estimate the likelihood of recidivism, sparking debates over fairness, bias, and constitutional due process.

Another central distinction lies in how AI is integrated into decision-making processes. **Decision support systems** provide analysis and recommendations that help a human decision-maker, whereas **decision automation** systems directly trigger legal consequences such as issuing a penalty, denying a license, or withholding a benefit. The latter category, given its immediate impact on rights and entitlements, attracts far stricter procedural and constitutional safeguards, including transparency, notice, and appeal mechanisms. These differences highlight the importance of situating AI not just in technological terms but within the legal doctrines that govern administrative discretion, judicial review, and procedural fairness[5].

Finally, the principles of **explainability and interpretability** are essential to bridging the gap between complex AI models and legal accountability. Techniques such as feature importance, SHAP values, and counterfactual reasoning provide ways to audit and contest automated outcomes. However, technical safeguards alone cannot guarantee fairness. Two broad design lessons emerge for legal use cases: first, the quality and provenance of data fundamentally shape both the accuracy and fairness of AI outcomes; second, human factors such as training, workflow design, and institutional incentives often determine whether AI genuinely enhances decision-making or entrenches bias and inefficiency. These considerations suggest that successful integration of AI in law depends as much on governance and human judgment as it does on technical sophistication.

[5] AI Tools for Lawyers: A Practical Guide - Bloomberg Law, accessed August 24, 2025, https://pro.bloomberglaw.com/insights/technology/ai-in-legal-practice-explained/

3. The Legal Value Chain Transformed

3.1 Research and Knowledge Management

AI-enhanced research systems can synthesize authorities, surface conflicting lines of cases, and draft memos. Benefits include recall improvements and time savings; risks include fabricated authorities, over-generalization across jurisdictions, and subtle mischaracterization of holdings. Effective use requires structured prompts, retrieval-augmented generation (RAG) with jurisdiction-scoped corpora, and mandatory citation verification workflows.

3.2 E-Discovery and Evidence

Technology-assisted review (TAR) and continuous active learning have matured, reducing review cost and improving quality. Generative tools add summarization, privilege issue spotting, and multi-lingual translation. Key risks: privilege waiver through uncontrolled uploads to third-party tools; explainability of selection protocols; and robustness to adversarial inputs (e.g., obfuscation). Courts increasingly accept TAR when parties document protocols and validation metrics; generative summarization should be validated with sampling and error-rate reporting.

3.3 Contracting, Transactions, and Compliance

Contract analytics applies ML to clause extraction, risk scoring, and playbook-aligned drafting. LLM copilots accelerate first drafts and negotiation redlines. Operational controls include: clause libraries with approved language; guardrails to prevent leakage of counterparty proposals; and audit trails showing human acceptance of AI suggestions. For regulated sectors (financial services, healthcare), model risk management should be aligned with sectoral guidance and internal control frameworks[6].

3.4 Litigation Strategy and Risk Analytics

Predictive models estimate case duration, settlement ranges, or appellate outcomes using features such as judge and forum, claims, counsel, and historical outcomes. These tools can support budgeting and strategy, but raise fairness concerns (e.g., reinforcing forum shopping) and risk misinterpretation of correlation as causation. Transparent validation, confidence intervals, and clear disclaimers reduce misuse.

[6] ABA ethics rules and Generative AI - Thomson Reuters Legal Solutions, accessed August 24, 2025, https://legal.thomsonreuters.com/blog/generative-ai-and-aba-ethics-rules/

3.5 Courts, Tribunals, and Administrative Agencies

Judiciaries deploy AI for translation, scheduling, and document classification. Some jurisdictions experiment with AI-assisted summarization of pleadings or judgments. A bright line should separate *administrative* augmentation from *adjudicatory* reasoning. Where AI influences case outcomes, parties must receive notice, intelligible reasons, and an opportunity to contest inputs.

3.6 Public Sector & Regulatory Supervision

Regulators use AI for market surveillance (e.g., detecting manipulation), risk-based inspections, and benefits administration. Risk tiers should match consequence severity: screening and triage may accept higher model uncertainty than systems that directly deny entitlements or impose sanctions.

4. Doctrinal Fault Lines

The rise of AI has created several doctrinal challenges across legal domains. From a **due process** perspective, black-box systems threaten transparency and accountability unless agencies provide clear documentation, explanations, and channels for recourse. Courts have stressed that even with trade-secret constraints, surrogate explanations and protective inspections may be required. In **evidence law**, AI-generated proof such as transcripts, translations, or deepfake detections demands scrutiny of methodology, error rates, and chain of custody of datasets and models, with experts expected to explain training data and monitoring practices. **Administrative law** principles continue to apply when agencies rely on AI, requiring reasoned decision-making, consideration of model limits, and fair processes for affected parties. Similarly, in **criminal justice**, risk-assessment tools raise fairness and equality concerns, with courts cautioning against exclusive reliance and insisting on individualized assessments[7].

Beyond procedural rights, AI also disrupts **intellectual property**, particularly around authorship, fair use in training data, and ownership of AI-assisted works, with jurisdictions divided on the necessity of human authorship[8]. **Privacy and data protection laws** like GDPR

[7] AI-Driven Legal Research and Tools - Bloomberg Law, accessed August 24, 2025, https://pro.bloomberglaw.com/products/ai-and-bloomberg-law/
[8] AI for Legal Research - Bloomberg Law, accessed August 24, 2025, https://pro.bloomberglaw.com/insights/technology/ai-for-legal-research/

and Indias DPDP Act demand lawful processing, minimization, and special safeguards for biometric and childrens data, making privacy-by-design essential. Finally, in **competition and antitrust**, the concentration of power in foundation model markets raises concerns of vertical integration, exclusionary practices, and algorithmic collusion, prompting regulators to consider data-sharing, interoperability mandates, and AI-specific remedies. Collectively, these issues reflect deep doctrinal fault lines that legal systems must reconcile to ensure AIs responsible integration.

4.1 Due Process, Explainability, and Reason-Giving

Constitutional and administrative principles require that affected persons understand the basis of decisions and have a meaningful opportunity to challenge them. Black-box systems frustrate this unless agencies provide model documentation, decision rationales, and recourse channels. Even where trade secrets constrain disclosure, courts can order protective-order-based inspection or require surrogate explanations (counterfactuals, key features).

4.2 Evidence Law and AI-Generated or AI-Mediated Proof

Admissibility turns on relevance, reliability, and authenticity. For AI-generated exhibits (e.g., transcripts, translations, deepfake detections), parties should proffer methodology, validation results, and error rates. Chain of custody for datasets and model versions becomes the new foundation. Experts should be prepared to explain training data, overfitting controls, and post-deployment monitoring[9].

4.3 Administrative Law: Algorithmic Decision-Making

When agencies delegate screening or decision steps to AI, the familiar doctrines—reasoned decision-making, substantial evidence review, and non-delegation concerns—apply. Courts may scrutinize whether agencies considered model limitations and alternatives and whether they afforded affected parties processes proportionate to the stakes.

4.4 Criminal Justice: Risk Assessments, Fairness, and Rights

Use of risk-assessment instruments raises due-process and equal-protection concerns. Transparency about factors, accuracy across subgroups, and the prohibition of immutable or

[9] Evaluating Accuracy in Legal Research: A Comparative Analysis of Traditional and Artificial Intelligence-Driven Methods - The Aquila Digital Community, accessed August 24, 2025, https://aquila.usm.edu/cgi/viewcontent.cgi?article=2054&context=honors_theses

proxy variables (race, socioeconomic status) are critical. Even where proprietary scoring is allowed, courts have cautioned against sole reliance at sentencing; individualized assessment remains necessary.

4.5 Intellectual Property: Authorship, Ownership, and Training Data

Generative systems complicate copyright (authorship of AI-assisted works), fair-use defenses for training on copyrighted material, and database/compilation rights. Jurisdictions diverge on whether AI outputs are protectable absent human authorship. Firms should adopt policies on AI-assisted drafting and client disclosures about IP implications.

4.6 Privacy and Data Protection

Data-protection regimes (EU GDPR, Indias DPDP Act 2023, and sectoral U.S. laws) impose obligations around lawful processing, purpose limitation, minimization, and security. AI portfolios must implement privacy-by-design, de-identification where feasible, and data-subject rights handling (access, correction, erasure, opt-out where applicable). Special care is required for biometric and childrens data[10].

4.7 Competition/Antitrust and Platform Power

Foundation model markets raise questions about vertical integration (compute, data, model distribution), exclusionary agreements, and collusion risks from algorithmic pricing. Agencies globally are evaluating whether existing tools suffice or whether AI-specific guidance is needed. Counsel should anticipate data-sharing and interoperability remedies in mergers involving AI infrastructure.

5. Governance & Standards: From Principles to Obligations

The governance of AI is shifting from soft principles to binding obligations, with different jurisdictions adopting varied approaches. The **EU AI Act (2024–2025)** introduces a comprehensive risk-based framework, classifying AI systems as prohibited, high-risk, limited-risk, or minimal-risk. It imposes obligations such as technical documentation, human oversight, and post-market monitoring, while general-purpose and foundation models face stricter transparency requirements. Its extraterritorial scope, similar to GDPR, means that any provider

[10] Westlaw Edge - A.I. Powered Legal Research | Thomson Reuters ..., accessed August 24, 2025, https://legal.thomsonreuters.com/en/products/westlaw-edge

offering AI in the EU must comply. Legal teams are advised to map AI use cases to risk categories, prepare documentation, and structure contracts to allocate compliance duties.

In contrast, the **U.S. relies on OMB memoranda and NISTs AI Risk Management Framework (AI RMF)**, which though voluntary, increasingly serve as contractual standards for federal procurement. Agencies must maintain AI inventories, designate Chief AI Officers, and adopt guardrails for rights- and safety-critical use cases. Vendors are expected to align with RMF practices, implement human-in-the-loop oversight, and provide model documentation. Meanwhile, the **UK and multilateral forums** have favored a lighter, context-specific regulatory model. Declarations such as the Bletchley Declaration (2023) and Seoul AI Summit (2024) emphasize safety research, authenticity, and cross-border cooperation. Though nonbinding, they shape evaluation norms and expectations for high-risk AI systems globally[11].

5.1 EU Artificial Intelligence Act (2024–2025)

The EU AI Act establishes a comprehensive, risk-based framework. Systems are categorized as **prohibited**, **high-risk**, **limited-risk**, and **minimal-risk**, with corresponding duties (data governance, technical documentation, human oversight, post-market monitoring). General-purpose AI (GPAI) and foundation models attract transparency and model-card-like documentation obligations, with stricter duties for models posing systemic risk. The Act phases in obligations over multiple years, with conformity assessments for high-risk uses (e.g., critical infrastructure, employment, education, essential services). For global providers, the Acts **extraterritorial reach** resembles GDPRs market-access logic: if your system is placed on the EU market or its output is used in the EU, obligations follow[12].

Operational takeaways for legal teams: inventory AI use cases against AI Act risk categories; prepare technical documentation; implement incident reporting; and negotiate vendor contracts to allocate compliance responsibilities.

[11] 5 Best AI Contract Review Software: How To Choose the Right One for Your Business, accessed August 24, 2025, https://www.contractsafe.com/blog/ai-contract-review-software
[12] AI adoption offsets US tariff impact; corporates boost efficiency and cut costs, HSBC sees long-term operational gains, accessed August 24, 2025, https://timesofindia.indiatimes.com/business/india-business/ai-adoption-offsets-us-tariff-impact-corporates-boost-efficiency-and-cut-costs-hsbc-sees-long-term-operational-gains/articleshow/123452001.cms

5.2 United States: OMB AI Memoranda and NIST AI RMF

Following a period of executive guidance, U.S. federal policy now channels through OMB memoranda and NIST standards. The NIST **AI Risk Management Framework (AI RMF 1.0)** remains a central voluntary standard, augmented by a **Generative AI Profile** offering concrete controls. OMB memoranda require agencies to appoint Chief AI Officers, maintain AI inventories, implement minimum risk practices for rights- and safety-impacting use cases, and adopt procurement guardrails. For counsel advising vendors to U.S. agencies, aligning product controls to AI RMF and OMB templates is increasingly a contractual necessity.

5.3 United Kingdom and Multilateral Declarations

The UK has pursued a context-specific, regulator-led approach, complemented by international initiatives such as the **Bletchley Declaration** (2023) and subsequent **Seoul AI Summit** (2024), emphasizing frontier-risk research, content authenticity, and international cooperation. While not binding law, these declarations influence national safety institutes and evaluation protocols, shaping expectations for high-capability models[13].

5.4 India: DPDP Act and Judicial Innovation (SUPACE/SUVAS)

In India, the governance of AI is unfolding through both legislation and judicial innovation. The **Digital Personal Data Protection Act, 2023 (DPDP Act)** lays the foundation for a rights-based data regime, built around consent as the primary ground for lawful processing. It also creates special compliance obligations for Significant Data Fiduciaries and introduces heavy monetary penalties for violations, signaling a stricter enforcement environment. This statute reflects Indias constitutional commitment to privacy, particularly after the *Puttaswamy* judgment, and aligns the country with global data protection standards like the GDPR, while adapting them to local needs.

At the same time, Indias judiciary has been experimenting with AI integration in court functioning. Initiatives such as **SUVAS** (Supreme Court Vidhik Anuvaad Software) provide AI-assisted legal translations across multiple languages, while **SUPACE** (Supreme Court Portal for Assistance in Courts Efficiency) aids judges in analyzing case material and streamlining decision-making. These innovations show a willingness to embrace AI in justice

[13] Generative Artificial Intelligence Tools: ABA Formal Opinion 512 Provides Needed Guidance on the Benefits and Burdens of Lawyers Use of GAI - The Bar Examiner, accessed August 24, 2025, https://thebarexaminer.ncbex.org/article/fall-2024/generative-artificial-intelligence-tools/

delivery but also highlight the need for safeguards. When AI tools are deployed in adjudication or public benefits administration, constitutional values of **due process, fairness, and transparency** require that affected individuals are given adequate notice, meaningful reasons for decisions, and avenues for recourse. Thus, Indias approach combines a formal statutory framework with practical judicial experimentation, underscoring both the promise and risks of AI in governance.

Indias **Digital Personal Data Protection Act, 2023 (DPDP)** establishes consent-centric processing, lawful grounds, significant-data-fiduciary obligations, and substantial penalties for non-compliance. Courts have also pioneered AI-enabled translation (**SUVAS**) and decision support (**SUPACE**). For deployments in adjudication or benefits administration, due-process and transparency commitments rooted in constitutional privacy jurisprudence demand careful design (notice, reasons, and recourse).

6. Professional Responsibility and Legal Operations

The integration of artificial intelligence into legal practice raises important questions of **professional responsibility and operational governance**. Lawyers are not only required to uphold ethical obligations but must also adapt these duties to the realities of AI-driven workflows. As courts, clients, and regulators grow more aware of AIs potential and pitfalls, firms must ensure that competence, confidentiality, billing, and governance standards evolve accordingly.

First, **competence, supervision, and candor** are core duties under professional conduct rules. Lawyers must maintain a baseline of technological competence, which now includes understanding the risks and limits of generative AI. They must also supervise non-lawyer staff and vendors who use AI tools, ensuring accuracy and integrity in filings. Courts have already imposed sanctions in cases where attorneys submitted AI-generated briefs containing fictitious citations, underscoring the need for verification. Firms are thus encouraged to adopt internal policies requiring source-checking, disclosure of AI use where mandated, and clear communication with clients about its role in legal work.

Second, **confidentiality, privilege, and vendor risk** present some of the most immediate challenges. Uploading client material into external AI tools risks waiver of privilege or breaches of confidentiality, especially where platforms allow training on user data or provide

third-party access. To mitigate this, lawyers should rely on enterprise instances with contractual safeguards, local deployments, encryption measures, and redaction or DLP pipelines. Vendor diligence is also essential, requiring careful review of subcontractors, data retention practices, security certifications, and incident response readiness before adopting such tools.

A third area of concern is **fees, billing, and disclosure**. AI dramatically reduces the time required for routine research, drafting, and review, raising questions about fair billing practices. Ethical standards prohibit billing for hours saved by automation but permit alternative fee arrangements or value-based pricing with informed client consent. Engagement letters should explicitly state how AI will be used, the cost implications, and whether client approval is required for particular deployments, thereby avoiding disputes over fees and expectations[14].

Equally critical is the development of **model governance within law firms and legal departments**. A practical governance stack includes a registry of AI use cases, documentation through model and data cards, and review gates for matters that could have high regulatory or reputational impact. Red-teaming and evaluation protocols help identify vulnerabilities, while staff training ensures that lawyers and support teams understand both the strengths and limitations of AI outputs. Incident reporting and transparent client notification procedures further safeguard trust in cases where errors or failures occur.

Beyond compliance, these governance structures reinforce the professions duty of **candor and accountability**. For instance, if an AI tool introduces bias or produces hallucinated case law, a documented review and response process helps demonstrate due diligence to courts and regulators. Moreover, by proactively addressing these risks, firms can better balance innovation with the core values of the legal profession—fairness, reliability, and protection of client interests.

Finally, the ethical use of AI also implicates **firm culture and client relationships**. Lawyers who openly discuss AIs role in their work foster transparency and trust, while firms that invest in responsible AI practices signal their commitment to both efficiency and ethics. By embedding technological literacy, risk management, and accountability into daily practice, the legal profession can harness AIs benefits without compromising its foundational duties.

[14] Generative AI in Law: Understanding the Latest Professional Guidelines - ACEDS, accessed August 24, 2025, https://aceds.org/generative-ai-in-law-understanding-the-latest-professional-guidelines-aceds-blog/

6.1 Competence, Supervision, and Candor

Lawyers must maintain technological competence, supervise non-lawyer assistants and vendors, and ensure filings are accurate. Formal ethics guidance on generative AI underscores duties of verification, confidentiality, and client communication. Courts have imposed sanctions where counsel relied on unverified AI-generated citations. Firms should adopt policies requiring source-verification and disclosing AI assistance where required by court rule or client instruction[15].

6.2 Confidentiality, Privilege, and Vendor Risk

Uploading client material to external tools may waive privilege or breach confidentiality if terms permit training or third-party access. Mitigations: enterprise instances with contractual restrictions, local deployments, encryption, redaction pipelines, and data-loss-prevention (DLP) controls. Vendor diligence should review data retention, subcontractors, security certifications, and incident response.

6.3 Fees, Billing, and Disclosure

AI can compress hours dramatically. Ethical billing prohibits charging for time saved by automation while also permitting value-based fees with informed client consent. Engagement letters should specify whether and how AI tools are used, cost implications, and any client approvals required.

6.4 Model Governance for Law Firms and Legal Departments

A lightweight but effective stack includes: (1) a use-case registry; (2) model and data cards; (3) review gates for high-impact matters; (4) red-team and evaluation protocols; (5) training for staff; and (6) incident reporting and client notification procedures.

7. Artificial Intelligence in Law: Judicial Responses and Case Law

The emergence of Artificial Intelligence (AI) in the legal domain has created a new frontier for courts, legislators, and litigants in India. While AI offers transformative potential in terms of efficiency, translation, research, and adjudication, its deployment simultaneously raises questions about due process, privacy, accountability, and intellectual property. Indian

[15] ABA Formal Opinion 512: The Paradigm for Generative AI in Legal Practice - UNC Law Library - The University of North Carolina at Chapel Hill, accessed August 24, 2025, https://library.law.unc.edu/2025/02/aba-formal-opinion-512-the-paradigm-for-generative-ai-in-legal-practice/

jurisprudence has begun to engage with these questions, producing a body of case law and judicial practices that highlight both the promise and limitations of AI in law.

One of the earliest legal foundations for AI-related evidence can be traced to **Anvar P.V. v. P.K. Basheer (2014)**[16], where the Supreme Court mandated that all electronic evidence must comply with Section 65B of the Indian Evidence Act for admissibility. This precedent has direct relevance today as courts confront AI-generated outputs, such as transcripts, translations, or even deepfake videos, where questions of reliability, chain of custody, and authenticity are paramount. Similarly, in **Justice K.S. Puttaswamy v. Union of India (2017)**, [17]the Supreme Court elevated privacy to the status of a fundamental right, laying a constitutional framework that continues to shape the boundaries of AI in governance, surveillance, and data use.

Judicial concern has also been prominent in cases relating to surveillance technologies. In **Anivar Aravind v. Union of India (2020)** [18]before the Kerala High Court, and in the **Delhi High Court proceedings initiated by the Internet Freedom Foundation (2021)**, the unregulated use of facial recognition technologies was challenged. The courts emphasized that technological deployments must be subject to legality, necessity, and proportionality tests, thereby aligning AI-based surveillance with constitutional rights. These cases highlight judicial insistence on accountability, especially where state agencies adopt AI tools in sensitive contexts.

The Indian judiciary has simultaneously demonstrated enthusiasm for adopting AI in its own functioning. Notable initiatives include **SUVAS (Supreme Court Vidhik Anuvaad Software)**, launched in 2019 to translate judgments into regional languages, and **SUPACE (Supreme Court Portal for Assistance in Courts Efficiency)**, introduced in 2021 to assist judges in research and analysis. These tools exemplify AIs role in improving accessibility and efficiency in the justice system. More recently, courts have experimented with generative AI.

Nevertheless, Indian courts have also signaled the risks of unregulated AI adoption. In **Christian Louboutin SAS v. The Shoe Boutique-Shutiq (2023)**[19], the Delhi High Court

[16] 2014 10 SCC 473
[17] (2017) 10 SCC 1
[18] W.P No. 7483 of 2020
[19] CS(COMM) 583/2023

observed that AI systems cannot replace human reasoning in adjudication. The **Kerala High Court (2025)** went further, issuing guidelines prohibiting district courts from using AI tools in drafting or reasoning, citing concerns over privacy, data misuse, and judicial integrity. At the same time, other courts have encouraged proactive AI use in policing, such as the **Madras High Court (2025)**, which directed the state to consider AI tools for identifying and removing non-consensual intimate imagery online. These contrasting approaches reflect the balancing act between innovation and rights-protection.

AI has also become a site of conflict in intellectual property and personality rights disputes. In **Anil Kapoor v. Various Defendants (2024)**[20], the Delhi High Court recognized personality rights in the context of unauthorized AI-generated use of Kapoors likeness, voice, and signature catchphrase, restraining misuse. In another significant development, global and Indian publishers brought a copyright suit against **OpenAI before the Delhi High Court (2025)**, alleging unlawful use of their content to train AI models. This case underscores the friction between AI development and traditional IP frameworks, and its outcome may shape the contours of copyright law in Indias digital age. Similarly, criminal law has been tested by AI deepfakes, with Delhi courts granting anticipatory bail to a YouTuber accused of circulating AI-generated offensive videos, showing how AI is already entangled in free speech and criminal liability disputes.

Taken together, these cases demonstrate that the Indian judiciary is actively grappling with the role of AI in law. Courts have emphasized that AI can serve as a valuable **assistive mechanism** but must not replace judicial discretion or human accountability. They have demanded compliance with privacy rights, procedural safeguards, and evidentiary standards, while also encouraging innovation in improving judicial efficiency and tackling cybercrime. At the same time, pending litigation in copyright and personality rights highlights the disruptive potential of AI in commercial and creative domains.

7.1 *State v. Loomis* (2016): COMPAS and Due Process[21]

A state supreme court allowed use of a proprietary risk score at sentencing while cautioning against sole reliance and requiring warnings about limitations. The case illustrates a pragmatic

[20] CS(COMM) 652/2023
[21] 881 N.W.2d 749 (Wis. 2016)

compromise: tools may inform but not replace judicial judgment. Key lessons: disclose factors, avoid protected-class proxies, and ensure individualized assessment.

7.2 Sanctions for Hallucinated Citations: Lessons from *Mata v. Avianca*[22]

A U.S. district court sanctioned attorneys who submitted fabricated case citations generated by an AI tool. The order emphasized the duty to verify authorities and the professional risks of uncritical reliance on generative systems. Policy implication: mandatory verification workflows and training can prevent reputational and client harm.

7.3 Procurement, Public Use, and Transparency: OMB Compliance Plans

Federal agencies have published compliance plans showing how they implement OMB AI requirements—designating Chief AI Officers, building use-case inventories, and applying risk controls to rights-impacting systems. For vendors, these plans forecast procurement expectations: documentation, evaluation evidence, and transparency commitments.

8. A Practical Blueprint: The SAFE LAW Framework

To harmonize doctrine and operations, this paper proposes **SAFE LAW**, a governance blueprint that organizations can implement today:

- **S — Scope & Screening:** Inventory all AI use cases; classify by consequence (rights/safety, regulatory exposure, reputational risk). Identify human-in-the-loop points and escalation triggers[23].
- **A — Accountability:** Assign product owners, legal/compliance reviewers, and responsible AI champions. Require model and data cards; maintain decision logs in high-impact workflows.
- **F — Fairness & Fitness:** Measure accuracy and error rates across relevant subgroups; document trade-offs. For adjudication-adjacent uses, prioritize interpretable models or post-hoc explainability that meets reason-giving standards[24].

[22] S.D.N.Y. 2023

[23] Full article: Harmonizing AI and human instruction in legal education: a case study from Israel on training future legal professionals, accessed August 24, 2025, https://www.tandfonline.com/doi/full/10.1080/09695958.2024.2430018

[24] www.clio.com, accessed August 24, 2025, https://www.clio.com/resources/ai-for-lawyers/ethics-ai-law/#:~:text=Bias%20and%20fairness,-As%20we%20mentioned&text=These%20algorithms%20can%20collect%20biased,unfair%20outcomes%20and%20perpetuate%20discrimination.

- **E — Evidence & Evaluation:** Establish validation protocols (holdout tests, sampling), peer review, and red-team exercises. For e-discovery and research, incorporate automatic citation verification and hallucination detection.
- **L — Law & Licensing:** Map applicable laws (data protection, sectoral regulation, consumer protection). Vet IP and licensing for training data and outputs; negotiate vendor terms (no training on client data; security; audit rights).
- **A — Access & Accessibility:** Use AI to expand access to justice (triage, plain-language explainers) while mitigating digital divide harms; ensure language support and disability accommodations.
- **W — Workflow & Watch:** Integrate controls into matter-management, DLP, and document systems. Monitor post-deployment performance; maintain incident response; and report material failures to clients or regulators.

The SAFE LAW framework offers a structured blueprint for integrating AI into legal practice by aligning operational use with doctrinal safeguards. It begins with **Scope & Screening**, requiring organizations to inventory all AI use cases and classify them based on potential consequences—ranging from impacts on rights and safety to regulatory exposure and reputational risks. This stage also emphasizes identifying where human judgment must remain in the loop and setting clear escalation triggers to prevent unchecked automation. By mapping the scope early, institutions can ensure that AI adoption remains proportionate to risk.

The second pillar, **Accountability**, stresses the importance of clear responsibility structures. Product owners, legal and compliance reviewers, and responsible AI champions must be appointed to oversee deployments. Supporting tools like model cards and data cards help document system design, while decision logs provide traceability in high-impact workflows. Closely tied to accountability is **Fairness & Fitness**, which requires measuring accuracy and error rates across demographic subgroups and documenting trade-offs. For legal or adjudication-adjacent uses, the framework advises prioritizing interpretable models or explainability tools capable of meeting constitutional reason-giving requirements.

The next set of principles focus on strengthening oversight and legal compliance. **Evidence & Evaluation** mandates rigorous validation protocols such as holdout testing, peer review, and red-teaming exercises, alongside mechanisms to counter hallucinations in tasks like e-

discovery or legal research. Complementing this, **Law & Licensing** demands careful mapping of applicable legal regimes, including data protection, consumer law, and sectoral regulation. It also stresses intellectual property due diligence—vetting training data, restricting vendor terms to prevent misuse (such as unauthorized training on client data), and ensuring security and audit rights in contracts[25].

Finally, SAFE LAW emphasizes inclusivity and operational resilience. **Access & Accessibility** envisions AI as a tool to expand justice—through triage systems, plain-language explainers, multilingual support, and disability accommodations—while guarding against deepening the digital divide. The framework closes with **Workflow & Watch**, urging integration of AI controls into matter management, document lifecycle processes, and compliance monitoring. Post-deployment oversight is critical, requiring continuous monitoring, incident response mechanisms, and transparent reporting of material failures to clients or regulators. Together, these principles make SAFE LAW not just a theoretical ideal but a practical governance blueprint for trustworthy AI adoption in law.

9. Roadmap for Courts, Regulators, and Practitioners (2025–2028)

Courts and Tribunals should: (i) publish AI use policies; (ii) require disclosure when filings are AI-assisted; (iii) provide standardized orders for AI-generated exhibits (with methodology and error-rate proffers); (iv) fund open benchmarks for legal NLP and translation; and (v) restrict adjudicatory reliance on opaque systems without adequate reasons.

Regulators should: (i) harmonize AI definitions and risk tiers; (ii) require incident reporting for safety/rights impacts; (iii) encourage independent evaluation ecosystems; and (iv) update procurement playbooks to require model documentation and testing evidence.

Law Firms and In-House Legal should: (i) operationalize SAFE LAW; (ii) negotiate vendor addenda covering data use, security, and audit; (iii) deploy enterprise AI with access controls; (iv) train all staff on verification and confidentiality; and (v) continuously measure impact and equity.

[25] Algorithmic Justice or Bias: Legal Implications of Predictive Policing Algorithms in Criminal Justice - The Johns Hopkins Undergraduate Law Review, accessed August 24, 2025, https://jhulr.org/2025/01/01/algorithmic-justice-or-bias-legal-implications-of-predictive-policing-algorithms-in-criminal-justice/

10. Artificial Intelligence in India

Artificial Intelligence (AI) is increasingly reshaping the legal landscape in India, though its integration is still at a nascent stage compared to Western jurisdictions. The Indian judiciary and legal profession are exploring AI primarily as a tool for efficiency in legal research, case management, and access to justice. With an overburdened judiciary—over 4 crore cases pending across courts AI offers the promise of speed, consistency, and automation in routine legal tasks. Yet, it also raises concerns regarding ethics, accountability, and fairness in the justice system.

One of the most visible initiatives has been the adoption of **SUPACE (Supreme Court Portal for Assistance in Court Efficiency)** by the Supreme Court of India in 2021. This AI-driven tool helps judges analyze case records and generate insights, particularly in complex matters involving large volumes of documents. While SUPACE does not make decisions, it aids judges in streamlining research and improving accuracy. Similarly, High Courts like Delhi and Karnataka have begun experimenting with AI-based transcription, translation, and e-filing systems, showing the judiciarys willingness to embrace technological innovation.

In the **legal services sector**, AI is transforming how lawyers approach research and drafting. Tools like SCC Online, Manupatra, and newer AI-enabled platforms assist advocates in locating precedents, analyzing case trends, and even predicting possible case outcomes. Law firms are increasingly using AI for due diligence, contract analysis, and compliance management. These applications reduce costs and turnaround times, making legal services more accessible to clients. However, concerns persist over whether over-reliance on automated systems might dilute human judgment and ethical considerations in legal practice.

From a regulatory standpoint, India lacks a comprehensive **legal framework for AI in law**. Unlike the European Union, which has proposed detailed AI regulations, India is still relying on broader data protection and IT laws to address emerging concerns. The Digital Personal Data Protection Act, 2023 indirectly impacts AI deployment by regulating how sensitive client and case data can be processed. However, there are no clear guidelines yet on issues such as liability for AI-generated errors, data bias in predictive policing tools, or the admissibility of AI outputs as evidence. This legal vacuum creates uncertainty for both lawyers and clients.

Case law on AI in India remains limited, but judicial observations indicate cautious optimism. In *Anuradha Bhasin v. Union of India* (2020), the Supreme Court acknowledged the role of technology in ensuring democratic rights, though not directly tied to AI. In *M.L. Sharma v. Union of India* (2021), while addressing Pegasus surveillance, the Court emphasized data privacy and accountability, principles that are equally relevant for AI tools in legal practice. More recently, some High Courts have referred to AIs potential in easing delays, but they have also warned against its unregulated use in adjudication, stressing that human judges must remain the final decision-makers.

Another area of growth is **AI for access to justice**. Chatbots, online dispute resolution (ODR) platforms, and AI-driven legal aid applications are being piloted to help citizens especially those in rural or marginalized communities understand their rights and navigate legal processes. For instance, NALSA has considered technology-driven models to provide primary legal advice in regional languages. While promising, these initiatives must address issues of digital literacy, linguistic diversity, and the risk of incorrect advice that could mislead litigants.

However, ethical and professional responsibility concerns cannot be ignored. Lawyers face dilemmas about client confidentiality when using AI platforms hosted by third parties, as uploading sensitive case files may expose privileged information. There is also the problem of hallucinations, where AI generates false but plausible legal citations. This has already led to sanctions against lawyers in other jurisdictions, and Indian courts may face similar situations in the future. The Bar Council of India has urged caution, highlighting the need for verification, supervision, and disclosure when AI tools are employed in legal tasks.

In conclusion, AI in Indian law is at a critical crossroads—holding immense potential to reduce delays, enhance research, and expand access to justice, while also posing serious regulatory, ethical, and accountability challenges. A forward-looking regulatory framework, coupled with judicially guided safeguards, is essential to ensure that AI augments rather than undermines justice delivery. As India continues to experiment with AI-driven tools, balancing innovation with professional responsibility will determine whether technology becomes a true ally of the legal system or a source of new complications[26].

[26] TOPIC: ARTIFICIAL INTELLIGENCE AND ACCESS TO JUSTICE - National Association for Court Management, accessed August 24, 2025, https://nacmnet.org/wp-content/uploads/AI-and-Access-to-Justice-Final-White-Paper.pdf

11. Conclusion

AI will not supplant the rule of law; it will test our ability to instantiate legal values in engineered systems. Success depends on aligning incentives: rewarding transparency and measured deployment over speed and hype; resourcing evaluation and oversight; and expanding access to justice without compromising rights. The governance instruments now maturing—risk-based regulation, professional ethics, and technical standards—can make AI a net positive for legal systems if we implement them with discipline and humility.

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Appendix A: Sample AI Use-Policy for Law Firms (Outline)

1. Purpose and Scope
2. Definitions (AI, Generative AI, High-Impact Use)
3. Roles and Responsibilities (Partners, CAIO/Risk Lead, IT Security)
4. Use-Case Registry and Risk Classification
5. Data Handling (Confidentiality, Privilege, DLP, Redaction)
6. Verification Protocols (Citation and Fact-Check Steps)
7. Vendor Management (Data Use Restrictions, Security, Audit)
8. Training and Awareness
9. Incident Response & Client Notification
10. Review Cycle and Continuous Improvement

Appendix B: Checklist—Admissibility of AI-Generated Evidence

- Relevance and foundation (what the system did; by whom; when).
- Method reliability (training data, validation, error rates).
- Authenticity (hashes, logs, chain of custody).
- Bias and subgroup performance disclosures.
- Expert qualifications and scope of testimony.
- Protective orders for trade secret material.

Appendix C: Model Contract Clauses (Extracts)

- No-training warranties for client data.
- Data residency and retention limits.
- Security controls (encryption, access logs, incident reporting).
- Evaluation cooperation (documentation, testing access).
- Allocation of regulatory obligations (EU AI Act/GPAI transparency).
- Audit rights and termination for breach.