

BLOG

The Inevitability of AI in Court: What Does It Mean for Self-Represented Litigants?

 On April 16, 2025 ⁸

Written by Jennifer Leitch, NSRLP Executive Director; originally published on [Slaw](#), Canada's online legal magazine.

 A recent CBC article from British Columbia indicated that a self-represented party used Microsoft Copilot to assist with legal research: the artificial intelligence (AI) program generated 10 cases, nine of which were hallucinated. The hallucinated cases

were 'caught' during a proceeding at the Civil Resolution Tribunal, but this incident and the possibility of others like it raises challenging questions for access to justice. It can be assumed that public-facing AI will continue to gain ground as a means of providing legal information and assistance, and as that happens, there will be more examples of hallucinated cases making their way into legal materials and submissions. We have already seen examples of lawyers being caught out for relying on AI-fabricated cases, so it is not surprising to see it happening among SRLs as well. However, the potential that publicly available AI applications may generate errors of all kinds will likely serve to exacerbate the very inequalities already existing between those who can afford legal services and those who cannot. For example, the more sophisticated (and accurate) closed-source applications that are available to law firms and large organizations are not publicly available or even accessible by individuals or the organizations that serve the public's access to justice needs. The result is a growing gap between the legal tools available to paying clients and those available to individuals compelled to represent themselves.

Interestingly, to date, the very early data that the National Self-Represented Litigants Project (NSRLP) has gathered from self-represented litigants (SRLs) who complete our intake survey suggests that they are generally cautious about the use of AI applications like ChatGPT, given their current reputation for inaccuracy. However, at the same time, there is no denying that the speed and accessibility of AI programs will likely mean that they are accessed and deployed by more and more SRLs. Programs that assist SRLs in processing large amounts of legal information in a very short amount of time, as well as programs that generate court materials in the 'voice' and 'style' of court documents, are likely to be too tempting to pass up. In both capacities, AI appears to provide an opportunity to level the playing field, which SRLs are

understandably desperate to do (particularly in cases where the opposing party is represented). Consequently, despite worries about inaccuracies and hallucinations, we will likely continue to see increases in the use of AI as an access to justice tool.

There is also a growing market for digital tools that deploy different forms of AI and proclaim to offer support to individuals navigating legal matters without legal representation. Amy Salyzyn's recent report, "Direct-to-Public Digital legal Tools in Canada – A 2023 Update," lists 118 different digital programs (both mobile and web-based) that are geared toward assisting individuals with various legal problems. While not all of these make use of AI, there is no question that this is and will remain a focus within access to justice in future.

In light of all this, how do we move forward ensuring that litigants are able to access reliable tools that actively assist them when they are representing themselves, and how do justice system stakeholders are for the onslaught of cases in which digital tools of varying degrees of accuracy are being used by SRLs? The answers to these questions, like much else in the access to justice sphere, must encompass a multi-faceted approach that includes regulation, public awareness and information, oversight, and ultimately the development of partnerships between open-source AI platforms and developers, access to justice entities, and justice system users, that aim to create reliable and publicly-accessible applications to assist individuals with their legal issues.

While law societies are creating sandboxes to evaluate the use of digital tools in the legal services industry, this may not be sufficient to address the growth industry of legal service tools. This necessarily engages a larger question about sharing the legal services monopoly through sophisticated technologies and digital tools that provide litigants themselves with quick answers to discrete legal questions, or more involved multi-step direction regarding the resolution of a legal matter. This would require legal service providers to relinquish some control over legal service models that have failed to deliver access to justice to a vast number of individuals. While addressing this issue involves a broader series of questions and concerns than this column can adequately address, the preliminary point is a pragmatic one: digital tools and applications *will* be used – and therefore it is imperative that they be reliable and accessible by the public. Moreover, from an ethical standpoint, if the legal profession cannot fully deliver access to justice for the public (as per its mandate to act in the public interest), then it ought to support and perhaps facilitate access to reliable tools and programs that *will* assist individuals with their everyday legal problems.

Additionally, and in accordance with a pragmatic approach to the use of digital tools, it would seem that if people are going to seek out and use digital tools that profess to assist them with their legal problems, public legal education ought to turn its mind to educational programming that provides individuals with the tools and information to assess and test the validity and reliability of a particular digital tool. To this end, the Canadian Institute for the Administration of Justice (CIAJ) and the NSRLP are in the process of

developing public-facing webinars for SRLs that will address uses of AI in service of their legal problems. These educational sessions are meant to ensure that SRLs are thinking carefully about how they use AI, and what steps they may need to take to ensure that the assistance they receive is accurate and reliable.

Another necessary consideration involves the role of the courts, which are likely to play a crucial part in the ongoing AI discussion in the very near future. Recent cases have provided examples of individual judges declining to read SRLs' submissions based on the fact that they were AI-generated. While I acknowledge the challenges courts face in addressing the use of AI in legal proceedings, this seems problematic. For SRLs, in courts where it is not obligatory to disclose the use of AI in materials, those represented parties who make use of certain tools (often behind paywalls) will be free to deploy AI without consequence, while unrepresented parties who use AI and disclose the same could be left without submissions before the court. It is noted that the Federal Court and the Nova Scotia provincial  are two examples of jurisdictions that now require litigants to expressly identify the use of AI in their  missions, and this appears fair to all parties, but the question that must follow is what the court does with a confirmation from an SRL party that ChatGPT (or another publicly-accessible application) was used in the drafting of their submissions? Situations such as these will require courts to carefully consider the creation of policies that are fair to all parties, while also accounting for the fact that in the face of a lack of access to justice (and with few other options), litigants will inevitably and increasingly use AI to assist them in preparing for court when they are representing themselves. Moreover, SRLs are limited in the access they have to reliable digital tools, in comparison to legal service providers.

Finally, if we are to cautiously move forward with AI (and caution is underscored), then perhaps what also must be undertaken is a serious and sustained engagement between not-for-profit AI developers, access to justice organizations, and justice system users toward the development and implementation of AI applications that can assist individuals with their legal issues, and thereby improve access to justice. Such partnerships, grounded in academic and not-for-profit contexts, can work in tandem with legal regulators and the public to create applications that are reliable, accurate, and user-friendly. This would entail programming that both serves the specific and immediate needs of justice system users, and develops a collaborative community of those working in technology and access to justice organizations, to share knowledge and build legal AI applications that respond to the needs of both those serving individuals accessing justice, and these individuals directly.



Newer



Older



8 thoughts on “The Inevitability of AI in Court: What Does It Mean for Self-Represented Litigants?”



Noel Semple says:

April 16, 2025 at 5:16 pm

This is very well said! I agree that the legal profession may be duty-bound to “facilitate access to reliable tools and programs that will assist individuals with their everyday legal problems,” including potentially AI. One possible mechanism for this would be CanLII, which is already funded by the law societies. Maybe the law societies — on behalf of the profession — should financially support CanLII in developing accurate, vetted AI-driven legal research services free to the public.

[REPLY](#)



Amanda Martin says:

May 2, 2025 at 4:55 am

Wonderful idea. I have been using ai as a self rep litigant for a few years now. I was a very early adopter and it has been a game changer. Even with the flaws and inaccuracies it provides better access to education, understanding and justice for all. But the idea of CanLII being an ai legal research tool trained on accurate Canadian case law, and able to create legal citations and proper authorities would be very helpful.

[REPLY](#)



Robert Giebelhaus says:

April 16, 2025 at 5:18 pm

Your organization seems to believe the Justice system can self correct itself. It cannot.

[REPLY](#)



Murray Preusche says:

April 17, 2025 at 1:09 am

Shortly after ChatGPT made its debut, I encountered a situation that underscored both the promise and the limitations of artificial intelligence in the context of legal research. Having already conducted comprehensive research using CanLII and compiled a set of relevant authorities, I turned to ChatGPT as a supplementary tool, hoping it might identify additional case law I had not previously uncovered.

The platform returned several citations, including a few cases that were unfamiliar to me. However, my efforts to locate those particular cases through CanLII and Westlaw were unsuccessful. To verify their authenticity, I contacted the local law library and provided the case citations to a librarian, who agreed to investigate further and follow up.

Approximately thirty minutes later, the clerk returned my call and inquired about the source of the citations. When I disclosed that they had been generated by ChatGPT, he informed me that he was unable to locate any such cases and outlined the legal databases and resources he had consulted in his search.

Ironically, later that same week, I came across a news report concerning a junior lawyer who had cited AI-generated case law in court. The presiding judge addressed the issue but showed a degree of leniency, noting that the lawyer had only been in practice for five years. That incident resonated with me and reinforced the importance of verifying all research outputs, regardless of the source.

Since that time, I have elected not to rely on artificial intelligence for ANYI research purposes. Nonetheless, I continue to find it useful for organizing ideas, structuring arguments, and refining written communication. In my view, AI can be a powerful and effective tool when used judiciously and within its appropriate scope. However, like any tool, its utility is determined by the knowledge and discretion of the user.

REPLY



Tony Ledsham says:

June 3, 2025 at 2:02 pm

I found CHAT GPT to be virtually useless for accessing case law. Grok AI (on X) is far better. It's very responsive to changes and modifications of its arguments, as well.

REPLY



Brandon says:

April 17, 2025 at 11:01 am

For me one has to be diligent to the information one has to take into the diligence of the information to what is the responsible use of AI for me. I've been systematically and systemically completely shut out for access to justice by the entire province where my brother was shot and killed by RCMP members on July 3, 2018 no matter where I went or how I tried over 25 different places as soon as I would say something about what the scope is of my matter, all of them would deflect or just not answer me at all, I don't use one specific AI I use multiple AI's considering the amount of data that can be accessed in a vast digital space in a short amount of time

Hasn't been invaluable tool for me where I have fought pretty much both provincial and federal levels of government, but because of collusive, malicious efforts and being subjected to procedural impropriety that's so far the most humane thing that I've experienced is AI... and the tools that are available out there, one has to navigate the legal landscape as best as one can but also must be diligent to the information just because AI says so doesn't mean you should just blindly follow it and if you do so you suffer and do so at your own peril.. if it wasn't for AI I wouldn't be on my way to Supreme Court of Canada or the sheer amount of volume and data that I have from official responses of both ministers, judges, highest ranking officials within the judiciary, any person who is a reason and or correctness, can navigate the entire landscape using AI... it's not all bad and I've had huge amount of success with the use of it responsibly like everybody should

REPLY



Mai says:

February 25, 2026 at 5:50 pm

My case was fought before the introduction of AI to the public. But I often wonder how useful and time saving it would have been had it been available. I outlined some tips on how

to use it in my book. <https://www.andreamaicreative.com/archive/diary-of-a-self-rep/> I look forward to seeing its further development in assisting self-reps.

REPLY



Francis Dwyer says:

March 4, 2026 at 11:25 pm



I am self-represented in a case currently before the Supreme Court of B.C.. it is, I am told by a distinguished , retired lawyer interesting, unique and could even go to the SCC. It involves my two years as a designated essential care partner for my wife who was dying of a hereditary neurological disease. Our case involves end-of- life decisions, the role of advance care directives versus MOST forms, representation authority, possibly a novel duty of care towards ECPs, autonomy and the extent of state power in such difficult situations. I have taken the case myself to an August last, SCBC hearing on dismissal brought by the defendant health authority. Judgement is expected soon. At the onset I approached seven legal firms, Amicus C, legal assistance, two law clinics, three legal clinics, a law school and more. No one could or would assist me. On the day before I registered my claim, I walked the streets of our small town, went into four law firms and politely offered to pay a lawyer, pay well with the last of my small resources, simply to offer an opinion on weaknesses in my notice of claim, acknowledging this was not legal advice. I was declined at every turn. So I have learned, and represented without Ai, best I could, and we now patiently await judgement. I have now discovered ChatGPT and it is of immense value to me in better understanding the law (not using it for citing case law) and in helping me to plan next steps. There may be pitfalls, but at 84 years, impoverished by events including having to move across half the province to find care, endured a devastating experience over three years, I am resolute and determined to use whatever help I can find to seek my day in court, and hoped for justice. I have nothing left to lose, seeking not enrichment or revenge, but vindication, deterrence and change in a care system openly acknowledged as broken and fragmented, After the pandemic we all need to examine what happens, routinely in long-term care. If Ai can help, I can only cheer.

REPLY

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