

Artificial Intelligence and the Judiciary

The Judicial Institute for Scotland

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in England and Wales**

1. It is a pleasure and an honour to be back in Edinburgh to address the Judicial Institute for Scotland. I am very grateful to Lord Pentland for that kind introduction.
2. A first approach to the subject of *Artificial Intelligence and the Judiciary* is to look at how AI could make the judiciary more efficient, and how AI will change the work judges will be doing in the future. It is no secret that I think that AI will be used in every aspect of the work of lawyers and judges. Indeed, those changes are happening now. In my view, the use of AI will speed up legal and judicial work, and will allow justice to be delivered more quickly and at more proportionate cost. But that is only really part of what I want to talk about tonight.
3. I am hoping also to draw the threads of some of my recent lectures together. In these lectures, I have made four connected points about the way we deliver justice in what I call the machine age and about the expectations and understandings of those for whom it is provided.
4. I believe that the current generation of judges and lawyers bears a great responsibility. We happen to be the ones who were *in situ* when ChatGPT burst into our lives only 3½ years ago in November 2022. We happen to be those operating our justice systems at a time of seismic change. It is therefore incumbent on us, in my view, to do the hard work necessary to lay the foundations for justice systems of the future that will use technology to a far greater extent than ever before, and,

more importantly, will provide justice to generations of people and businesses, whose lives will have been transformed in all their aspects by the adoption of artificial intelligence.

5. If we are properly to respond to these challenges, we need to understand how justice systems can and should change, and just as significantly, we need to understand the attitudes and expectations of those new generations of people who the justice systems of the future will serve. We need to engage these new generations in the process of rejuvenating our justice systems, in the light of technological change.
6. The objective should be to create, alongside those for whom justice is provided, justice systems that are relevant and robust in the new technological environment. This will not be easy, and we will be required to challenge many of our deeply engrained analogue assumptions. But I believe our task is essential and urgent. If our justice systems are to retain the confidence of society, there is no time to lose.
7. To cut to the chase, I think that there are essentially two strands: the first is to embrace technological change and to shape how it is used within justice systems alongside the generations who are most familiar with it. The second strand is communication, because there is a danger that the distinctive importance of justice systems and justice itself, as compared to the other arms of state, is not readily understood by those who obtain all their information online or on social media. If the importance of justice and the rule of law is not properly understood, there is an enhanced risk that inappropriate uses of AI will pass unnoticed under the radar without proper scrutiny.
8. Let me start then by summarising very briefly, the four points, I have already made at some length in recent lectures. I will then explain how those points are related, before attempting to outline: (i) why the expectations and understanding of modern generations have an impact on how justice is to be delivered in the machine age, (ii) how the importance of justice in the machine age can be communicated in our new

environment, and (iii) what justice systems might look like in the future.

The four points

9. First, in a number of lectures, I have suggested that, in the world of ever-more capable AI, society in general and the legal community in particular needs urgently to work out what judicial decisions can or should be appropriately informed or taken by AI and what judicial decisions ought never to be taken by AI.¹
10. It is now inevitable that basic economics will dictate that **routine** judicial decision-making will be informed or directed by machines. There will be dedicated programmes that will be able to decide many routine cases as reliably as human judges. They will, in the first instance, be used only with the agreement of the parties, but that acceptance will rapidly become automatic, as the parties to disputes realise that it is far quicker and far cheaper to allow a machine to decide run-of-the-mill legal questions.
11. My views on this question have been bolstered by a very recent report from a group of French academics from *Le Club des Juristes* entitled: *Intelligence Artificielle et justice civile: perspectives and ambitions*, which includes the recommendation that: “[t]he use of algorithmic systems, including AI, should also be considered in compensation litigation, such as personal injury compensation”.²
12. *Le Club des Juristes* identified that a determination of the personal injury damages to which a claimant is entitled is very

¹ The Blackstone Lecture is at <https://www.judiciary.uk/speech-by-the-master-of-the-rolls-are-rights-sufficiently-human-in-the-age-of-the-machine/>. The Durham lecture is at <https://www.judiciary.uk/keynote-speech-by-the-master-of-the-rolls-at-the-human-rights-algorithmic-justice-and-global-ai-policy-conference/>.

² In French at [5.1]: L’emploi de systèmes algorithmiques, dont l’IA, est également à considérer dans le cas des contentieux indemnitaires, comme la réparation du préjudice corporel.

much a mechanical or algorithmic exercise once the machine can have access to every relevant recent court authority on such assessments.

13. It is hard to say how far the use of AI to inform or enable routine judicial decision-making may extend. But I would guess that it will go further than many may now imagine. We can already see extensive usage of AI to inform judges taking decisions in China, Brazil and Argentina.
14. One central theme that I emphasised in, and have been emphasising ever since, the Blackstone lecture is that judicial decision-making is **different** from other types of decision-making. The Government may decide the amount of your pension using AI, but a final judicial decision is your last chance to assert your rights and to challenge such a decision. In a democratic society, citizens and businesses should, I have said, only be required to give up the right to have their obligations determined by a human judicial decision in favour of machine-made judicial decisions with their eyes open, with their fully informed consent and after the necessary legislative changes have been made following a mature and careful debate.
15. On 17 April 2026, in my talk to the Association of Law Lecturers in Exeter,³ I gave essentially five reasons why humans will remain important to justice in the machine age. First, following on from what I have just said, human judges will surely still be needed to make the final appellate decisions about a human's basic legal rights. Secondly, humans will remain crucial to the development of legal principles for the benefit of humanity as human culture and human society adapts to the machine age. Thirdly, machines take decisions very quickly, but humans take a considerable amount of time: (a) to understand such decisions, and (b) perhaps even more importantly to **accept** those decisions. Humans will remain instrumental in guiding and assisting other humans towards

³ <https://www.judiciary.uk/speech-by-the-master-of-the-rolls-reimagining-legal-education-for-the-future-of-law/>

the understanding and acceptance of machine-made decision-making. Fourthly, the delivery of justice is as much about the confidence that humans have in the system as it is about the precise outcomes. Fifthly, even the youngest generations do not find the complexity of modern life easy to navigate and understand. Lawyers will still be needed to explain complexity in a world of ever more capable machines. That will be crucial to the survival of the legal community.

16. On 5th February 2026, I spoke at the Old Bailey in London about *Justice for All*.⁴ In that speech, I explained that ‘justice’ has a new meaning in our modern times. When our justice system was created back in 1873, justice was provided only to the wealthy members of a much smaller non-diverse population. Now, the citizens and businesses of our countries expect to see a system where justice is available equally to the least privileged and the most vulnerable in our society as it is to the most wealthy and the most privileged. That is a big change.
17. On 10th March 2026, I spoke to the Alliance for Lawyers at Risk.⁵ In that lecture, I suggested that the term “the rule of law” was particularly inapt, because it sounded anodyne and gave the impression that it was defending a process by which lawyers and judges impose and enforce the law (good or bad) **against** private citizens. That, I said, was actually the antithesis of what we mean by the rule of law. The rule of law is really about the protection of private citizens against the abuse of power by the state. It is about the clear and accessible predictability of a legal system that applies equally to all, to protect the fundamental rights of the citizen, with the powers of the executive exercised proportionately, fairly and in good faith, so as to comply with national and international law obligations.

⁴ <https://www.judiciary.uk/speech-by-the-master-of-the-rolls-justice-for-all-justice-for-the-accused/#:~:text=4.,Society%20in%20England%20and%20Wales.>

⁵ <https://www.judiciary.uk/speech-by-the-master-of-the-rolls/>

18. These four points of view are all, I think, important if we are to lay robust foundations for the justice systems of the future. Those systems will, as I say, use technology to provide justice to generations of people and businesses, whose lives have already been transformed by AI.

The connections between these four points

19. There are a number of connections between the points made in the four speeches I have mentioned.
20. First, a proper understanding of the rule of law is critical to shaping justice systems in our changed technological world. The rule of law is about protecting the rights of citizens. And those protections will be increasingly important as the pressures of time and economics force us to consider allowing machines to inform or make judicial decisions.
21. Secondly, the expectation that justice will be delivered for all our citizens may also lead to pressure to adopt machine-made decision-making. That will be particularly acute where there are large numbers of cases in the system, such as there are in many of the countries now adopting immediate AI solutions. The pressure to adopt machine-made judicial decisions may not pay adequate regard to the question of whether such decision-making is appropriate for the types of case concerned.
22. Thirdly, machine-made judicial decisions are also likely to lead to high levels of dissatisfaction unless the processes are very carefully and consensually introduced. The need for human lawyers and advisers and human supervision is likely to be very significant.
23. And all these likely changes need to take into account the perceptions and expectations of the people the justice system serves. Let me start with that aspect of the introduction of AI into the judicial process.

24. Before turning to the expectations of the modern generation of lawyers and litigants, though, I should just mention the regulatory landscape. Obviously, article 14 of the EU’s AI Act⁶ makes justice systems into high-risk systems that require human oversight. Likewise, article 22 of the GDPR⁷ seemingly prevents automated decisions that affect a data-subject’s legal rights. And then there is the massively difficult question of whether a machine could ever be an “independent or impartial tribunal” within the meaning of article 6 of the ECHR.⁸ The effect of these provisions will be worked out over time, but there may be pressures to amend or change the provisions themselves. I think we need to consider the questions I have intimated on the premise that the use of AI within justice systems is likely to be the subject of new domestic and federal legislation that the European legal community will be able, in some measure, to shape by the nature of our debate.

The impact of the expectations of modern generations on how justice is delivered in the machine age

25. We already know that almost everyone’s first port of call for legal advice is to ask a publicly available AI such as ChatGPT, CoPilot, Claude or Gemini. We also know that many legal claim documents are then created by these same programmes. Law firms and many of their corporate clients are using dedicated legal advice programmes such as Harvey or Legora

⁶ Justice Systems are High Risk Systems under the EU’s AI Act. Article 14 provides that “[h]igh-risk AI systems shall be designed and developed in such a way, including with appropriate human-machine interface tools, that they can be effectively overseen by natural persons during the period in which they are in use”.

⁷ Article 22 of the GDPR provides that: “[t]he data subject shall have the right not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning him or her or similarly significantly affects him or her”.

⁸ Article 6 of the ECHR provides that: “[i]n the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law”.

as their first port of call. Whether one is a lawyer or a litigant in person, literally everyone is already asking a machine for legal advice before they think of consulting a human lawyer.

26. We also know that those generations who have been brought up with social media and a freely available internet consume information quite differently from those of us brought up with foolscap paper, tippex and broadsheet newspapers. There are a number of different facets to these changes.
27. First, the internet, Facebook, Instagram and Tik-Tok generations generally do not watch mainstream news broadcasts or read press outlets that are hidden behind a paywall.⁹ Judges cannot communicate with these generations through insightful articles about the importance of the rule of law published on the BBC or in the Times, the Wall Street Journal or Le Monde. For the avoidance of doubt, it will be well understood that these generations are defined by much more than just their social media platform of choice; and I use the shorthand with that caveat.
28. Secondly, the news and information that younger generations do consume tends to be in a far shorter and more abbreviated format. Thus, whilst it is quite wrong to assume that younger generations are less able to discern truth from falsehood or to grasp complex concepts, they do not come to their understandings and principles in the same way as the older generations did, and mostly still do. This is important to understand when we are considering how to deliver justice for these generations.
29. Thirdly, the approach to education has changed. Information of all kinds and in all levels of depth can be and is acquired from AI and the internet. For younger people today, there have to be better reasons to embark on a lengthy, expensive and detailed course of study than just education for the sake of education. If we are talking about legal studies, there are, of course, such reasons, since an understanding of the legal

⁹ [News Consumption in the UK 2025 Research Findings](#)

process and of legal reasoning is not just a question of facts or knowledge. And legal qualifications remain necessary to enter legal practice. But many young people nevertheless take a good deal of persuading that formal education is worthwhile when so much can be obtained online.

30. Fourthly, as I have already said, notions of justice itself have changed. Young people react, just as past generations did, to injustice, but do not see that justice has necessarily to be delivered in dusty court rooms by ageing humans. Nor do they react, as many of you may react, in a cautious and essentially hostile way to the suggestion that judicial justice decisions might be taken more quickly, more efficiently and more cheaply by a machine rather than a human.
31. It is these changes in attitude and approach that we need to take into account when designing the justice systems of the future. We can summarise it in different ways. Some might say that younger people have a shorter attention span than their older counterparts. Some might say that they have a lower boredom threshold. But actually, perhaps, they just have less patience with pointless formality and flummery and are more enthusiastic about solutions than the process used to achieve them. In terms of legal dispute, they see no point in the formality of time-consuming legal proceedings if matters can be resolved cheaply and effectively online.
32. And that is the theory of the Digital Justice System that we are creating in England and Wales. That Digital Justice System is underpinned by Part II of the Judicial Review and Courts Act 2022 and the Online Procedure Rules Committee, which I chair. The idea is that any citizen with a legal problem can go online and be directed to the trusted legal information or advice and the trusted dispute resolution service that they need to resolve their particular kind of dispute. This is fast becoming a reality. Of course, the Digital Justice System needs to take into account that its users will first have consulted Google, ChatGPT, Claude or CoPilot about their problem. But that does not reduce or devalue the importance of a functioning and available online justice system that provides legal advice and information and dispute resolution

quickly and cheaply without the need for lengthy and expensive court proceedings, even online ones.

How can the importance of justice be communicated in our new environment?

33. The underlying problem with judges trying to communicate the importance of justice in a modern world to the Tik-Tok generation is that the judges tend to be careful and responsible individuals, who are rightly cautious about using social media themselves, and have often persuaded themselves that social media is a passing phase. They think, mistakenly, that, given time, the young people they are speaking to at schools and universities will adopt the media habits, values and expectations of those over 50 or 60 today.
34. They are wrong. In fact, as time has already shown, the various generations of social media are not passing phases. Without descending into the language of generational variations between Gen Z, Millennials and Generation Alpha, it is clear that the attitudes and approaches of those who use Facebook, those who use Instagram and those who use TikTok (to take three prevalent examples) are quite different from each other and from the attitudes and approaches of most senior lawyers and judges.
35. The Facebook generation still uses Facebook and is cautious about Insta and TikTok. Likewise, the Instagram generation regards Facebook as old hat and is cautious about TikTok. The TikTok generation is unlikely to develop so as to embrace mainstream paid journalism, or even in all probability, the BBC.
36. As lawyers and judges, we need to persuade all the generations I have spoken about of the relevance of our justice systems **to them** and to persuade them of the relevance of the rule of law **to them**. We will not do that successfully unless we engage with **their** methods of communication.

37. But I am not sure that, even if judges were to take to TikTok and try directly to explain the value of judges, a functioning justice system and the rule of law, we would be likely to be very successful. To be honest, lawyers and judges have always been the least appropriate communicators of these messages.
38. Instead, I think we need to address **how** our justice systems deliver justice and try to make those systems more appropriate and relevant to the younger generations that will, in time, become the entirety of the people for whom those justice systems will operate.
39. The problem is that our citizens and small businesses generally take very little interest in judges, courts and lawyers until they are personally faced with a legal problem. Only a very small percentage of citizens encounter the criminal justice system in any one year. I always say that a far larger percentage of citizens encounter a civil, family or administrative law problem every year. In England and Wales, I estimate that some 15 million people encounter some kind of civil dispute every year, even if that civil dispute is only a dispute with a utility company or an argument about a purchase on eBay.
40. AI and social media themselves provide good opportunities to engage younger generations in the development of an appropriate justice system for the new machine age.
41. In this context, we need also to understand what justice means to our new generation of citizens. Justice ought not to be about inaccessible language, inaccessible court rooms, elderly judges or time-consuming and costly legal arguments. Justice should be about the delivery of speedy and cost-effective solutions to people's real-world problems. AI can provide significant assistance in that endeavour as I shall explain in a moment. But it is more than just about new speedier technologically enhanced methods of delivering dispute resolution. It is about communicating the **relevance** of justice to our new generations.

42. To summarise this part of my lecture, I think lawyers and judges need to abandon the assumption that the TikTok generation will eventually become like us. They will not. Their expectations are and will remain quite different. But that does not mean that we should forsake them, nor does it mean that the members of the TikTok generation will not experience legal problems, civil, family and criminal. When they do, they will expect to find that their judges and elected politicians have created for them a justice system that is modern, technologically effective and can produce just and effective outcomes quickly and at proportionate cost. They will require those outcomes to be delivered in most cases online without needless attendances in court save in the most grave and important circumstances.

What might our justice systems look like in the future?

43. For the first year or even two years after GPT3 was launched, the sceptics were in the ascendancy. AI would never be useful or, more commonly, it would never overcome its tendency to hallucinate case names or facts. In fact, these things have already largely been falsified and everyone now knows that AI will indeed be valuable, useful, indeed invaluable, in almost every single human endeavour and professional activity. It is as important in engineering as it is in architecture, and in accountancy as in the law.
44. In order to communicate the importance of justice to the younger generations of citizens about whom I have been talking, we need to make fundamental changes to our analogue justice systems.
45. We need to create transparent online Digital Justice Systems that deliver solutions quickly effectively and at proportionate cost, making full and appropriate use of AI and other developing technologies.
46. Actual delivery of technologically enhanced judicial solutions will be far more effective than any amount of judicial Tik-Tok videos seeking to explain the value of the rule of law. As I

said at the start, in addition to understanding the attitudes and expectations of those whom our justice systems will serve in the future, we need to engage them in the process of rebuilding those systems so as to be fit to serve them.

47. The justice systems themselves must be relevant to those brought up in the machine age. As I also said, this will require us to challenge many of our engrained analogue assumptions. Younger people do not regard technology as new – they just expect it to work. Tech is just how things are now done.
48. If we can achieve what I am suggesting, and if we listen to those brought up in the machine age, I am confident that they will help us to find the right paths to deliver justice in a way that will inspire the confidence of both existing and forthcoming generations. It is absolutely clear that those new generations will have quite as much, if not greater, need of justice solutions as any generation of the past.

Conclusions

49. Lawyers and judges across Europe and beyond have yet, I think, to come completely to terms with the effect that AI will actually have on the way we deliver justice. Many would like to believe that it will not affect anything judges do very much at all. Many want to believe that justice is so special and that lawyers and judges are indispensable and immune from the ravages of the AI revolution.
50. As I have explained, I am sure it is true to say that justice and justice systems are special, and that humans will continue to have need of human judicial decision-making. Nonetheless, the lawyers and judges of today **must** embrace technology to deliver justice in a more streamlined way. That delivery must take account of the shorter attention spans and quite different expectations of our current younger generations and of those to come.
51. Justice and the rule of law will remain critical in the machine age. But the practices and processes of the 19th century will

need to be rapidly adapted to provide relevant digital justice systems fit for the 21st century.

52. Thank you for listening.

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