

From Hallucination to Hearing: Managing AI-Drafted Claims

Artificial intelligence (AI) is becoming increasingly embedded in the day-to-day lives of legal and insurance professionals. The benefits are clear: AI can reduce cost and increase efficiency, whilst it also expands access to justice. However, it is also presenting new challenges, often due to the way in which it is used by litigants in person (LiPs).

AI is increasingly being used by LiPs. That includes, for example, drafting letters of claim, claim forms, particulars of claim and witness statements. There is no doubt that AI is hugely beneficial in terms of furthering access to justice. In the UK, the Lady Chief Justice recently offered her full support for the use of AI by LiPs, commenting that AI can *"really help litigants in person have access to justice because they can get support in drafting their submissions."* However, legal submissions drafted by LiPs using AI can be scattergun and inconsistent, whilst also containing significant factual and legal inaccuracies. When a LiP is, effectively, being advised solely by AI, this can bring about challenges in terms of dealing with claims in a cost-effective way.

The resolution to this challenge is not straightforward – it requires a balancing act between preserving access to justice and the application of a regulatory framework, supported by guidance. The Civil Justice Council's February 2026 consultation paper explored these issues and in response to that paper, the Law Society of England and Wales has called for urgent new guidance from the Solicitors Regulation Authority and HM Courts and Tribunal Service on the use of AI in court documents, as well as a wider review of the use of AI in the justice system. There are other issues beyond the scope of this article where guidance is required, but guidance for LiPs on the use of AI should form part of that guidance.

The lack of a regulatory framework and guidance on the use of AI is presenting challenges in terms of how claims are being pursued across all jurisdictions. In a recent judgment from the Antwerp Court of Appeal (**CofA**) (2025/AR/774), the Belgian appellate court, for one of the first times, expressly addressed the consequences of AI-assisted litigation as part of its costs ruling. The CofA, noted that the appellant's admission that the director of the appellant company had drafted his party's written submissions using AI, which had resulted in shifts in facts, products, and legal grounds had made the case unnecessarily complex and had compelled the respondent to invest disproportionate efforts in its defence and its written submissions.

The CofA dismissed the appeal and on costs, the CofA granted the respondent an increased procedural indemnity of EUR 5,000 for the appeal proceedings, above the applicable base amount of EUR 1,883.72. The CofA was direct in its reasoning: the constant shifts in facts, products, and legal grounds had made the case unnecessarily complex and had compelled the respondent to invest disproportionate efforts in its defence and its written submissions.

Legal professionals and their clients are all facing similar questions in terms of how AI can be used to increase efficiency and reduce cost, but also, on the other hand, how to deal with it being used in ways that are not conducive to matters being dealt with efficiently and proportionately. A regulatory framework and guidance on the use of AI will be important, but that will need to be delicately balanced with ensuring the preservation of access to justice.

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