British Institute of International and Comparative Law

Bridging the Justice Gap – How Smart Technology Can Support Access to Legal Advice for Underserved Communities

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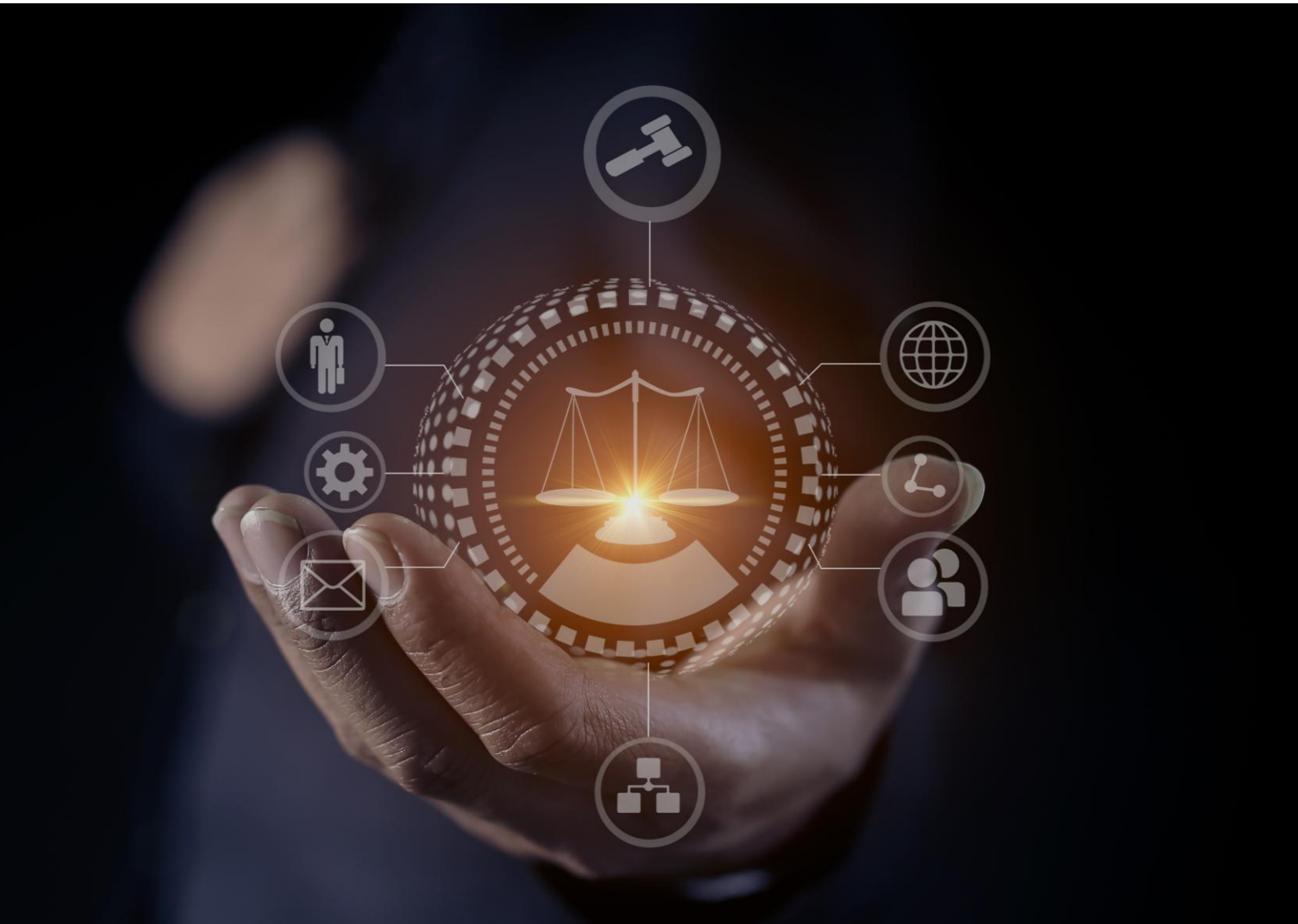

British Institute of International and Comparative Law

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Vision

To be a leading research institute of international and comparative law and to promote its practical application by the dissemination of research through publications, conferences and discussion.

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2. Executive Summary

Vulnerable individuals and groups face significant barriers to accessing (quality) legal services. These barriers, ranging from economic hardship and geographic limitations to systemic discrimination, can severely impact legal outcomes and compound existing vulnerabilities. This report explores how artificial intelligence can be leveraged to support and improve access to justice for under-served communities and highlights the opportunities and challenges involved in integrating artificial intelligence (AI) into legal service provision.

Vulnerabilities hindering access to legal services are categorised into three axes of exclusion: situational, issue-based, and group-based.

1. **Situational Vulnerabilities:** Economic hardship, imposed vulnerability (including from legal aid cuts), and geographic isolation are key factors limiting access to justice.
2. **Issue-Based Vulnerabilities:** Certain areas of law are particularly affected by the reduction of legal aid, often overlapping in ways that leave many individuals without the support needed to address complex and interconnected legal issues.
3. **Group-Based Vulnerabilities:** A range of communities and groups face serious barriers in accessing legal services, often due to intersecting vulnerabilities, systemic discrimination, and gaps in legal aid provision.

These barriers often intersect, creating compounded challenges for vulnerable communities.

Access to legal services for those who cannot afford representation is extremely limited, with many individuals forced to self-represent. While legal aid providers such as law firms continue to offer some support, eligibility restrictions, narrow issue coverage, and limited funding have reduced their availability and capacity. In response, a range of organisations, including NGOs, law clinics, law centres, and generalist advice providers like Citizens Advice, have stepped in to fill the gap. These organisations may specialise in particular issues or groups, or offer broader support, though most are limited to providing initial consultations or advice letters due to funding and staffing constraints. University law clinics, for instance, often rely on students working under supervision. Despite their essential role, these organisations face growing demand and shrinking resources, making it increasingly challenging to meet the legal needs of under-served communities.

AI has the potential to enhance access to justice for under-served communities by supporting legal aid and advice providers through automation, document drafting, legal research, and case management. These tools can reduce administrative burdens, extend service reach to remote or marginalised groups, and improve efficiency and responsiveness, particularly where resources are stretched. AI also offers potential for language support, online service delivery, and faster client engagement through tools like chatbots. However, the current implementation raises questions about equitable access to technology and digital literacy gaps.

Despite clear opportunities, there are also challenges: AI must not replace qualified legal professionals, and concerns around bias, data privacy, integration with outdated systems, training, and high implementation costs must be addressed. Smaller organisations, often lacking technical capacity and funding, may struggle to adopt and maintain AI systems, risking further inequalities. Nonetheless, there is broad recognition among legal service providers that AI tools, if implemented ethically and responsibly, can play a transformative role in making legal support more accessible and efficient.

3. Introduction

Access to justice is a fundamental right and core component of the rule of law.[1] Building on previous work carried out by the British Institute of International and Comparative Law, the concept of access to justice adopted in this report is a comprehensive concept, which covers different stages of the process of obtaining a solution to civil or criminal justice problems. It starts with the existence of rights enshrined in law and with awareness and understanding of such rights. It embraces access to dispute resolution mechanisms as part of justice institutions that are both formal (i.e. institutions established by the state) and informal (i.e. indigenous courts, councils of elders and similar traditional or religious authorities). Effective access includes the availability of, and access to, counsel and representation. It encompasses the ability of such mechanisms to provide fair, impartial, and enforceable solutions. The term, therefore, refers not only to the ability to bring legal claims or defend oneself in legal proceedings, but also to the availability, affordability, and effectiveness of legal information, advice, and representation with the latter being the focus of the present research.

Many vulnerable individuals and groups face significant barriers to obtaining legal services, with severe negative impacts on their rights. These barriers can exacerbate their vulnerabilities, impacting the outcomes of their legal claims and overall wellbeing. This report aims to address the critical need for understanding and improving access to legal services for under-served communities, outlining some of the opportunities and challenges for smart technologies, including artificial intelligence (AI), as tools for enhanced access to justice for all. It focuses on identifying and mapping under-served communities, examining the organisations currently offering legal services, and exploring how technologies can enhance the delivery of these services. The term 'smart technology' is used to refer to systems that utilise advanced technologies like AI and machine learning to operate intelligently and efficiently, automating tasks and analysing data.

As such, it does not address AI generated legal information and support to which many individuals will turn ahead of or instead of seeking advice and support from legal service providers. Whilst hugely important and relevant, an analysis of such services, and the opportunities and pitfalls that they bring to access to justice is beyond the scope of this research. We acknowledge that this limits the scope of analysis in that a significant number of people will never reach or seek the services of legal representatives (whether out of choice or circumstance) for a wide range

[1] 'Legal Support: The Way Ahead. An Action Plan to Deliver Better Support to People Experiencing Legal Problems' (UK Ministry of Justice, February 2019) <https://assets.publishing.service.gov.uk/media/5c5b3a0840f0b676e6ddc6dc/legal-support-the-way-ahead.pdf>.

of reasons, some of which are discussed below. However, an analysis of such services would need to be conducted separately, as it falls outside the scope of the present research.

Our approach to this research involved a comprehensive review of existing literature and studies, as well as direct engagement with individuals and organisations impacted by or involved in providing legal services. We conducted interviews to gather qualitative data in order to obtain insights, gauge attitudes and perceptions, and identify trends. Following the drafting of the initial report, we held two roundtable discussions with stakeholders from diverse professional backgrounds, including academics, pro bono clinic practitioners, AI tool developers, and representatives from the third sector.

The report is structured as follows: Part 1 outlines the **results of the 'mapping under-served communities' exercise**, providing an overview of the communities identified as under-served by legal services, including the factors contributing to their vulnerabilities. Part 2 maps out the organisations (by category) that are offering services to these communities, highlighting the challenges they face and the impact of their work. Part 3 then explores and discusses the **potential role of AI in supporting and enhancing the delivery of legal services**, including key considerations and opportunities.

4. Mapping Under-served Communities

In seeking to map communities that are under-served by legal services, we have considered three axes of exclusion—situational, issue-based, and group-based. Whilst these are presented here in order, it is critical to remember that there are various points of overlap and intersection between these considerations.

1.1 Situational Issues

Situational issues refer to the specific circumstances or conditions that exacerbate vulnerabilities and hinder access to justice. These include:

- **Economic situation**: Individuals facing financial hardship often cannot afford legal representation, which can result in exclusion from legal services.
- **Imposed vulnerability**: Vulnerability can be imposed by societal norms or policies, such as cuts to legal aid funding, which make legal services difficult to access and increase the burden of reach. Legal aid cuts have further limited access to legal services by both lowering the financial means threshold for eligibility and removing significant areas of law from the scope of legal aid (for a discussion of the latter factor, see Section 2).
- **Physical location**: People living in rural or geographically isolated areas face significant challenges in accessing legal services due to a lack of local providers. Legal aid deserts, where legal services are scarce or non-existent, are prevalent in these areas, and the implications of this have been extensively documented. For example, looking at **community care services**, a Law Society of England & Wales (Law Society) research project based on an analysis of the Legal Aid Agency Directory and data from the Office of National Statistics found that in England and Wales, over 70% of the population (over 40 million people) does not have access to a community care legal aid provider, whilst only 15% have access to more than a single provider in their local authority area.[2] Legal aid deserts have emerged due to legal aid cuts and the closure of local legal aid offices. This issue is particularly pronounced in rural areas but also affects urban regions. The lack of local access to legal services results in delays and unmet legal needs, particularly for vulnerable groups facing housing disputes, domestic violence, immigration issues, or employment law matters.

[2] Law Society of England and Wales (Law Society), 'Legal Aid Deserts' (21 February 2024) <https://www.lawsociety.org.uk/campaigns/civil-justice/legal-aid-deserts/>.

The diagram below (from the Law Society) illustrates these concerns with a focus on housing legal aid providers.

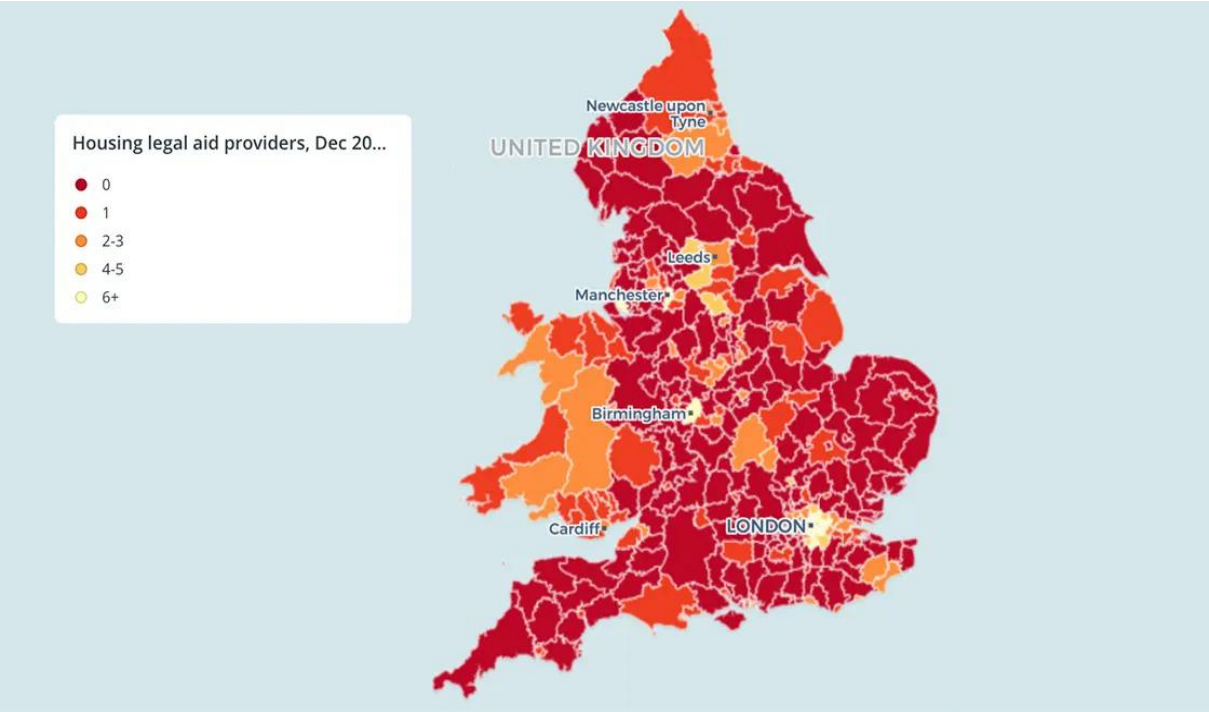


Figure 1: Law Society, Housing legal aid providers [3]

1.2 Issue-Based Vulnerabilities

Certain areas of law are particularly affected by the lack of legal aid, leaving many individuals without the necessary support to address their legal issues. These areas include:

- **Family law**: Legal aid is now typically limited to cases involving domestic violence or child protection, leaving many individuals without support for other family law matters such as divorce and child maintenance issues. As a result of legal aid funding cuts, the number of firms offering family legal aid services has significantly decreased. Many firms specialising in family law have either ceased providing legal aid or narrowed their focus to public family law cases. Despite the reduction in providers, the demand for family law services had not decreased, leading to higher rates of self-

[3] Law Society, *Housing—Legal Aid Deserts* <https://www.lawsociety.org.uk/campaigns/justice-and-rule-of-law/civil-justice/legal-aid-deserts/housing>.

representation. The proportion of family law cases where both parties were represented fell from 45% in 2012 to just 19% in 2022.[4]

- **Housing law**: Legal aid is primarily available in cases where individuals are at risk of losing their homes, such as eviction or repossession proceedings. Other housing-related issues, such as tenancy disputes, are excluded. Even for issues that are theoretically within the scope of legal aid, Law Society mapping revealed that 43.6% of the population lacks access to a housing legal aid provider within their local authority area. Only 33.3% of the population has access to more than one provider in their local authority area.[5] This shortage means that many individuals facing serious housing issues and at risk of homelessness will struggle to receive the localised in-person advice to which they are legally entitled. An interviewee working at a legal clinic noted that most inquiries received concerned housing law.[6]
- **Immigration law**: Following funding cuts, legal aid is restricted to asylum cases and some detention-related matters, leaving many migrants and asylum seekers without support for other immigration issues. This has been reflected in UK Government statistics on the number of immigration cases commenced and concluded each year, with numbers rapidly declining over the last two decades.[7] The complicated nature of immigration law, language barriers, and difficulties in accessing necessary evidence make it nearly impossible for those with immigration-related claims to represent themselves effectively. Without legal aid, individuals struggle to understand their rights or present their case adequately, leading to a higher risk of deportation or remaining in precarious living conditions.
- **Community care**: Access to legal aid is also significantly limited in the community care sector. Despite community care being one of the few areas to escape legal aid funding cuts, the number of providers offering services in the area has plummeted in recent years.[8] Predictably, the declining numbers of available providers has led to a significant drop in the number of community care cases commenced, with the Ministry of Justice reporting a decline of almost two-thirds between 2012/13 and 2023/24.[9]
- **Welfare services**: The Law Society research project referenced above found that 84.9% of the population in England and Wales does not have

[4] Law Society, 'Mediation in Freefall Due to Lack of Legal Aid' <https://www.lawsociety.org.uk/contact-or-visit-us/press-office/press-releases/mediation-in-freefall-due-to-lack-of-legal-aid> accessed 2 December 2024.
[5] Law Society (n 3). See Figure 1 above.
[6] Interview Number 6.
[7] UK Government, 'Legal Aid Statistics Data Visualisation Tools' <https://www.gov.uk/government/statistics/a-guide-to-legal-aid-statistics-in-england-and-wales/legal-aid-statistics-data-visualisation-tools> accessed 15 January 2025.
[8] K Ashton et al, 'Adapt and Survive' (Legal Action Group, 26 November 2024) <https://www.lag.org.uk/article/216278/adapt-and-survive> accessed 3 March 2025.
[9] Ibid.

access to a welfare legal aid provider, leaving them unable to challenge or appeal decisions, and less than 5% has access to more than a single provider in their local authority area. Further, following legal aid cuts, most welfare benefits claims fall outside the scope of legal aid, with only those involving appeals to the Upper Tribunal or higher courts eligible to be legally aided.

- **Debt and financial concerns**: Legal aid for debt-related cases is limited to situations where individuals are at risk of losing their homes, leaving many without support for other debt issues and financial concerns. Between 2012–13 and 2017–18, legal help expenditure for debt cases fell by over 99%, suggesting that access to legal support for debt-related issues has been almost entirely eliminated.[10]
- **Employment law**: Legal aid is limited to cases involving discrimination under the Equality Act 2010, leaving many individuals without support for other employment-related issues. Although legal aid is available for (telephone or in-person) advice and representation in some discrimination cases, it does not extend to representation in Employment Tribunal proceedings.

Scenario (based on interview)

A woman with insecure immigration status approaches a legal advice service after experiencing domestic abuse from her partner. She presents with multiple legal issues: in family law, she needs support with child arrangements, a non-molestation order, and divorce proceedings. Her case also triggers immigration concerns, as her right to remain in the UK is linked to her partner who is her immigration sponsor. Additionally, she may face housing issues if she needs to leave the shared home for safety. This scenario illustrates how one life event, such as domestic abuse, can generate multiple, overlapping legal needs across different areas of law, requiring a coordinated and holistic response.

Critically, it is important to note that in many situations there will be overlaps between different areas of law—for example, an employment or family law concern may have implications on an individual's immigration status. The complexity of these cases makes it such that the limited funding available for legal aid means that holistic services are even more challenging. Quality legal advice includes being able to address the range of legal issues, the intersections of those

[10] Ministry of Justice (MOJ), 'Post-Implementation Review of Part 1 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO)' (2019) 90, para 397 <https://assets.publishing.service.gov.uk/media/5c5b3b2b40f0b676c362b4e0/post-implementation-review-of-part-1-of-laspo.pdf>.

legal questions, and/or ensuring referral to legal advisers able to provide quality advice on those specific matters.

1.3 Communities and Groups

Various communities and groups have been identified as under-served by legal services due to their heightened vulnerabilities and the specific challenges they face. These include:

- **Women**: Women face significant barriers in accessing legal support, particularly in family law cases not involving domestic violence, as well as a range of other legal issues. Recent research by the Women's Budget Group on barriers for women accessing civil legal aid in England and Wales identified five key challenges. These include: (1) a lack of awareness and signposting about available services; (2) disconnected services, making navigation of the legal aid route difficult; (3) a lack of early advice, which prevents issues from being addressed early on; (4) inaccessibility due to geographic or language barriers; and (5) ineligibility, where women are excluded from legal aid due to either or both a complicated application processes and/or limited scope of eligibility.[11]
- **Persons with disabilities**: Individuals with disabilities encounter accessibility issues within the legal system, compounded by social and systemic biases. As research published by BIICL's Bingham Centre with the International Bar Association found: 'Persons with disabilities face disproportionate socio-economic marginalisation, resulting in poorer health and medical treatment, lower quality of education, limited employment prospects and generally broad-ranging restrictions on their community participation. These negative outcomes are exacerbated by barriers to access to justice specifically experienced by persons with disabilities.'[12]
- **Migrants and asylum seekers**: Migrants, including asylum seekers, face significant barriers due to their immigration status, limited access to public funds and fear of deportation. Language and cultural barriers may also significantly limit access to legal services for migrant populations. Legal aid cuts have made it increasingly difficult for them to secure timely and adequate legal advice on a range of immigration-related issues. However,

[11] Z Haque, 'Gender Gaps in Access to Civil Legal Justice' (The Women's Budget Group, 2023) <https://www.wbg.org.uk/publication/gender-gaps-in-access-to-civil-legal-justice/>.
[12] J Beqiraj, 'Access to Justice for Persons with Disabilities: From International Principles to Practice' (Bingham Centre for the Rule of Law, 31 October 2017) <https://binghamcentre.biicl.org/publications/access-to-justice-for-persons-with-disabilities-from-international-principles-to-practice?gad_source=1&gclid=Cj0KCQiAoJC-BhCSARIsAPhdfSgvzHIyBGQHKI-GczlvOs8pNuStcgJDMKzREswZdqthcbNg5hv37T0aAmeoEALw_wcB&cookiesset=1&ts=1740911281>.

access to legal services for non-immigration-related issues remains a critical (and often unaddressed) consideration.

- **Victims of modern slavery and exploitation**: Individuals with lived experience of modern slavery often have complex and intersecting legal needs, but face challenges in accessing legal advice due to supply issues, a lack of awareness of their rights, and the absence of support in accessing advice. Fear of prosecution and punishment is a further concern that pushes individuals away from access to legal services.

In 2023 at the British Institute of International and Comparative Law, we published research on the impact of lack of access to **legal services on victims of modern slavery.**[13] In that research we found that:

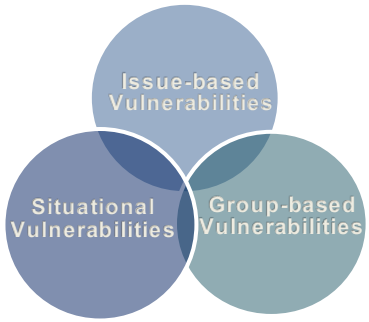
- Access to legal advice is key to the wellbeing of people with lived experience of modern slavery, with quality of legal advice being a critical factor in its impact on individuals. Factors determining the quality of legal advice include the technical expertise of the legal service provider, the adoption of a 'holistic approach' to legal advice provision, effective and trauma-informed communication with the client, and timeliness as well as cultural appropriateness and sensitivity.
- A lack of quality legal advice can impact every area where people with lived experience of modern slavery are in touch with the legal system, including: formal identification as a 'victim of modern slavery' and referral into the National Referral Mechanism (NRM); immigration and asylum processes; access to compensation and other remedies; criminal proceedings; family matters; and access to mainstream services.
- Lack of access to quality legal advice can directly affect the recovery and wellbeing of people with lived experience of modern slavery by contributing to ongoing uncertainty, anguish and anxiety around their situation.

- **Ethnic minorities**: Ethnic minorities, particularly those from historically marginalised communities, face systemic discrimination that hinders their access to justice. This includes challenges related to language barriers, a lack of cultural awareness, and discriminatory behaviour from various actors within the legal system.

[13] JP Gauci, N Magugliani and J Trajer, 'Impacts of a Lack of Legal Advice on Adults with Lived Experience of Modern Slavery' (2023) <https://www.biicl.org/documents/158_legal_advice_full_report.pdf>.

- **LGBTQI+ individuals**: LGBTQI+ individuals face unique legal challenges, including in the areas of discrimination, family issues, migration, and hate crimes. They often encounter barriers to justice due to social stigmatisation and a lack of understanding of their specific legal needs (including on the part of service providers). These challenges are compounded by a legal framework that often fails to fully accommodate the rights and needs of LGBTQI+ individuals, leading to further marginalisation. Legal aid and support services targeting LGBTQI+ groups are often limited, and in some areas, there may be a shortage of trained professionals capable of offering sensitive, competent advice.
- **Children**: Children, particularly those in vulnerable situations such as those experiencing abuse or neglect, face significant and unique challenges in accessing legal support and navigating the justice system. Legal systems often fail to provide adequate representation and support that addresses their specific needs and vulnerabilities.
- **Elders**: Older individuals may face barriers related to mobility, accessibility, and financial constraints, impacting their ability to access legal services. They may require additional support or reasonable adjustments to effectively access the legal advice they require.
- **Low-income individuals**: Those facing financial strain, including debt issues, often lack the resources to afford legal representation, but may not meet the financial means thresholds for legal aid. Legal aid cuts have left many without support for debt-related issues, exacerbating their financial vulnerability.
- **Rural and geographically isolated populations**: People living in rural and isolated areas face significant challenges in accessing legal services due to geographical remoteness and a lack of local legal providers, particularly quality and specialised legal support.

Intersectionality of Vulnerability



Vulnerabilities often intersect, creating unique forms of disadvantage. For example, a disabled migrant woman facing domestic abuse in a part of the country with no or limited legal aid providers experiences multiple and overlapping barriers that make accessing justice even more challenging. These intersectional experiences highlight the need for a holistic approach to addressing the legal needs of under-served communities and avoiding silo-isation in delivering legal services and support. This intersectionality impacts every aspect of the legal issues—from the experience of the particular action by the individual, to how that issue is addressed in law, to the availability of comprehensive legal services. For example, as Yong highlights, 'the exclusion of protection for migrant victim-survivors with precarious immigration statuses under the (Domestic Abuse) Act (2021)[14] demonstrates a failure in understanding that the experience and risk of domestic abuse differ for these individuals from that of the mainstream, due to their intersectional identities as (predominantly) migrant women'.[15] Whilst there is often the tendency to look at these issues as a blindspot in or unintended side effect of a particular law, in various contexts, the law is in fact working as it is intended, prioritising particular policy agendas over others.[16] As the domestic abuse example above highlights, the field of immigration is one where this is particularly prominent. The legal aid cuts have also impacted organisations' ability to provide holistic advice to people. People frequently experience legal issues in clusters, reflecting the interconnected nature of social problems. However, following the introduction of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO), organisations reported that they were often only able to assist with one or two legal aspects of an individual's situation. This, in turn, can mean they are unable to address the underlying cause of the problem and, at best, facilitate access to only partial solutions.

Additional Barriers

Besides legal aid deserts and individual vulnerabilities, additional barriers may exist. These include legal fees involved in securing private representation, which are particularly relevant for low-value cases; fees for commencing and taking forward cases; time limits linked to legal processes and procedures; cumbersome and complex procedures that require a sophisticated understanding of the justice system; and language, cultural and other barriers, amongst other things.

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[14] Domestic Abuse Act 2021 <https://www.legislation.gov.uk/ukpga/2021/17/pdfs/ukpga_20210017_en.pdf> accessed 9 June 2025.
[15] A Yong, 'Between a Rock and a Hard Place: Domestic Abuse and Being a Migrant Woman in England and Wales' (2025) 8 Justice, Power and Resistance 95.
[16] Southall Black Sisters, 'The Domestic Abuse Bill & Migrant Women' (2021) <https://southallblacksisters.org.uk/app/uploads/2021/01/da-bill-briefing-paper-2.pdf>.

Vulnerability and Access to Justice

Vulnerability plays a multifaceted role when it comes to access to justice. On the one hand, vulnerable individuals and groups face significant barriers to access to justice and, in particular, access to legal services. But the reverse is also true—a lack of access to justice is a 'mode' of vulnerability which creates or heightens the existing vulnerability of the individuals and communities that are impacted, both directly—in terms of their legal outcomes—and also more broadly, in terms of their general life outcomes, including their wellbeing.

In one of our interviews, a solicitor specialising in human rights (Interviewee 2) underscored the concerns outlined in the 2023 report regarding inadequate representation and guidance from legal aid lawyers.[17] This inadequacy further exacerbates the vulnerabilities of clients seeking assistance. Additionally, a lawyer with pro bono experience (Interviewee 3) noted that, in situations where clients receive only brief consultations or written advice, the relationship between the lawyer and the client does not extend beyond that brief interaction. This limited engagement makes it difficult for lawyers to follow up, rendering the guidance incomplete and ineffective as it fails to properly understand the client's matter. Despite meeting legal aid requirements, individuals remain susceptible to ineffective representation and failure to receive appropriate legal guidance.

Furthermore, interviewees from Citizens Advice expressed concerns that the lack of access to justice has become 'normalised' over the past decade. They highlighted the exacerbation of workload issues faced by legal aid practitioners and noted that some law firms approach legal aid cases based on the likelihood of success. This practice contributes to an inherent inequality in access to justice, as it often prioritises the probability of winning a case over ethical considerations.

An additional layer of vulnerability and barrier to access to justice arises from the challenging working conditions faced by many legal aid practitioners and legal service providers in the third sector. These professionals must regularly contend with overwhelming workloads, financial instability, and significant emotional and psychological stress (including vicarious trauma), which collectively compromise the quality of legal advice and representation they are able to provide.[18]

Impact of Legal Aid Cuts

The introduction of LASPO significantly restricted access to legal aid by tightening eligibility criteria, particularly in civil cases such as family law, housing, and immigration. These cuts have left many individuals without sufficient access to

[17] Westminster Commission on Legal Aid, 'Inquiry into the Sustainability and Recovery of the Legal Aid Sector' (2023) <https://www.apg-legalaid.org/sites/default/files/The%20Westminster%20Commission%20on%20Legal%20Aid_WEB_0.pdf>.

[18] Jo Hynes, 'Overstretched & Unsustainable: A Case Study of the Immigration and Asylum Legal Aid Sector' (Young Legal Aid Lawyers and Public Law Project, April 2023) <https://publiclawproject.org.uk/content/uploads/2023/05/YLALPLP-Report-April-2023.pdf> accessed 9 June 2025; Westminster Commission on Legal Aid, 'Inquiry into the Sustainability and Recovery of the Legal Aid Sector' (October 2021) <https://www.apg-legalaid.org/sites/default/files/The Westminster Commission on Legal Aid_WEB_0.pdf> accessed 9 June 2025.

legal support, exacerbating existing disparities. Individuals with claims in areas of law that have been excluded from the scope of legal aid are now obliged to pay for legal services, appeal to pro bono clinics and NGOs, or represent themselves. If they are unable to do so, they are denied access to the justice system in practice. This concern was emphasised by an interviewee, a family law solicitor working in a multi-disciplinary law firm (Interviewee 1), who pointed out that many individuals in need of legal aid or guidance do not meet the qualifying criteria for legal aid and lack the necessary supporting evidence, thus preventing them from accessing assistance. Legal aid deserts and overburdened providers further limit access, leaving vulnerable groups without the necessary legal assistance to address their issues. Figures below, sourced from Ministry of Justice (MOJ) sources, reflect the drop in the number of matter starts across legal aid sectors, reflecting a drop of 85% between 2009 and 2021.

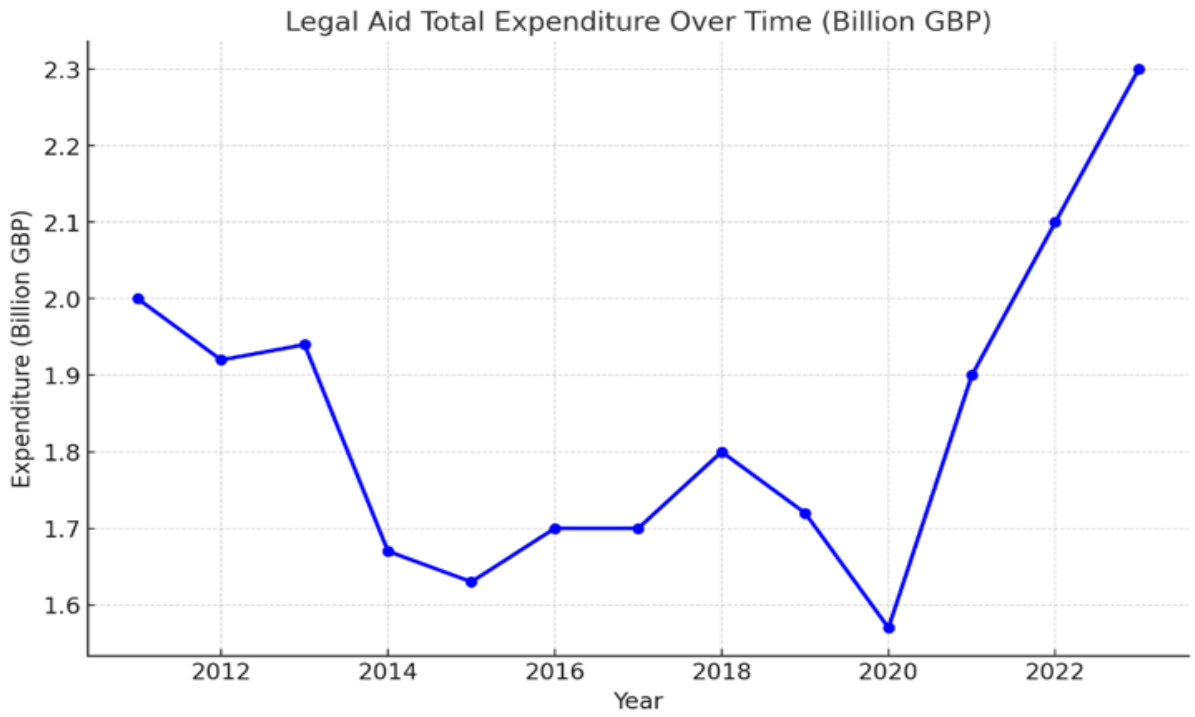
Figure 2: MOJ Legal help and controlled legal representation matters started in England and Wales[19]

Financial Year	Family	Immigration	Mental health	Social welfare	Other	Matter starts
2009–10	308,838	98,539	38,109	422,703	65,626	933,815
2010–11	268,659	82,787	34,623	351,364	48,001	785,434
2011–12	232,390	60,792	39,578	306,890	40,118	679,768
2012–13	204,247	52,371	41,407	244,521	31,224	573,770
2013–14	43,104	28,157	42,242	49,769	10,388	173,660
2014–15	43,828	30,362	42,737	44,760	9,890	171,577
2015–16	37,748	31,653	38,946	40,235	9,512	158,094
2016–17	35,390	29,111	37,692	36,301	8,800	147,294
2017–18	32,956	26,609	36,101	36,662	8,790	141,118
2018–19	33,825	29,126	35,493	33,615	9,719	141,778
2019–20	33,823	33,499	35,647	29,685	9,841	142,495
2020–21	29,453	25,579	33,846	17,385	9,649	115,912

The table below reflects on the expenditure on legal aid over time, reflecting a sharp decline from between 2012 and 2020 and a sharp increase since 2020 to significantly higher levels than in 2020.

[19] MOJ, 'Legal Aid Statistics Quarterly' (January–March 2021) <https://publications.parliament.uk/pa/cm5802/cmselect/cmjust/70/7006.htm>. Social welfare includes 'debt', 'housing' and 'welfare benefits'; Data include solicitors, not for profit organisations and specialist telephone advice service (excluding community legal advice centre).

Figure 3: Legal Aid Total Expenditure Over Time (Billion GBP)[20]



As touched on above, some types of claims that are no longer eligible for legal aid following the introduction of LASPO include:[21]

- Housing disputes (except in cases of serious disrepair, risk or threat of homelessness, or anti-social behaviour).
- Private family law cases (except in cases of domestic violence, child abuse, or abduction).
- Immigration (except detention and asylum claims).
- Clinical negligence (with exceptions for certain infant neurological injury cases).
- Employment disputes (except those under the Equality Act 2010 or involving victims of human trafficking).
- Debt (except when at risk of homelessness).
- Education (except special needs cases).
- Welfare benefits claims (except appeals to the Upper Tribunal or higher courts).

[20] Legal Aid Agency, 'Annual Report and Accounts 2023–24' (HC 97, 2024) <https://www.gov.uk/government/publications/legal-aid-agency-annual-report-and-accounts-2023-to-2024>.
[21] Amnesty International UK, 'United Kingdom: Cuts That Hurt: The Impact of Legal Aid Cuts in England on Access to Justice' (2016) <https://www.amnesty.org/en/documents/eur45/4936/2016/en/>.

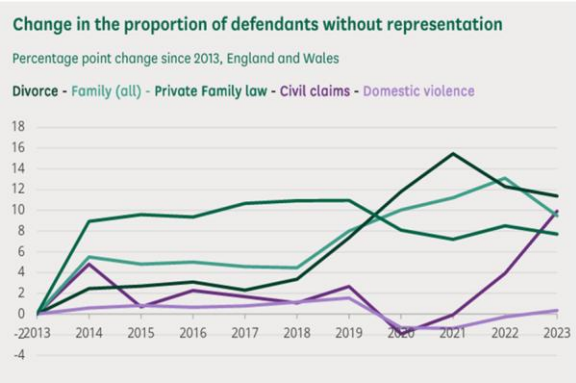
Being under-served by legal services is about more than availability. To use an analogy from the right to education, legal services ought to be available, accessible, adequate, and adaptable. Even where legal aid is (technically) available, providers do not always have the right skills, knowledge, or level of expertise in the specific subject matter at hand. BIICL research on legal advice for people with lived experience of modern slavery, for example, found that access to quality legal advice is vital for clients' wellbeing, influencing their identification as victims of modern slavery, immigration status, access to compensation, and overall recovery.[22] Inadequate legal advice can result in uncertainty, financial difficulties, and potential re-exploitation. Further, secondary victimisation can occur when the legal system and those working within it treat vulnerable individuals with indifference or worse, compounding their initial trauma and eroding their trust in the system. However, promising practices such as providing early legal support, which was also highlighted by an interviewee (Interviewee 5), as well as fostering cross-sector collaboration and offering specialised training, provide a better chance for the vulnerable individual. The concept of early legal support refers to support by trained legal professionals and the provision of support and advice at the earliest possible stage of a legal issue or dispute, thereby seeking to prevent escalation, building understanding of rights, options and processes, supporting the navigation through legal processes and, in turn, contributing to access to justice. Such support can be provided by a wide range of actors including legal aid providers, community legal centres, pro bono organisations or others. The next section turns to the organisations and entities providing such services in the next section.

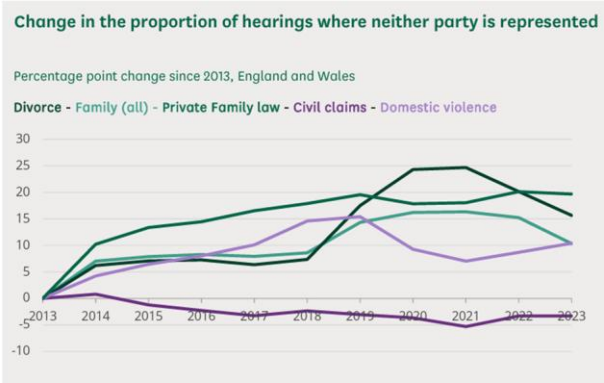
[22] Gauci, Magugliani and Trajer (n 13).

5. Who is Offering Services

For individuals who are unable to afford access to legal services, there are few opportunities to seek legal services. For some, the solution has been self-representation—an issue that has raised significant access to justice and justice concerns more broadly.[23] Data on the outcomes for 'litigants in person' (a term referring to individuals representing themselves) reflects the rule of law and broader challenges arising for people who often have no option but to represent themselves in court.[24] The diagrams below highlight the increase in the proportion of defendants without representation over the span of one decade, with significant increases noted in private family law matters and civil claims.[25] Whilst this data represents increases in self-representation in court proceedings, there are various other areas of law (e.g. the filing of immigration forms) where individuals are likely to proceed independently but would ask for legal advice if it were readily accessible.

Figure 4: Change in proportion of defendants without representation (left); Change in the proportion of hearings where neither party is represented (right).[26]





Where available and accessible, legal aid providers include law firms and law offices of various sizes. However, as noted above, legal aid is increasingly restricted both in terms of who is eligible and what issues can be covered. The legal aid payments available are limited, meaning that complex legal issues are challenging to fund. At the same time, the rules for securing such funding are cumbersome, making them difficult and time-consuming to navigate. Moreover,

[23] See K Kalliris and T Alysandratos, The Effects of LASPO on Court Efficiency and the Impact of Litigants in Person: An Empirical Study' (21 August 2022) <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4196138>; KA Barry, 'The Barriers to Effective Access to Justice Encountered by Litigants in Person in Private Family Matters Post-LASPO" (2020) 42 Journal of Social Welfare and Family Law 1.
[24] L Trinder et al, *Litigants in Person in Private Family Law Cases* (MOJ, 2014).
[25] G Sturge, 'Court Statistics for England and Wales' (House of Commons Library, 13 September 2024) <https://researchbriefings.files.parliament.uk/documents/CBP-8372/CBP-8372.pdf>.
[26] Ibid.

a significant portion of the population, where the household income exceeds the cut-off income levels for accessing legal aid but do not allow one to access privately funded legal services, is excluded from accessing these services.

There are other organisations that provide legal services to under-served communities, including NGOs, law clinics, and other alternative legal service providers. It should be noted that in the UK, only authorised legal professionals (such as solicitors and barristers) can provide reserved legal activities, including litigation, conveyancing, etc.[27] While some NGOs and law centres are able to undertake reserved legal activities through their employed solicitors, other NGOs are limited to providing unreserved legal advice and support. This means that not all organisations are able to address the full spectrum of legal issues faced by individuals. As a result, access to justice can become fragmented; people may receive general advice from NGOs but still struggle to secure representation for reserved matters, such as appearing in court or initiating litigation, particularly where legal aid is unavailable.

Charities and NGOs providing legal services can be categorised into two very broad categories—specialist and generalist. Specialist organisations focus on a specific issue (e.g. migration) or a specific group of clients (e.g. migrants). Generalist organisations provide advice on a wide range of issues (although the number of issues is often circumscribed). One key example of a generalist organisation of this nature is Citizens Advice, which provides advice on a range of legal issues through its network of offices around the country. A member of Citizens Advice (Interviewee 4) highlighted that the organisation operates as a 'conglomerate of advice partners with a lead organisation'. The organisation itself does not provide legal advice; rather, it explains legal processes to clients—such as what to expect when they go to court and filling out court forms around debt processes.

Some organisations are also location-based, providing legal advice on a wide range of legal issues to individuals residing within a particular geographical area, e.g. the Islington Law Centre. These local law centres may be able to provide free legal advice on a range of issues.[28] Law centres are staffed by solicitors and specialist case workers. There are 42 members of the Law Centres Network. LawWorks (the Solicitors Pro Bono Group) is a charity that promotes, supports and facilitates pro bono legal services that extend access to the law for individuals and communities in need and the organisations that assist them. LawWorks supports a network of over 300 independent pro bono clinics across England and

[27] Legal Services Act 2007, article 12.
[28] See Law Centres Network, *Find Your Local Help Centre* <https://www.lawcentres.org.uk/get-help>.

Wales. It is supported by the Law Society, the independent professional body for solicitors. Several organisations also provide second-line services, meaning that their advice is available to frontline organisations.

Most law clinics and law centres are specialised in that they only cover a set number of areas of law. Moreover, most will also have a limit as to the extent of advice they can provide. In fact, many are only able to provide an initial consultation and advice letter but cannot go further than this. This is often the result of limited resources in terms of both funding and (as a result) human resources. For example, university legal clinics, as stated by an interviewee (Interviewee 7), a supervising solicitor at one of these clinics, notes that no advice or oral advice is given to a client by the clinic. Students conduct research and write a letter of support, which is directed to different agencies, law firms, and organisations depending on their needs, and are checked by supervising solicitors.

Several law clinics provide in-person guidance and educational sessions to various community groups, addressing legal rights and responsibilities. For instance, as noted by an interviewee working at the BPP Legal Advice Clinic (BLAC) (Interviewee 6), they often conduct outreach activities outside the clinic, such as in schools, where they interact with young individuals on topics critical to their safety, such as online safety, knife crime, gang violence, and other pertinent issues. Furthermore, these clinics extend their services to correctional facilities, where they discuss the legal rights of incarcerated individuals and address essential topics related to their reintegration, including employment and property rights. Additionally, law clinics reach out to marginalised populations, such as refugees and individuals experiencing homelessness, to foster awareness and access to legal support among these vulnerable groups. These services often lean towards public legal education, a tool supporting access to justice, rather than legal advice, but are worth noting nonetheless.

These organisations often face high demand for their services due to the lack of other available options. They provide critical support, but their resources are limited. Indeed, with the legal aid options shrinking, greater need for support and a higher number of individuals and communities unable to access other legal services, the need for the services of these organisations is very high even if their resources have, at best, stayed constant or, more likely, shrunk over time. A recent report by the London Legal Support Trust found that the finances of legal service agencies studied (Trust's Centres of Excellence) remain precarious, with 23%

reporting cash flow difficulties and many relying on short-term funding.[29] The pressures on legal aid provision extend even into the pro bono sector. In 2024, LawWorks data showed that clinics across England and Wales received over 90,000 enquiries and supported more than 61,000 people, yet nearly 24,000 of those seeking help were left unsupported, more than twice the number than in 2023.[30] Among the reasons identified for this growing shortfall were the effects of funding cuts and resource constraints. Clinics reported the loss of major funding streams, wider budget and staffing challenges across the board.

It should be noted that several philanthropic and charitable funders have also stepped in to mitigate some of the challenges faced; however, the impacts of the cuts are such that such funders can only mitigate some of the risks and issues faced. A MOJ survey indicates that trusts and charitable donations make up 41% of not-for-profit providers' income, surpassing the 30% drawn from direct legal aid contracts.[31] Recent research confirms this trend; an analysis of 560 Access to Justice Foundation grant applications between 2022 and 2023 found that 'other funders and trusts' were by far the largest single income source for advice organisations, averaging nearly half of all income (48.3%), compared with an average of just 16.8% from legal aid contracts.[32]

[29] London Legal Support Trust, 'Centres of Excellence (COEx) Annual Review 2024' (Phil Jew Consultancy, 2025) <https://londonlegalsupporttrust.org.uk/wp-content/uploads/2025/04/COEx-Annual-Review-2024-Report-V2.0.pdf?swcfpc>.

[30] LawWorks, 'LawWorks Clinics Network Report 2024' (2024) <https://www.lawworks.org.uk/sites/default/files/files/LW-ClinicsReport2024-web.pdf>.

[31] PA Consulting (Human Insights Team), 'Survey of Civil Legal Aid Providers in England and Wales: Informing the Review of Civil Legal Aid' (MOJ, January 2024) <https://assets.publishing.service.gov.uk/media/65aa4068ed27ca000d27b28a/civil-legal-aid-providers-survey.pdf>.

[32] J Wilding and H Selby, '"Overwhelmed by the General Demand for Advice": A Picture of the Not-for-Profit Legal Advice Sector in the 2020s' (2025) Journal of Social Welfare and Family Law 1 <https://doi.org/10.1080/09649069.2025.2530884>.

6. Engaging Smart Technologies: Opportunities and Challenges

The integration of AI tools in legal aid and advice has the potential to transform how legal services are delivered to under-served populations, with significant impacts on access to justice for vulnerable communities. It can serve as a powerful tool to mitigate existing challenges and inequalities in access to justice. As identified in the previous sections, access to justice is increasingly strained due to reductions in legal aid and growing demand for services. Third-sector organisations and pro bono clinics, particularly those serving marginalised communities (as well as legal aid providers), face the dual challenge of delivering high-quality services while grappling with resource constraints. AI tools can provide opportunities to mitigate some of the administrative and related burdens, allowing organisations to provide services and expand their reach to a wider audience. In brief, AI can assist some providers in doing more with existing limited resources—doing more with less.

This section explores the role of AI in supporting the delivery of legal advice, including the opportunities associated with the use of such tools, such as the streamlining of internal processes, case management, legal research, and document automation, in turn ensuring that legal service organisations can deliver services more efficiently and effectively. This section will also examine the challenges in AI tool implementation in such settings, including the ethical and operational considerations that must be taken into account to ensure that the integration of AI within these providers is safe and ethical. This section benefits from insights gathered from interviews with legal service providers and relevant stakeholders on whether and how AI tools are currently being adopted in legal service delivery and the tangible impact they have on legal professionals, their clients and access to justice more broadly.

3.1 Improving Efficiency and Reach of Legal Services

AI can empower NGOs, charities and legal aid services to expand their reach and help more individuals by automating time-consuming tasks and freeing human resources. AI can streamline processes like the delivery of legal information, document drafting and case triage, allowing organisations providing these services to do more in less time and with less resources. This in turn is likely to allow those who need it to receive quicker and more cost-effective support as organisations are able to broaden their reach.

As confirmed by BIICL research on the 'Use of AI in Legal Practice', legal practitioners are increasingly adopting AI and data analytics tools, including smart virtual assistants, to boost efficiency, streamline processes, and enhance client

services.[33] These tools range from simple, standalone platforms to more advanced systems integrated within existing legal software. The primary goal of these AI-powered assistants is to help lawyers manage their workload more effectively, allowing them to concentrate on complex legal tasks that require human expertise.

More specifically, many legal practitioners are integrating AI-powered case management systems that can automate and organise case files, track case progress, and manage communications more effectively.[34] Routine tasks, such as document preparation and legal research, can also be (at least partially) automated through AI, significantly reducing the time spent on these processes As recognised by most of the interviewees, AI can—and already has—contributed to improved efficiency and time management in the legal sector, particularly in tasks such as drafting correspondence and advice letters, and conducting background research. Document automation tools, for example, can generate standard legal documents based on predefined templates and data inputs, saving significant time for legal professionals.

3.2 Client Interaction and Trust

AI can contribute to faster response times and greater availability of legal support. AI-driven chatbots and virtual assistants are often used as a first step in the process before clients are connected with an advisor. These tools can help signpost and address initial client inquiries, assess the nature of their legal issues, and provide immediate responses to common questions, especially for litigants who may not have access to legal services.[35] These tools can guide clients through basic legal processes, clarify the steps they must take, and offer information on legal procedures. In this way, these tools are not a substitute for professional advice but, rather, a means of streamlining access and guiding clients towards the appropriate support.

For example, Citizens Advice has begun exploring basic automation by implementing a chatbot on its website. However, this tool is not powered by AI. It functions through a simple decision-tree model, directing users to pre-selected webpages based on keywords. For example, if a user types 'help me with it', the chatbot will direct them to a relevant information page. However, the tool does not take into account users' individual circumstances or needs.

In areas with poor internet connectivity, low digital literacy, or limited access to devices, the shift to AI-powered legal assistance risks excluding the very communities that it aims to serve. These limitations could create a two-tiered system, where only those with adequate technological infrastructure, knowledge

[33] I Pietropaoli, 'Use of AI in Legal Practice' (British Institute of International and Comparative Law, 17 October 2023) <https://www.biicl.org/publications/use-of-artificial-intelligence-in-legal-practice>.
[34] G Gentile, 'LawGPT? How AI Is Reshaping the Legal Profession' (*Impact of Social Sciences*, 8 June 2023) <https://blogs.lse.ac.uk/impactofsocialsciences/2023/06/08/lawgpt-how-ai-is-reshaping-the-legal-profession/>.
[35] A Schmitz and J Zeleznikow, 'Intelligent Legal Tech to Empower Self-Represented Litigants' (2022) 23 Science and Technology Law Review 142.

and skills are able to benefit from enhanced legal access, while others remain at the margins.

What is more, the roundtable discussion highlighted that there are individuals who may not feel comfortable interacting directly with lawyers and the use of online platforms may provide a more accessible means of communication and information acquisition. Indeed, roundtable participants noted that some may prefer to seek online or AI-generated legal advice independently rather than engage with legal professionals or formal support systems. On the one hand, this may empower individuals by increasing their sense of autonomy and reducing the intimidation or cost barriers associated with formal legal processes. However, this presents its own risks, as legal problems are highly context-specific and AI-generated guidance may lack the precision required to address the specificities of individual cases raising serious concerns about the quality of the information being provided. As noted in the Introduction, a detailed analysis of AI generated legal advice is beyond the scope of this research.

By contrast, others place significant value on direct human interaction, since building trust with a legal advisor could be essential, especially in cases involving trauma, vulnerability, or a fear of authority. In such contexts, the relational aspect of legal support can determine whether a client feels safe enough to disclose critical information or to fully engage with the legal process. As one roundtable participant noted, trust remains a major hurdle for the adoption of tech-powered support tools, which must demonstrate credibility and care to be accepted by users (and gatekeepers). There is a value to individual wellbeing of being heard and acknowledged, knowing that someone has listened to the facts and particularities of one's case.

The roundtable discussion also highlighted that trust is not built solely through human interaction. Rather, features such as transparency, independent governance, quality assurance, and demonstrable fairness all contribute to whether a system, human or digital, is perceived as trustworthy. For some groups, particularly neurodiverse individuals, the option of interacting with technology may in fact feel safer or less intimidating than speaking to a professional directly. In addition to expanding responsiveness, smart technologies offer the potential to reduce communication barriers between legal advisors and clients.

Overcoming language barriers, for instance, is another critical area where AI can enhance accessibility. Many legal aid clients, especially those from migrant or minority communities, face challenges in understanding the legal system due to language differences.[36] AI-driven translation and interpretation tools can provide real-time language support, making legal advice and documents accessible and comprehensible in multiple languages and supporting legal service providers in communicating with their clients. More effective communication, in a language people are more likely to understand, can positively impact trust in the advice being provided and the relationship of trust between the client and their legal

[36] AM Boulanger, 'The Pros and Cons of Machine Translation and AI in Legal Translation' (*School of Continuing Studies*, 19 Sep 2024) <https://www.mcgill.ca/continuingstudies/article/pros-and-cons-machine-translation-and-ai-legal-translation>.

service provider. It ought to be noted, however, that translation and interpretation services alone are unlikely to meet the communication needs necessary. If addressed cautiously, this can, however, support communication with legal advisors, mitigating some of the risks of misunderstandings and reducing the time required for that communication.

Taken together, these innovations can improve the client experience and ease the pressure on overstretched legal service providers. There was a general consensus among the interviewees and roundtable participants that AI has the potential to assist more vulnerable populations in accessing legal assistance while also (or, rather, through) alleviating the heavy burden on legal aid practitioners. Notably, as one interviewee (Interviewee 5) emphasised, early legal advice is often more efficient and cost-effective, and smart technology could support legal services to deliver this at scale. As such, helping clients to understand their rights and options early could prevent unnecessary litigation and ease the pressure on courts. While these tools are no substitute for systemic reform (including of the legal aid system), they represent a meaningful opportunity to strengthen the delivery and accessibility of legal services, provided their limitations are acknowledged and addressed.

It should also be noted that the smart technologies on which this research is focused only address a particular cohort of people who are in some way engaged with legal service providers. There will be a significant number of people who will not make it to that stage and the delivery and support of legal information directly to clients (B2C) is itself a matter which has significant potential but carries significant risks. That analysis is beyond the scope of the present research, although it would be beneficial to be examined in future research.

3.3 Expanding Access to Remote and Under-Served Communities

Smart technologies can significantly improve the reach and accessibility of legal aid services, especially for under-served remote communities.[37] As seen in the previous section, traditional legal aid services often struggle to provide support in rural or geographically isolated areas due to the limitations of physical infrastructure and travel costs. One of the interviewees in the legal aid sector (Interviewee 4) noted that AI could support legal advice centres by, amongst other things, supporting advisors in giving advice. By leveraging digital tools, AI-powered platforms can enable legal aid providers to extend their services beyond location constraints, offering support through online portals, virtual consultations, and other measures to reach audiences.[38] These digital tools allow clients to access legal assistance, eliminating the need for travel and reducing delays in receiving help, bridging the gap and ensuring that justice is more accessible to all, regardless of geographic location. However, implementing AI tools by legal service providers in rural or under-resourced areas still requires significant support

[37] LR Pruitt and Z Newman, 'The Role of Technology in Enhancing Rural Access to Justice' (Social Science Research Network, 22 June 2020) <https://papers.ssrn.com/abstract=3633522> accessed 13 January 2025.
[38] Ibid.

infrastructure and, without sufficient support, digital solutions may create new and additional burdens.

Moreover, while smart technologies have the potential to extend the reach of legal aid services, they do not eliminate the structural problems. The lack of adequate and sustainable legal aid funding, limited numbers of legal professionals, and persistent geographic inequalities in service provision mean that technology alone cannot fill the void. **AI can support and supplement access, but it cannot replace the broader need for robust, locally available legal infrastructure**.

3.4 Accuracy, Accountability, and Oversight

While AI tools can, in some instances, improve the accuracy and consistency of legal advice, they are not infallible. For instance, AI systems might generate legal interpretations or conclusions that deviate from established legal norms, potentially leading to incorrect advice or actions.[39] This raises questions about who is accountable for the advice being provided (including any errors and misinterpretations). Thus, as emphasised by research participants, it is important that the final responsibility for legal advice remains with qualified legal professionals. A solicitor, who has had significant pro bono experience (Interviewee 1), highlighted that AI is still 'a machine' and, thus, it should always be viewed as a tool that supports human expertise, rather than replaces it. These issues have recently received significant attention as courts have addressed issues of AI hallucinations[40] and as regulatory bodies have addressed issues of licensing for AI-focused legal service providers.[41] A qualified legal service provider will always need to check the work provided by AI and take responsibility for the output provided. End users (clients) should be informed if and how AI systems are being used to deliver the services they benefit from. In addition, many advanced AI systems operate as 'black boxes', meaning that their decision-making processes are not easily explainable to users or even developers.[42] In the legal context, this lack of transparency can undermine accountability and make it difficult for clients or practitioners to challenge or scrutinise AI-generated outcomes with significant repercussions on trust.

As discussed in the roundtable, a critical measure in this regard is to ensure that systems are built responsibly by drawing exclusively on accurate, authoritative legal content. This includes integrating information from centralised legal databases and platforms such as LexisNexis, Westlaw, and BAILII, which can help minimise the risk of AI-generated misinformation and reinforce alignment with established legal standards. This will provide a greater degree of confidence in

[39] Pietropaoli (n 33).
[40] UK Judiciary, 'Artificial Intelligence (AI) Guidance for Judicial Office Holders' <https://www.judiciary.uk/wp-content/uploads/2025/04/Refreshed-AI-Guidance-published-version.pdf> (14 April 2025) accessed 9 June 2025.
[41] Solicitors Regulation Authority (SRA), 'Risk Outlook Report: The Use of Artificial Intelligence in the Legal Market' (20 November 2023) <https://www.sra.org.uk/sra/research-publications/artificial-intelligence-legal-market/>.
[42] Pietropaoli (n 33).

the material being provided. This does not, however, negate the need for scrutiny and verification by a qualified legal service provider.

These issues have recently received significant attention as courts have addressed the issue of AI-generated citations. In the UK context, the High Court of England and Wales addressed these concerns directly in *Ayinde v London Borough of Haringey* and *Al-Haroun v Qatar National Bank*.[43] In both cases, parties' submissions contained fictitious or inaccurate citations suspected to have been generated by AI tools. In her judgment, Dame Victoria Sharp, President of the King's Bench Division, warned that solicitors presenting false material to the court could be subject to serious consequences, and that reliance on unverified AI-generated content presents a breach of professional duty. The Court also urged professional bodies to strengthen training and guidance on the responsible use of AI in legal practice.

Following these rulings, the Law Society updated its guidance on generative AI.[44] The guidance makes clear that a solicitor's duties to the court and to the client apply equally to all work, whether completed personally or assisted by AI. Solicitors must take positive steps to ensure that any information submitted to the court is accurate, genuine, and verified from authoritative sources. The Law Society further clarified that: 'misuse of any tool, leading to inaccurate information being presented, will breach the standards of professionalism required by the SRA Code of Conduct'.[45]

These professional and judicial developments align with broader developments on smart technology regulation. AI governance models on trustworthy AI, echoed by the European Commission's High Level Expert Group and the EU AI Act (Regulation 2024/1689/EU), consider human oversight models when assessing the risk of AI tool implementation.[46] First, human-in-the-loop is considered to be of low risk, as humans make the final decisions, using AI-generated recommendations or insights as part of their decision-making process. Second, human-over-the-loop poses medium risk, since humans are not making every decision, yet they supervise the AI system and have the ability to intervene if necessary. Third, the AI tools with a human-out-of-the-loop approach carry the highest risks, since they make decisions autonomously, without human supervision or intervention.

During the roundtable discussion, participants proposed that the use of AI tools in legal services could be categorised according to these levels of oversight. For example, AI tools used for back-office functions such as scheduling, or basic legal

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[43] *Ayinde v London Borough of Haringey and Al-Haroun v Qatar National Bank* [2025] EWHC 1383 (Admin) <https://www.judiciary.uk/wp-content/uploads/2025/06/Ayinde-v-London-Borough-of-Haringey-and-Al-Haroun-v-Qatar-National-Bank.pdf>. See I Anastasiadou, 'AI Fabricated Citations and the Legal Profession: Lessons from the High Court' (*BIICL*, 16 September 2025) <https://www.biicl.org/blog/116/ai-fabricated-citations-and-the-legal-profession-lessons-from-the-high-court>.

[44] Law Society, 'Generative AI – The Essentials' (*Law* Society, October 2025) <https://www.lawsociety.org.uk/topics/ai-and-lawtech/generative-ai-the-essentials>.

[45] SRA, 'SRA Code of Conduct for Solicitors, RELs, RFLs and RSLs' (2024) <https://www.sra.org.uk/solicitors/standards-regulations/code-conduct-solicitors/>.

[46] European Commission High-Level Expert Group on Artificial Intelligence, 'Ethics Guidelines for Trustworthy AI' (June 2018) <https://digital-strategy.ec.europa.eu/en/library/ethics-guidelines-trustworthy-ai>.

research (especially when building on reliable models) might operate safely with a human-over-the-loop model. In contrast, tools that provide legal advice or interact directly with clients should always operate with a human-in-the-loop, ensuring a qualified legal professional is responsible for final outputs. On the other hand, some tasks may require stricter oversight depending on the context and the stakes involved. **This categorisation would help practitioners and regulators align use with appropriate safeguards.**

Regulatory efforts have started to address some of the challenges of AI. The Council of Europe's Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law is the first legally binding international treaty on AI. It requires States to adopt measures to ensure that AI systems respect human dignity, equality, non-discrimination, and accountability throughout their lifecycle. At the EU level, the AI Act establishes clear obligations for high-risk AI systems, requiring transparency, risk assessments, human oversight, and data governance. In the UK, at the time of writing, the proposed AI Bill reflects a principles-based approach and aims to complement existing regulatory frameworks by setting standards for safety, transparency, fairness, and accountability in the development and deployment of AI technologies.

Legal practitioners must ensure that AI tools are used in compliance with emerging regulatory frameworks while safeguarding data privacy, client confidentiality, and fundamental rights. In this context, it is also important to align the development and deployment of AI tools with international commitments such as the United Nations Sustainable Development Goals (SDGs). SDG 16 calls for equal access to justice and effective, accountable institutions. Ensuring that AI is used responsibly in legal services can contribute directly to the realisation of this global objective.

Other considerations also arise, first, especially in a context of rising self-representation, the availability of AI-generated legal 'advice' can be particularly challenging. Any service generating what might come across as legal advice should, at a minimum, come with prominently posted disclaimers as to the possibility of errors, not being regulated by the relevant authorities, and that this should not replace legal advice from qualified professionals. Second, transparency: end-users (clients) should be informed if and how AI systems are being used to deliver the services they benefit from.

3.5 Risks of Bias, Privacy, and Ethical Use

Another key challenge revolves around the potential for bias in AI systems, which can disproportionately impact vulnerable groups. AI tools rely on data to generate insights, and if the data used to train these systems is biased or unrepresentative, the resulting output could be skewed in ways that

disadvantage certain populations.[47] This is particularly concerning in the context of legal aid, where marginalised groups such as minorities, low-income individuals, or migrants may already face barriers to justice. However, interestingly, one of the interviewees (Interviewee 5) notes that although an AI model collecting data from historical case law will inherently gain some biases, it would not necessarily be 'any worse' than the biases that are already present within human decision-making in court. AI-generated programmes across the legal sector need to reference past legal decisions, as failure to ensure a case law foundation within the AI system could lead to arbitrary or uninformed judgments.

3.6 Privacy, Data Security and Data Protection

Further, the use of AI tools in legal settings raises considerations regarding data privacy and security. Legal professionals handling sensitive client data, including personal details, financial information, and case-related documents, must safeguard this information from unauthorised access, breaches, and misuse. AI systems that process such data must always comply with client confidentiality.[48] In particular, systems delivering AI solutions should not have access to any data that is uploaded to the system and client data should not be used as a source for large language model learning. Clients should be informed of the system in which their data is being stored, what information can be accessed about their case and by whom.

Whatever systems are used must be designed to ensure compliance with applicable data protection laws.[49] This includes obtaining explicit consent from clients for the use of their personal data, ensuring that data is only used for its intended purpose, and providing clients with the ability to access, correct, or delete their data when requested. Moreover, legal aid providers must ensure that AI systems do not store or process data in a manner that exceeds the scope of the client's consent.[50]

3.7 Overarching Considerations

Achieving the benefits articulated above comes with significant challenges. One of the primary challenges in adopting AI tools within legal aid settings is **integrating them with existing infrastructure** (legacy systems). Many legal aid providers rely on legacy case management software and manual processes that have been in

[47] M Bagaric et al, 'The Solution to the Pervasive Bias and Discrimination in the Criminal Justice System: Transparent and Fair Artificial Intelligence' (2022) 59 American Criminal Law Review 95.
[48] Law Society (n 44).
[49] G Sartor, 'The Impact of the General Data Protection Regulation (GDPR) on Artificial Intelligence' (Scientific Foresight Unit, European Parliament, 2020) <https://www.edps.europa.eu/system/files/2024-06/24-06-03_genai_orientations_en.pdf>. Legal professionals are bound by data protection regulations, such as the General Data Protection Regulation (GDPR) in the EU and similar frameworks in other jurisdictions, which dictate how personal data should be collected, processed, and stored.
[50] D Cutajar, 'Balancing Efficiency and Privacy: AI's Impact on Legal Confidentiality and Privilege' (International Bar Association, 29 November 2024) <https://www.ibanet.org/balancing-efficiency-and-privacy-AI-impact-on-legal-confidentiality-and-privilege> accessed 13 January 2025.

place for years. Legacy systems were often not designed with AI integration in mind, meaning they may lack the necessary infrastructure to support AI tools.[51] These systems may not be compatible with modern AI technologies, which can lead to increased transition and implementation costs. In addition to technical integration challenges, another significant hurdle is training staff to use AI tools effectively.[52] As interviewees from Citizens Advice (Interviewee 4) noted, **without tech experience, it can be difficult for employees to understand and properly adapt into their case management system**. Ensuring that all staff members, including volunteers and others, can effectively and efficiently utilise AI tools is critical to protecting against misuse or error. It is also a time and cost-intensive process.

Another significant barrier to implementing AI tools in law firms and organisations is the **high cost of integration and maintenance.** Smaller or underfunded legal aid providers may struggle to justify the investment required for AI adoption, as it often entails substantial upfront costs, including purchasing software, upgrading infrastructure, and training staff.[53] These organisations, which are typically working with limited budgets and often facing increasing demand for their services, may prioritise immediate legal service provision over long-term investments in technology. Although AI can ultimately increase efficiency and save costs in the long run, the initial financial burden can be prohibitive. This, in turn, creates a risk that AI could exacerbate disparities in access to legal aid. With larger organisations having the resources to implement sophisticated AI systems, smaller providers may be left behind, further widening the gap in access to justice.[54] Even when the initial investment is justified, many of the providers that are the focus of this research may have difficulty obtaining the considerable amount of funding needed to maintain such systems. Transparency on the conditions for continued use in the medium to long-term is necessary to ensure that organisations do not get caught up in systems that they can no longer afford to upkeep.

Finally, environmental sustainability should not be overlooked in discussions about responsible AI use. As suggested in the roundtable, the energy demands of training and operating AI models, along with the storage and processing of large volumes of legal data, raise concerns about carbon emissions and environmental impact. These issues are particularly relevant when deploying AI solutions at scale, including in cloud-based legal support tools. As the legal sector seeks to innovate, it should also remain aligned with broader sustainability commitments. Legal practitioners, technology providers, and regulators must ensure that

[51] N Daniel, '6 Major Challenges of Legal Technology Adoption' (*DoxFlowy*, 24 June 2024) <https://doxflowy.com/challenges-legal-technology/>.
[52] 'Best Practices for AI Change Management in Legal Technology' <https://www.globallegalpost.com/news/best-practices-for-ai-change-management-in-legal-technology-395325578> accessed 13 January 2025.
[53] Law Society, 'Technology, Access to Justice and the Rule of Law Report' (2019) <https://www.lawsociety.org.uk/topics/research/technology-access-to-justice-and-the-rule-of-law-report>.
[54] D Simshaw, 'Access to A.I. Justice: Avoiding an Inequitable Two-Tiered System of Legal Services' (2022) 24 Yale Journal of Law and Technology 150 <https://yjolt.org/access-ai-justice-avoiding-inequitable-two-tiered-system-legal-services> accessed 14 January 2025.

environmental considerations are factored into the design, procurement and rollout of AI systems.

Across all these considerations, it is essential to ensure that legal services for vulnerable individuals, including those provided by legal aid organisations and third-sector entities, are not used as experimental platforms for developing and testing AI-driven legal technologies, thereby avoiding the ethical concern of treating these individuals as test subjects.

Core takeaways:

- Smart technology can be deployed to relieve some of the administrative burdens that legal aid providers and third-sector organisations face. Tools that automate routine processes, such as case management, can allow overstretched staff to redirect their efforts towards more client-centred work.
- Safeguards are essential. Chatbots, translation systems and other tools can enhance accessibility, but they must be integrated with human oversight. Qualified professionals remain responsible for final outputs, and clients should be informed when AI systems are involved in service delivery.
- Trust and accountability are key. Systems should be trained on authoritative legal databases (Lexis, Westlaw, etc), supported by transparent governance, and subject to regular checks for bias.
- The introduction of smart technology into under-resourced areas of practice will not succeed without adequate funding, training and infrastructure. Less-resourced providers may struggle with the costs of implementation and maintenance, and without targeted support the adoption of smart technologies risks widening existing inequalities in access to justice.
- Finally, the use of smart technology in the justice sector must be consistent with broader regulatory and ethical standards. Compliance with data protection rules, and with emerging AI governance frameworks, as well as attention to environmental sustainability are all necessary if AI is to contribute positively to access to justice.

7. Conclusion

This report has highlighted the profound and multifaceted barriers that under-served communities face in accessing legal services, exacerbated by systemic legal aid cuts, geographic isolation, and intersecting vulnerabilities. These challenges are not only legal but deeply social, affecting individuals' well-being, rights, and ability to navigate complex legal systems. The mapping of situational, issue-based, and group-based vulnerabilities reveals the need for enhanced legal services that meet the legal service needs of all.

Amid these challenges, smart technologies and AI present a promising, though not unproblematic, opportunity to enhance access to justice and specifically the services of alternative legal service providers. AI tools can support providers of legal assistance by, for example, streamlining administrative tasks, improving document drafting, and enabling more efficient case management. They also offer potential for expanding reach to communities and overcoming (some) language barriers. However, the ethical, technical, and financial challenges of AI implementation—particularly for smaller organisations—must not be underestimated. Concerns around bias, data privacy, and the risk of replacing rather than supporting human expertise are real and must be addressed through robust safeguards.

Ultimately, AI should be seen as a tool to augment, not replace, the human-centred delivery of legal services. If implemented responsibly, it can help bridge the justice gap, enabling legal professionals and organisations to serve more people, more effectively. However, without sustained investment, inclusive design, and a commitment to equity, there is a risk that these developments could deepen existing inequalities. The path forward must be one of cautious optimism, grounded in ethical (and increasingly regulated) practice and a clear focus on justice for all.

Our research shows that while there are significant barriers to adopting technology in the legal sector, the benefits can outweigh the challenges. There is generally a positive attitude in the 'alternative legal services' sector toward AI as a tool that can help to reduce the administrative burden and thereby facilitate the delivery of services to a wider population, especially if the right guardrails are implemented.

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