

NAVIGATING THE DIGITAL FRONTIER IN NIGERIA: AN ANALYSIS OF CONTEMPORARY ISSUES ON GENERATIVE ARTIFICIAL INTELLIGENCE IN MODERN LITIGATION PRACTICE

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Abstract

The rise of generative artificial intelligence (GenAI) in Nigerian litigation culminates in examining how large language models and related tools such as GPT variants, Gemini, LawPavilionGPT) are reshaping legal practice by automating research, drafting, evidence, analysis, case management, multilingual translation, and trial strategy while highlighting attendant ethical, evidentiary, and operational risks. The problem addressed is the tension between substantial efficiency gains, which dramatically reduce research and review times and improve access to

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justice in backlog-ridden Nigerian courts, and serious hazards, such as hallucinations that fabricate citations and facts, among others. The paper evaluated GenAI's applications and opportunities in litigation and also identified accuracy, fairness, and accountability concerns, and propose practical, Nigeria-centred responses. Using a doctrinal methodology, the paper explored GenAI's historical evolution, specific courtroom uses and resource gaps in State High Courts across Nigeria. Findings show that while GenAI can substantially shorten timelines among others, it also produces hallucinations that have led to sanctions (e.g., Mata v. Avianca; Zhang v. Chen), can perpetuate biased outcomes when trained on skewed corpora, complicates evidence authentication among other contemporary issues. The paper recommends mandatory AI competency training for lawyers and judges among others.

Keywords: Generative AI, Artificial Intelligence, Litigation, Opportunities, Challenges, Ethical considerations

1.0 INTRODUCTION

Generative AI (GenAI) technologies, such as large language models exemplified by the GPT series, Gemini, Claude, and Lawpavilion GPT, have permeated legal practice, enabling rapid generation of briefs, case summaries, and trial strategy plans. In litigation, these tools were expected to alleviate caseload burdens, particularly in overburdened systems such as Nigeria's state high courts, where procedural delays persist. Their adoption mirrors the broader integration of AI in sectors such as healthcare, but the

high-stakes nature of litigation amplifies scrutiny.¹ Despite efficiency gains, generative AI often produces "hallucinations" and fabricates precedents or facts, leading to court sanctions, as seen in several cases. An early reported case of GenAI misuse in litigation was the US District Court matter of *Mata v Avianca* ('*Mata*'), in which judgment was delivered on 22 June 2023.² In this case, lawyers filed submissions containing 'non-existent judicial opinions with fake quotes and citations created by the artificial intelligence tool ChatGPT'.³ This error was exacerbated by their failure to verify submissions and by their continued defence of the fake material even under judicial scrutiny.⁴ During the court hearings, one of the lawyers, Mr Schwartz, admitted misunderstanding ChatGPT's capabilities, stating:

... he was "operating under the false perception that this website [i.e., ChatGPT] could not possibly be fabricating cases on its own." ... [and] ... "I just was not thinking that the case could be fabricated, so I was not looking at it from that point of view." ... "My reaction was, ChatGPT is finding that case somewhere. Maybe it's unpublished. Maybe it was appealed. Maybe access is difficult to get. I just never thought it could be made up."⁵

Other serious issues in this case included subjective bad faith on the part of the lawyers, 'acts of conscious avoidance and false and misleading

¹ Satyadha Joshi, 'Generative AI in Legal Practice: Applications, Challenges, and Ethical Considerations' (04 June 2025) <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5281679> accessed 13 July 2025.

² *Mata v Avianca*, 678 F Supp 3d 443 (SD NY, 2023) ('*Mata*').

³ *Ibid* 448.

⁴ *Ibid* 449.

⁵ *Ibid* 451.

statements to the Court’,⁶ and violations of procedural rules. These ethical and procedural breaches led to a joint sanction of US\$5,000 against the lawyers and their firm.

Just six months after *Mata*, a similar incident occurred in *Zhang v Chen* (*‘Zhang’*),⁷ where a Canadian lawyer was held personally liable for costs after including several fake cases generated by ChatGPT in a court application. The lawyer had ignored multiple notices from her Law Society about responsible GenAI use,⁸ as well as ChatGPT’s own disclaimer warning ‘output could be inaccurate, and that using ChatGPT is not a substitute for professional advice’.⁹ Although the Court found her conduct negligent rather than intentional (she withdrew the case, acknowledged her error, apologised, and expressed remorse), the incident caused her significant reputational harm.¹⁰ Like *Mata*, it is another cautionary tale about the risks of careless use of GenAI in legal work.

Other examples of lawyers’ inappropriate reliance on GenAI over 2023 and 2024 in the United States include:

⁶ Ibid 449.

⁷ *Zhang v Chen* [2023] BCSC 2206 (*‘Zhang’*).

⁸ Law Society of British Columbia, Practice Resource Guidance on Professional Responsibility and Generative AI (November 2023); *Zhang v Chen* (n 9).

⁹ *Zhang v Chen* (n 9).

¹⁰ For example, Jason Proctor, ‘B.C. lawyer reprimanded for citing fake cases invented by ChatGPT’ *CBC News*

(26 February 2024) <<https://www.cbc.ca/news/canada/british-columbia/lawyer-chatgpt-fake-precedent1.7126393>>; Leyland Cecco, ‘Canada lawyer under fire for submitting fake cases created by AI chatbot’ *The*

Guardian (1 March 2024) <<https://www.theguardian.com/world/2024/feb/29/canada-lawyer-chatgpt-fake-casesai>>.

- i. *People v Crabill*,¹¹ where a lawyer was suspended after citing fake case law generated by ChatGPT.
- ii. *Smith v Farwell*,¹² where a lawyer was sanctioned after filing multiple motions prepared by an associate using AI, containing fake cases, the supervising lawyer failed to review the associate's work.¹³

The highlighted cases reveal the challenges and ethical risks posed by the use of GenAI, despite its numerous applications in litigation and judicial processes, underscoring the imperative of this research. A doctrinal analysis synthesises primary sources (case law, ethics rules) with secondary literature and law journals, employing thematic coding to identify opportunities, challenges, and ethical issues. It provides Nigerian-centric recommendations for AI guidelines, bridging global insights with local procedural reforms and enhancing litigators' ethical competence in AI.

¹¹ *People v Crabill*, 2023 WL 8111898 (Colo OPDJ Nov. 22, 2023).

¹² *Smith v Farwell*, 2024 WL 4002576 (Mass Super Feb. 15, 2024).

¹³ The lawyer was sanctioned after admitting '... [he] is unfamiliar with AI systems and was unaware, before the Oppositions were filed, that AI systems can generate false or misleading information. He also was unaware that his associate had used an AI system in drafting court papers in this case until after the Fictitious Case Citations came to light. Plaintiff's Counsel said that he had reviewed the Oppositions, before they were filed, for style, grammar and flow, but not for accuracy of the case citations. He also did not know whether anyone else in his office had reviewed the case citations in the Oppositions for accuracy before the Oppositions were filed. Plaintiff's Counsel attributed his own failure to review the case citations to the trust that he placed in the work product of his associate, which (to his knowledge, at least) had not shown any problems in the past.' Also in *Fletcher v. Experian Info Solutions*, 5th U.S. Circuit Court of Appeals, No. 25-20086, another lawyer, Shawn Jaffer, and his law firm, was fine \$2,500 over fake Generative AI citations in Brief by a U.S Federal Appeal Court.

2.0 Meaning and Evolution of Generative Artificial Intelligence (GenAI)

GenAI is a subset of artificial intelligence focused on building generative models that produce diverse content, such as human-like text, images, and audio, by identifying patterns in vast datasets. It utilises neural networks trained via unsupervised or semi-supervised learning on unlabelled data to form foundation models for various tasks. It is a system of algorithms trained on large datasets to generate novel outputs in text, images, or other media based on user prompts by detecting patterns in the data.¹⁴ GenAI employs sophisticated algorithms to cluster complex data and decode new content, such as text, images, or audio, from prompts, often via encoders and decoders. It creates original content, including conversations, stories, images, videos, and music, by reusing learned knowledge across subjects such as language and art. Models learn underlying patterns from training data to generate new data, such as text, videos, or code, in response to natural language inputs.¹⁵ Broadly, GenAI is the branch of AI that uses large datasets to simulate human-like interactions by generating original text, images, audio, or code, prioritising generation over categorisation. Academically, GenAI is considered an algorithm or process trained on data to create novel conversational outputs in text, images, or media from prompts by finding patterns.¹⁶ It differs from “traditional” AI in that it

¹⁴ Coursera.org, ‘What is Generative AI? How it works, Examples, Benefits, and Limitations’ (15 August 2025) < <https://www.coursera.org/articles/what-is-generative-ai> > accessed 3 September 2025.

¹⁵ George Lawton, ‘What is GenAI? Generative AI Explained’ (Techtarget, 13 March 2025) < <https://www.techtargget.com/searchenterpriseai/definition/generative-AI> > accessed 15 July 2025.

¹⁶ University of Buffalo, ‘Artificial Intelligence (AI) Research Tools’ (31 October 2025) < <https://research.lib.buffalo.edu/ai-researchtools/what-is-gai> > accessed 27 November 2025.

generates and synthesises existing knowledge to create something new.¹⁷ Older AI performs simpler tasks such as classifying images, identifying colours, and determining which book a paragraph of text comes from. Modern GenAI, on the other hand, generates images, produces colours, creates new stories,¹⁸ and produces new knowledge.

2.1 The Evolution of Artificial Intelligence

The journey of GenAI began in the 1950s with the inception of AI robots and the introduction of the perceptron, the first machine learning model by Frank Rosenblatt.¹⁹ The formal concept of AI dates back to Turing's seminal work in the 1950s, in which he proposed the Turing Test to assess a machine's ability to exhibit human-like intelligence.²⁰ Further, Arthur Samuel developed the first machine learning algorithm in 1952, designed for checkers. In 1961, Joseph Weizenbaum created ELIZA, an early example of GenAI that could respond to human input.²¹ ELIZA, often considered one of the first chatbots, utilised pattern matching and text substitution to generate predefined responses. This laid the foundation for natural language processing.²² Building on the foundational theories of

¹⁷ Sybren Wolfs, 'Evaluating the Role of Generative Artificial Intelligence in Litigation: Risks and Regulations' (2024) 15 MJLA 85-96, at 87.

¹⁸ *Ibid.*

¹⁹ Chalamayya Batchu & Veera Venkata Satya, 'Generative AI: Evolution and its Future' (2024) *International Journal for Multidisciplinary Research*. Vol6 (1) p.1

²⁰ Bernard Marr, 'The Evolution of AI: Transforming the World one Algorithm at a Time' <<https://bernardmarr.com/the-evolution-of-ai-transforming-the-world-one-algorithm-at-a-time/>> accessed 14 June 2025.

²¹ Vu T.-H. et al, Applications of Generative AI (GAI) for Mobile and Wireless Networking: A Survey. (*Cornell University*, 2024). <https://doi.org/10.48550/arxiv.2405.20024> accessed 17 July 2025.

²² Molina M. J. et al, 'Using Generative Artificial Intelligence Creatively in the Classroom: Examples and Lessons Learned' (*Cornell University*, 2024). <https://doi.org/10.48550/arxiv.2409.05176> accessed 17 July 2025.

artificial language models established by Claude Shannon in his 1948 publication on communication theory, which dissects communication into five fundamental components of source, transmitter, channel, receiver, and destination,²³ early chatbots such as ELIZA in the 1960s and ALICE in the 1970s marked significant milestones in the progression of conversational AI. They employed rule-based approaches to simulate human-like dialogue.²⁴

The 1980s marked an essential phase in the development of expert systems, leveraging rule-based AI for specific domain tasks. At the same time, the resurgence of neural networks began to address more complex sequential data, like text.²⁵ The proliferation of the internet and the growth of computing power in the 1990s and 2000s facilitated substantial advances in machine learning and deep learning, setting the stage for contemporary GenAI. This led to the development of sophisticated deep learning algorithms that moved beyond the early statistical models.²⁶ In 2013, Variational Autoencoder emerged, and in 2014, Generative Adversarial

²³ Kılınç H. K. and Keçecioglu Ö. F., ‘Generative Artificial Intelligence: A Historical and Future Perspective’ (2024) 12(2) *Academic Platform Journal of Engineering and Smart Systems* 47. <https://doi.org/10.21541/apjess.1398155> accessed 19 July 2025

²⁴ Al-Amin Md. et al, ‘History of generative Artificial Intelligence (AI) chatbots: past, present, and future development’ (*Cornell University*, (2024a) <https://doi.org/10.48550/arxiv.2402.05122> accessed 23 July 2025.

²⁵ Kanbach D. K. et al, ‘The GenAI is out of the bottle: generative artificial intelligence from a business model innovation perspective’ (2024) 18(4) *Review of Managerial Science* 1189. <https://doi.org/10.1007/s11846-023-00696-z> accessed 13 July 2025.

²⁶ Al-Amin Md. Et al, ‘History of generative Artificial Intelligence (AI) chatbots: past, present, and future development’ (2024b) <https://doi.org/10.48550/ARXIV.2402.05122> accessed 27 August 2025; Peyton K., Unnikrishnan S. and Mulligan B., ‘A review of university chatbots for student support: FAQs and beyond [Review of *A review of university chatbots for student support: FAQs and beyond*]. *Discover Education*, 4(1). Springer Science+Business Media. <https://doi.org/10.1007/s44217-025-00397-7>

Networks emerged. Both were built on deep neural network architectures to learn complex data distributions for tasks like image generation.²⁷ By 2017, the introduction of transformer architecture revolutionised natural language processing. This enables the development of large language models capable of processing large volumes of textual data more efficiently and effectively. This breakthrough paved the way for models such as Google's BERT in 2018 and OpenAI's GPT-1, which rapidly advanced GenAI capabilities.²⁸ In the early 2020s, Diffusion Models, such as DALL-E and Stable Diffusion, gained prominence for their ability to generate detailed and diverse outputs, often surpassing the capabilities of GANs in image and video generation.²⁹

By 2026, continuous innovation in hierarchical and discrete latent spaces is expected further to expand the utility of generative models across diverse domains, moving beyond current limitations.³⁰ This trajectory includes integrating generative AI with other cutting-edge technologies, such as quantum computing and neuromorphic hardware, promising even more profound advancements in computational efficiency and model complexity. These developments are set to facilitate the creation of highly sophisticated

²⁷ Vu T.-H. et al, Applications of Generative AI (GAI) for Mobile and Wireless Networking: A Survey. (Cornell University, 2024). <https://doi.org/10.48550/arxiv.2405.20024> accessed 17 July 2025.

²⁸ Cheok A. D. And Zhang, E. Y., 'From Turing to Transformers: A Comprehensive Review and Tutorial on the Evolution and Applications of Generative Transformer Models (2023) <https://doi.org/10.32388/3ntolq.2> accessed 17 September 2025.

²⁹ Karapantelakis A. Et al, 'A Survey on the Integration of Generative AI for Critical Thinking in Mobile Networks' (Cornell University 2024). <https://doi.org/10.48550/arxiv.2404.06946> accessed 10 October 2025.

³⁰ Boussetouane F., 'Generative AI for Vision: A Comprehensive Study of Frameworks and Applications' (Cornell University, 2025) <https://doi.org/10.48550/arxiv.2501.18033> accessed 19 November, 2025.

generative models capable of understanding and producing complex data structures across modalities with unprecedented precision and adaptability.

2.2 Opportunities of Generative AI in Litigation

Gen AI presents transformative potential for litigation. It automates labor-intensive processes, improves accuracy, and increases access to justice, particularly in resource-limited systems such as Nigeria’s courts. This section explores the opportunities that GenAI provides for litigation.

2.2.1 Legal Research Acceleration

GenAI accelerates legal research in litigation by automating precedent searches, summarising vast volumes of case law, and providing jurisdiction-specific insights. These capabilities significantly reduce traditional research time and enhance efficiency for litigators, allowing them to focus on strategy rather than manual sifting. In Nigeria, tools, such as LawPavilionGPT, tailored to local laws amplify these benefits amid resource constraints. AI cuts litigation research from 17-28 hours to 3-5.5 hours through agentic models that analyse content and rapidly surface precedents.³¹ Tools like Deep Research and Litigation Document Analyser, embedded in Gemini, Grok, and ChatGPT, distil arguments, identify counterarguments, and extract claims from documents. This shift frees lawyers to focus on high-value tasks, such as strategy and argument development.³² LawPavilionGPT, trained on over 60 years of Nigerian

³¹ Thomson Reuters, ‘Speed up Litigation Prep by Using AI for Legal Research’ (13 October, 2025) < <https://legal.thomsonreuters.com/blog/speed-up-litigation-prep-with-ai-assisted-research/> > accessed 1 December, 2025.

³² Thomson Reuters, ‘AI in Legal Research: Efficiency without Compromise’ (8 July, 2025) < <https://legal.thomsonreuters.com/blog/ai-in-legal-research-efficiency-without-compromise/> > accessed 1 December 2025; Thomson Reuters, ‘Speed up Litigation Prep by Using AI for Legal Research’ (13 October, 2025) <

judicial authorities, uses semantic analysis to match precedents and recognise hierarchies, bypassing keyword limitations precisely. It delivers context-aware answers on statutes, procedures, and case interplay, streamlining research in under-resourced environments. Partnerships such as those with PUNUKA and Jus AI further enable quick access to case law and timeline summarisation while upholding confidentiality.³³

2.2.2 Early Case Management and Strategic Planning

GenAI enhances litigation by synthesizing case facts, creating timelines, and simulating outcomes, allowing legal practitioners in Nigeria to manage procedural complexities and delays effectively. It automates timelines, evaluates case strengths and weaknesses, and accelerates deposition outlines, reducing preparation time and administrative workload, thus improving planning and success rates.³⁴

Generative models forecast case progressions by analysing patterns in past data, enhancing the scope and approach of discovery. They generate initial pleadings and correspondence, allowing more time for client advising and negotiation. Using platforms like Opus2 promotes team collaboration

<https://legal.thomsonreuters.com/blog/speed-up-litigation-prep-with-ai-assisted-research/>> accessed 1 December, 2025; Opus 2, ‘Generative AI for Litigation Teams: Navigating the Future’ (31 October, 2024) < <https://www.opus2.com/generative-ai-for-litigation/>> accessed 17 July, 2025.

³³ Daily Jus, ‘PUNUKA Attorneys & Solicitors Partners with Jus AI to Advance Legal Excellence in Nigeria and Beyond’ (21 January 2025) < <https://dailyjus.com/news/2025/01/punuka-attorneys-solicitors-partners-with-jus-ai-to-advance-legal-excellence-in-nigeria-and-beyond>> accessed 17 July 2025.

³⁴ Jonathan Lea, ‘How Generative AI is Transforming Litigation Practice’ (Jonathan Lea Network Solicitors, 8 May 2025) < <https://www.jonathanlea.net/blog/how-generative-ai-is-transforming-litigation-practice/>> accessed 1 December 2025.

through summarized insights.³⁵ In Nigeria, tools like LawPavilionGPT align AI with local rules, aiding early case management under the Nigerian Civil Procedure Rules by contextualising precedents. This fill resource gaps in state courts and meets NBA ethical AI guidelines. Firms enable scalable planning for high-volume disputes.

2.2.3 Document Review and Evidence Analysis

GenAI transforms litigation processes in Nigeria by efficiently analysing vast datasets, identifying critical information, and minimizing errors with remarkable accuracy. This technology streamlines document review, reducing time from hundreds of hours to under 100 per case. It achieves over 95% accuracy in detecting relevant documents, surpassing human performance by up to 36% in real-world scenarios.³⁶

AI extracts entities, timelines, and narratives from emails, PDFs, and spreadsheets, offering justifications for its coding choices. These tools detect subtle inconsistencies and predict risks, enhancing predictive analytics for case results. Integration with workflows, such as Relativity or case management software, ensures a smooth adoption.³⁷ Local adaptations, utilizing tools like LawPavilionGPT, allow AI to review Nigerian case files, statutes, and evidence in accordance with procedural rules. This helps reduce backlogs in high-volume courts by automating the

³⁵ Ariane Tadayyon, 'Real-world Use Cases for AI in Litigation' (Opus 2, 16 October 2025) < <https://www.opus2.com/ai-in-litigation-examples/> > accessed 1 December 2025.

³⁶ Bob Levin, 'How Generative AI Streamlines Document Review in Dispute Resolution' (Mediator, 18 August 2025) < <https://mediatorlocal.com/generative-ai-document-review/> > accessed 2 December 2025.

³⁷ Disco, 'How to Use Generative AI for Document Review' (10 September, 2025) < <https://csdisco.com/blog/blog-generative-ai-for-document-review> > accessed 2 December 2025.

generation of chronologies and privilege logs in accordance with NBA AI guidelines. Firms benefit ethically through verifiable results and human oversight.

2.2.4 Document Drafting and Brief Preparation

GenAI streamlines document drafting in litigation by producing initial drafts from case facts, precedents, and rules, reducing preparation time significantly. This enables litigators to focus on refining their persuasive arguments instead of starting from scratch. In Nigeria, where deadlines are strict, these tools enhance efficiency by aligning with local rules. AI automates boilerplate clauses, structures arguments, and integrates relevant case law for consistency. Additionally, tools can adjust the tone for judges or opponents and identify risks like inconsistent terms. Overall, this minimizes errors in pleadings and motions, improving quality under tight deadlines.³⁸ Generative models summarise evidence into structured briefs, automatically extracting timelines and key citations. They adapt to jurisdiction-specific formats, such as the Nigerian Civil Procedure Rules, for motions and replies. Collaboration features enable seamless version control and team input.³⁹ LawPavilionGPT excels at drafting with Nigerian precedents, speeding up briefs while maintaining accuracy. It supports high-volume state court filings amid backlogs, in line with NBA AI guidelines. Firms cut costs on junior associate tasks, freeing up expertise for strategy.⁴⁰ Grammarly can help ensure drafts are grammatically correct.

³⁸ Disco, 'How to Use Generative AI for Document Drafting' (25 August, 2025) <<https://csdisco.com/blog/generative-ai-for-drafting-documents-and-briefs/>> accessed 2 December 2025.

³⁹ Ibid.

⁴⁰ Lawpavilion, 'Best Generative AI Legal Research Tool for Lawyers' (18 March 2025) <<https://lawpavilion.com/blog/best-generative-ai-legal-research-tool-for-lawyers/>> accessed 16 October 2025.

2.2.5 Deposition Preparation and Witness Simulation

GenAI transforms deposition preparation and witness simulation in litigation by analyzing documents to create outlines, forecast responses, and generate questioning scenarios, dramatically reducing prep time from days to hours. This helps litigators detect inconsistencies and enhance their strategies efficiently. In Nigeria, it tackles the challenge of managing large volumes of records and procedural complexities in state courts. The AI scans witness-related documents to identify key facts, prior statements, and possible contradictions, producing topic-based outlines with recommended questions. It also summarizes transcripts, constructs timelines, and detects admissions or evasions for focused follow-up, speeding up review processes and enabling focus on persuasive tactics instead of manual searching.⁴¹ Generative tools role-play witnesses by generating realistic responses based on case data, personality traits, and past testimony, helping attorneys practise cross-examinations. They suggest adaptive questions, flag weaknesses, and simulate opposing counsel's angles, supporting comprehensive readiness. Integration with platforms like Opus2 supports collaborative prep.⁴² Local tools such as LawPavilionGPT adapt simulations to Nigerian precedents and the Civil Procedure Rules, supporting credibility assessments in high-stakes disputes. This mitigates resource shortages in line with NBA AI guidelines, enhancing outcomes in backlog-prone courts. Firms streamline expert and fact witness preparation ethically.

⁴¹ Ariane Tadayyon, 'Real-world Use Cases for Ai in Litigation' (Opus 2, 16 October, 2025) < <https://www.opus2.com/ai-in-litigation-examples/> > accessed 2 December 2025.

⁴² Kristy Esparza, 'Build a Stronger Case Strategy with Generative AI' (Relativity, 15 October 2025) < <https://www.relativity.com/blog/build-a-stronger-case-strategy-with-generative-ai/> > accessed 3 December, 2025.

2.2.6 Visual Evidence Creation

Generative AI provides opportunities to produce visual evidence in litigation by creating reconstructions, animations, and enhancements based on textual descriptions, data, or partial media, aiding jurors in understanding complex scenarios. This boosts the persuasiveness of cases such as accidents or medical malpractice, although its admissibility depends on reliability and authentication. Nigerian litigators can use it for procedural visualizations under the Evidence Act, despite emerging risks. AI can generate timelines, 3D reconstructions, and injury progressions from case details, making intangible evidence more tangible for presentations. Tools also simulate "what-if" scenarios or sharpen blurry footage, clarifying events beyond static photos. This supports demonstrative exhibits and can improve settlement negotiations through vivid storytelling.⁴³

2.2.7 Trial Strategy Formulation Aid

Generative AI supports trial strategy development in litigation by analysing case data, predicting judicial tendencies, and creating scenario-based arguments. This allows litigators to optimize openings, closings, and objections dynamically, promoting data-driven decisions rather than relying solely on intuition. Nigerian litigators, in particular, gain from customized simulations across various state-court practices. The AI processes transcripts, exhibits, and precedents to produce compelling closings, such as synthesizing arguments from BP Deepwater Horizon case materials.⁴⁴It

⁴³ Noah Brozinsky, 'Generative AI for Video Evidence? No Thank you, Not yet, Anyway' (Kaiser, 9 October, 2025) < <https://kaiserlaw.com/generative-ai-for-video-evidence-no-thank-you-not-yet-anyway/>> accessed 3 December, 2025.

⁴⁴ This refers to the process of using advanced tools, often generative AI, to distill, analyze, and reconstruct key legal arguments from the massive body of documents, transcripts, expert reports, and pleadings generated in the Deepwater Horizon oil spill litigation. This

predicts adversary moves and judicial preferences, continuously improving strategies without needing extensive manual review. This saves time, enabling a greater focus on jury behavior and rebuttals.⁴⁵ Generative models simulate possible trial paths, prioritize arguments by likelihood of winning, and recommend pivots based on current evidence. They clarify complex issues for jurors by providing simplified stories and breaking down information into manageable sections. These platforms also connect with e-discovery tools to offer comprehensive insights.⁴⁶

2.2.8 Trial Proceeding and Witness Examination

Generative AI aids trial proceedings and witness examinations by providing real-time question suggestions, objection prompts, and testimony summaries. This enhances courtroom efficiency without replacing human judgment, allowing litigators to stay focused during rapid exchanges. In Nigeria, AI aligns with procedural rules to streamline court examinations, especially in resource-limited settings. It offers instant outlines for direct

2010 disaster led to multi-district litigation (MDL 2179) involving BP, Transocean, Halliburton, and others, producing terabytes of evidence on gross negligence, causation, liability allocation, and penalties under the Clean Water Act and Oil Pollution Act. AI excels here by identifying patterns like BP's "conscious disregard of risks" or rejection of causation proofs for economic claims. See Robert A. James & Stella Pulman, "Deepwater Horizon: A Decade of Legal Impact" (Pillsbury, 21 April, 2020) < <https://www.pillsburylaw.com/en/news-and-insights/deepwater-horizon-a-decade-of-legal-impacts.html>> accessed 15 August 2025.

⁴⁵ John Tredennick and Dr William Webber, 'Using Generative AI to Create Compelling Closing Arguments in Complex Litigation' (MERLIN, 14 January, 2025) < <https://edrm.net/2025/01/using-generative-ai-to-create-compelling-closing-arguments-in-complex-litigation/>> accessed 23 September 2025.

⁴⁶ Marissa Ronk and Miles Orton, 'Generative AI for Litigators: A Trial Lawyer's New Best Friend' (AttorneysatWork, 3 November, 2025) < <https://www.attorneyatwork.com/ai-in-litigation-a-litigators-new-best-friend/>> accessed 29 November 2025.

and cross-examinations by extracting key facts from case files and suggesting adaptive follow-up questions. During trials, AI identifies inconsistencies between live testimony and prior statements, aiding in objections under evidence rules. Additionally, tools summarize ongoing proceedings, enabling quick team consultations.⁴⁷ Generative models simulate witness responses in real time, predicting evasions or biases to improve questioning strategies. They analyze body language through integrated video to detect subtle cues, thereby enhancing credibility evaluations. After the examination, AI identifies key admissions for closing arguments.⁴⁸

2.2.9 Post-Trial Analysis Appeals

Generative AI supports post-trial review and appeals in litigation by analyzing judgments, detecting errors, and preparing notices of appeal with relevant precedents, thus speeding up review processes from weeks to days. It helps litigators identify valid grounds within extensive records. In Nigeria, it functions within the strict timelines set by the Court of Appeal Rules, improving access to justice. The AI summarizes trial transcripts and rulings, highlighting legal errors, factual inconsistencies, and procedural issues that could affect appeal success. It also estimates success probabilities by comparing similar cases, helping to prioritize the most promising arguments. This reduces mistakes in complex cases and

⁴⁷ Nicole Black, '10 Practical Ways are using Generative AI for Trial Preparation and Drafting' (8am 19 August, 2025) < <https://www.8am.com/blog/ten-ai-use-cases-for-lawyers/>> accessed 13 October 2025.

⁴⁸ Kristy Esparza, 'Build a Stronger Case Strategy with Generative AI' (Relativity, 15 October 2025) < <https://www.relativity.com/blog/build-a-stronger-case-strategy-with-generative-ai/>> accessed 3 December, 2025.

optimizes the use of resources.⁴⁹Generative tools automatically create appeal briefs by compiling appeal records and cited authorities specific to the jurisdiction. They also simulate oral arguments and respond to respondent briefs, helping to strengthen persuasive narratives. Integration with e-filing simplifies the submission process.⁵⁰LawPavilionGPT analyzes Nigerian judgments in relation to local precedents, assisting in formulating grounds under the Appellate Procedure Rules during court backlogs. It also supports NBA guidelines by verifying outputs for ethical appeals in the Supreme Court or the Court of Appeal. This helps firms manage their high caseloads efficiently.

2.2.10 Case Prediction Analytics

Generative AI enables case prediction analytics in litigation by processing historical judgments, case facts, and judicial patterns to forecast outcomes, settlement likelihoods, and optimal strategies with probabilistic accuracy. This informs risk assessment and client counselling early, shifting from guesswork to data-driven decisions. Nigerian litigators benefit from localised models amid diverse rulings from state high courts and appellate trends. AI analyses precedents, party behaviours, and judge-specific tendencies to estimate win probabilities, often achieving 70-85% accuracy on validated datasets. It simulates "what-if" scenarios and ranks strategies by expected value for negotiations or trials. Tools integrate discovery data

⁴⁹ Lauren Sobel and Jessica Brand, 'The Impact of GenAI on Various Stages of Litigation' (Thomson Reuters, 5 April, 2024) < <https://www.thomsonreuters.com/en-us/posts/legal/litigation-impact-genai/>> accessed 15 November 2025.

⁵⁰ Disco, 'How to Use Generative AI for Document Drafting' (25 August, 2025) < <https://csdisco.com/blog/generative-ai-for-drafting-documents-and-briefs/>> accessed 2 December 2025.

for dynamic updates, enhancing settlement leverage.⁵¹ Generative models generate tailored recommendations, such as motion success odds or jury persuasion tactics, drawing from vast litigation archives. They benchmark cases against similar disputes to identify overlooked strengths or weaknesses, and real-time analytics support mid-case pivots.⁵² LawPavilionGPT applies predictions to Nigerian case law, forecasting under the Civil Procedure Rules and the Evidence Act, aiding backlog management. This aligns with NBA AI guidelines, promoting equitable access in under-resourced courts. Firms optimise dockets cost-effectively.⁵³

2.2.11 Chronological Factual Construction in Court Processes

GenAI specializes in creating chronological factual narratives for court proceedings by automatically assembling timelines from various documents, transcripts, and evidence. It converts chaotic data into clear, coherent stories vital for pleadings, examinations, and judgments. This process shortens manual compilation from weeks to hours and reduces sequencing errors. Nigerian litigators use it to meet strict procedural deadlines under the High Court Rules. AI identifies dates, entities, and causal links within Electronically Stored Information (ESI), producing interactive timelines with citations for validation. It also detects gaps or

⁵¹ Softweb Solutions, 'How generative AI for Law Firms Helps with Efficient Case Management' (9 August 2024) < <https://www.softwebsolutions.com/resources/gen-ai-for-law-firms-for-better-case-management/>> accessed 7 November 2025.

⁵² Nexlaw, 'AI Litigation Prediction Tools: Should You Trust Them?' (6 August 2025) < <https://www.nexlaw.ai/blog/ai-tools-that-predict-litigation-outcomes-should-you-trust-them/>> 17 October 2025.

⁵³ Lawpavilion, 'Best Generative AI Legal Research Tool for Lawyers' (18 March 2025) < <https://lawpavilion.com/blog/best-generative-ai-legal-research-tool-for-lawyers/>> accessed 18 September 2025.

inconsistencies and highlights disputes for focused discovery, supporting persuasive storytelling during motions and trials.⁵⁴ Generative tools organize facts hierarchically and link them to sources like emails or depositions to provide audit trails. They support "what-if" reconstructions and multiple languages, which are essential for Nigerian Pidgin records. The outputs can be integrated with case management systems for real-time updates.⁵⁵

LawPavilionGPT creates timelines from local judgments and statutes, aligning with Evidence Act sequencing. It simplifies high-volume state court filings despite backlogs, following NBA AI guidelines.⁵⁶

2.2.12 Complex Records Summarisation

Generative AI enhances complex records summarization in litigation by condensing extensive transcripts, exhibits, and filings into succinct, context-aware overviews. This allows for quick extraction of insights from large data volumes, reducing review time from weeks to minutes while maintaining the strategic details of motions and trials. Nigerian litigators utilize it for dense state court records under procedural rules, improving efficiency despite case backlogs. The AI produces structured summaries by issue, timeline, or party, highlighting contradictions and key admissions

⁵⁴ Disco, 'How to Use Generative AI for Fact Analysis and Investigation in 2025' (30 May 2025) < <https://csdisco.com/blog/generative-ai-for-fact-analysis-investigation> > accessed 11 October 2025.

⁵⁵ Graeme Baillie and Deepak Paramanand, 'Generative AI for Litigation Teams: Navigating the Future' (Opus2, 31 October 2024) < <https://www.opus2.com/generative-ai-for-litigation/> > accessed 5 November 2025.

⁵⁶ Lawpavilion, "Best Generative AI Legal Research Tool for Lawyers" (18 March 2025) < <https://lawpavilion.com/blog/best-generative-ai-legal-research-tool-for-lawyers/> > accessed 13 October 2025.

with source citations. It manages multilingual documents and expert reports, achieving over 90% accuracy and lowering fatigue-related errors. Law firms can cut deposition or appeal preparation time by 80%.⁵⁷ Generative models generate customized outputs such as client briefs, strategy memos, or court-ready abstracts, with automatic tagging to enhance searchability. They grasp context beyond simple keywords, connecting facts across records to create comprehensive narratives. Integration with e-discovery platforms allows for iterative refinement of these outputs.⁵⁸

2.2.13 Multi-lingual Translation for Cross-Border Cases

GenAI offers multilingual translation for cross-border litigation by providing accurate, context-aware translations of pleadings, evidence, and testimonies across different languages, helping to break down barriers in international disputes. This speeds up case preparation and promotes fair access across various jurisdictions. In Nigeria's multilingual environment, especially with cross-border trade disputes, it assists in ensuring that translated exhibits comply with the Evidence Act. AI manages legal nuances like idiomatic expressions and jurisdiction-specific phrasing, achieving nearly human-level accuracy in over 30 languages for contracts and filings. It also enables real-time interpretation during arbitrations and supports multilingual searches for extensive legal precedents. Additionally,

⁵⁷ Nexlaw, 'Generative AI for Legal Document Summarization Every US Law Firm Should Know' (2 September 2025) < <https://www.nexlaw.ai/blog/generative-ai-for-legal-document-summarization-every-us-law-firm-should-know/>> accessed 29 October 2025.

⁵⁸ Liz Christman, 'Obtain fast Insights into Complex Legal Issues with Legal AI Summarization Tool' (Legal Insights, 25 April 2024) < <https://www.lexisnexis.com/community/insights/legal/b/product-features/posts/obtain-fast-insights-into-complex-legal-issues-with-legal-ai-summarization-tool>> accessed 25 November 2025.

it offers cost savings of 70% compared to traditional services, which is crucial for Nigerian firms involved in ECOWAS cases.⁵⁹ Generative models maintain tone, citations, and hierarchies, while highlighting ambiguities for review. This allows smooth e-discovery across multiple languages. They also integrate with platforms that produce certified outputs, supporting Hague Convention compliance. Training these models on legal corpora helps reduce errors in Pidgin or regional dialects.⁶⁰ LawPavilionGPT extends to translations aligning with Nigerian rules for foreign judgments, streamlining Federal High Court proceedings. This address language gaps in oil/gas or maritime disputes per NBA guidelines.

2.3 Challenges of Generative AI in Litigation

Despite the various ways GenAI has transformed litigation, significant challenges and concerns remain regarding its use and integration into litigation practice.

2.3.1 Hallucination and Content Fabrication

The availability of several and uncensored data on the internet makes it easier for “other forms of AI are now able to process unstructured and unlabelled data, and tag them with symbolic labels, giving the symbolic AIs what they need in order to think about them”⁶¹ prompting hallucination and content fabrication. Generative AI hallucinations-fabricate facts, cases, or

⁵⁹ Argyri Panezi and John O’Shea, ‘How can we manage the risks and liabilities associated with legal translation in the age of machine translation and generative AI?’ <<https://blog.genlaw.org/CameraReady/16.pdf>> accessed 23 November 2025.

⁶⁰ Justice Innovation, ‘AI, Machine Translation, and Access to Justice’ (Stanford Legal Design Lab, 11 February 2025) <<https://justiceinnovation.law.stanford.edu/ai-machine-translation-and-access-to-justice/>> accessed 8 November 2025.

⁶¹ Bentley, P.J, ‘Artificial Intelligence and Robotics’, (John Hopkins University Press 2020) 31

citations, and content fabrication pose severe challenges in litigation, risking sanctions, case dismissals, and ethical breaches due to duties of candour. Courts worldwide have penalised lawyers for unverified AI outputs, underscoring the need for rigorous human oversight. In the US District Court case of *Mata v Avianca* (*'Mata'*), lawyers filed submissions containing 'non-existent judicial opinions with fake quotes and citations created by the artificial intelligence tool ChatGPT'.⁶² During the court hearings, Mr Schwartz, admitted misunderstanding ChatGPT's capabilities.⁶³

These ethical and procedural breaches led to a joint sanction of US\$5,000 against the lawyers and their firm. Another case is that of *Zhang v Chen* (*'Zhang'*),⁶⁴ where a Canadian lawyer was held personally liable for costs after including several fake cases generated by ChatGPT in a court application. The lawyer had ignored multiple notices from her Law Society about responsible GenAI use,⁶⁵ as well as ChatGPT's own disclaimer warning 'output could be inaccurate, and that using ChatGPT is not a substitute for professional advice'.⁶⁶ Although the Court found her conduct negligent rather than intentional (she withdrew the case, acknowledged her error, apologised, and expressed remorse), the incident caused her significant reputational harm.⁶⁷ Like *Mata*, it is another cautionary tale

⁶² *Mata v Avianca*, 678 F Supp 3d 443 (SD NY, 2023) (*'Mata'*).

⁶³ *Ibid* 451.

⁶⁴ *Zhang v Chen* [2023] BCSC 2206 (*'Zhang'*).

⁶⁵ Law Society of British Columbia, Practice Resource Guidance on Professional Responsibility and Generative AI (November 2023); *Zhang v Chen* (n 9).

⁶⁶ *Zhang v Chen* (n 9).

⁶⁷ For example, Jason Proctor, 'B.C. lawyer reprimanded for citing fake cases invented by ChatGPT' *CBC News*

about the risks of GenAI hallucinations. Other examples of hallucinations of GenAI over 2023 and 2024 in the United States include: *People v Crabill*,⁶⁸ where ChatGPT hallucinated and fabricated fake cases that led to a lawyer's suspension. *Smith v. Farwell: GenAI used by a lawyer to fabricate fake cases, cited in multiple motions prepared by an associate, resulting in sanctions.*⁶⁹ This misleads judges, burdens courts with verification, and erodes trust.

In Nigeria, the issue of hallucinations and the fabrication of facts is amplified amid strict procedural rules and limited verification resources. Nigerian litigators risk similar sanctions under RPC Rule 32 for misleading tribunals.⁷⁰ In high-stakes appeals, erroneous facts derail grounds, prolonging backlogs in the Court of Appeal. Global benchmarks show that

(26 February 2024) <<https://www.cbc.ca/news/canada/british-columbia/lawyer-chatgpt-fake-precedent1.7126393>>; Leyland Cecco, 'Canada lawyer under fire for submitting fake cases created by AI chatbot' *The Guardian* (1 March 2024) <<https://www.theguardian.com/world/2024/feb/29/canada-lawyer-chatgpt-fake-casesai>>.

⁶⁸ *People v Crabill*, 2023 WL 8111898 (Colo OPDJ Nov. 22, 2023).

⁶⁹ The lawyer was sanctioned after admitting '... [he] is unfamiliar with AI systems and was unaware, before the Oppositions were filed, that AI systems can generate false or misleading information. He also was unaware that his associate had used an AI system in drafting court papers in this case until after the Fictitious Case Citations came to light. Plaintiff's Counsel said that he had reviewed the Oppositions, before they were filed, for style, grammar and flow, but not for accuracy of the case citations. He also did not know whether anyone else in his office had reviewed the case citations in the Oppositions for accuracy before the Oppositions were filed. Plaintiff's Counsel attributed his own failure to review the case citations to the trust that he placed in the work product of his associate, which (to his knowledge, at least) had not shown any problems in the past.'

⁷⁰ Michael S. Borella, 'AI Hallucination in Legal Cases Remains a Problem' (Snippets) <<https://www.mhb.com/intelligence/snippets/ai-hallucination-in-legal-cases-remain-a-problem/>> accessed 7 September 2025.

legal AI hallucinates in 1 in 6 queries.⁷¹ Local tools like LawPavilionGPT may hallucinate on sparse precedents, clashing with Evidence Act verification standards. NBA guidelines mandate disclosure and checks, but resource gaps heighten exposure in courts.

2.3.2 Algorithmic Bias and Fairness in Litigation

The challenges of bias and fairness in generative AI algorithms used in litigation stem from skewed training data that reinforce racial, gender, or socioeconomic inequalities, thereby threatening equal justice and due process. These biases can intensify in predictions, summaries, or case analyses, leading to discriminatory decisions or diminished trust in judicial procedures. Nigerian litigators operating in diverse ethnic environments face increased risks of these issues under constitutional fairness requirements.⁷² Training on historical legal data can embed systemic biases, causing AI to favour certain demographics in predictions or risk assessments. Generative models tend to amplify subtle disparities, often misinterpreting legal precedents through cultural perspectives that are missing in the datasets. This results in unequal treatment based on race or class in areas such as bail decisions, sentencing analytics, and evidence

⁷¹ Victor Habib Lantyer, 'The Phantom Menace: Generative AI Hallucination and Their Legal Implications' (SSRN, 5 March 2025) <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5167036> accessed 3 September 2025.

⁷² David Uriel, 'Artificial Intelligence at the Bench: Legal and Ethical Challenges of Informing- or- Misinforming-Judicial Decision-Making Through Generative AI' (Data & Policy, 2024) <<https://www.cambridge.org/core/journals/data-and-policy/article/artificial-intelligence-at-the-bench-legal-and-ethical-challenges-of-informing-or-misinforming-judicial-decisionmaking-through-generative-ai/D1989AC5C81FB67A5FABB552D3831E46>> accessed 7 September 2025.

evaluation.⁷³ Biased outputs undermine judicial independence because "black box" reasoning makes discriminatory influences hidden, violating principles of transparency and accountability. This can lead to unfair rulings affecting vulnerable groups, resulting in appeals or increased policy scrutiny. In Nigeria, such biases conflict with the Equity principle of the Evidence Act, worsening disparities between the state and courts, as outlined by NBA guidelines.⁷⁴ Local datasets often underrepresent minority jurisdictions, which can skew AI recommendations toward urban cases and disadvantage rural litigants. This poses a risk to fair hearings under Section 36 of the 1999 Constitution, highlighting the need for bias audits on tools like LawPavilionGPT.⁷⁵

2.3.3 Admissibility and Evidentiary Challenges

Generative AI raises admissibility and evidentiary issues in litigation, particularly with authenticating synthetic content like deepfakes, ensuring reliability, and dealing with opacity in algorithms. Courts find it difficult to differentiate AI-generated evidence from genuine evidence, which might lead to prejudice against juries and violate due process, especially under standards such as Frye and Daubert. In Nigeria, these challenges conflict with the Evidence Act 2011, which mandates relevance, authenticity, and certification. AI outputs often lack clear authorship or a verifiable chain of

⁷³ Xiaojian Lin & Michael Losavio, 'A Comprehensive Survey on Bias and Fairness in Generative AI: Legal, Ethical, and Technical Responses' (SSRN, 15 September 2025) < https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5164147 > accessed 27 October 2025.

⁷⁴ Harvard Law Review, 'Resetting Antidiscrimination Law in the Age of AI' (2025) 138 (6) Harv. L. Rev. 1562 < <https://harvardlawreview.org/print/vol-138/resetting-antidiscrimination-law-in-the-age-of-ai/> > accessed 3 December 2025.

⁷⁵ Holli Sergeant and Mans Magnusson, 'Bias in Legal Data for Generative AI' < https://blog.genlaw.org/pdfs/genlaw_icml2024/9.pdf > accessed 23 October 2025.

custody, making it difficult to confirm their origin, especially since courts require provenance and expert testimony for novel techniques. Additionally, deep fakes bypass traditional forensic methods.⁷⁶ Black-box models hide sources of explainability and bias, which can undermine hearsay exceptions or the admissibility of expert evidence. Judges often lack the necessary tools to evaluate the integrity of training data, resulting in the exclusion of evidence due to concerns over fabricated visuals or analyses. This situation places a heavy verification burden on Nigerian High Courts, especially under tight deadlines.⁷⁷

2.3.4 Technological Infrastructure and Expertise Requirements

The technological infrastructure and expertise needed for generative AI pose challenges in litigation, requiring significant computational power, secure data management, and specialized skills that are often lacking in courts and small firms. Legacy systems struggle to meet AI processing demands, and gaps in training can lead to user errors. In Nigeria, inadequate infrastructure in rural courts and a judiciary with limited technological expertise further increase these obstacles, especially in light of NBA guidelines.⁷⁸ AI depends on strong servers, cloud services, and

⁷⁶ Trishita Chattarjee and FFT Consulting, 'Admissibility of AI – Reviewed Digital Evidence in Legal Investigations' (Indian Journal of Integrated Research in Law, Volume V Issue II | ISSN: 2583-0538) < <https://ijirl.com/wp-content/uploads/2025/04/ADMISSIBILITY-OF-AI-REVIEWED-DIGITAL-EVIDENCE-IN-LEGAL-INVESTIGATIONS.pdf>> accessed 5 November 2025.

⁷⁷ Nzubechukwu Anthony Orji, 'An Inquiry into the Admissibility of AI-Generated Evidence Under the Nigerian Evidence Act, 2023' (SSRN, 28 November 2024) < https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5036811> accessed 24 October 2025.

⁷⁸ Nigerian Bar Association, 'Guidelines for the Use of Artificial Intelligence in the Legal Profession in Nigeria' < <https://nbaslp.org/wp-content/uploads/2024/08/GUIDELINES->

cybersecurity measures to handle large volumes of ESI securely. However, underfunded court IT systems conflict with these needs. Bandwidth constraints cause delays in real-time analytics, affecting e-filing and virtual hearings. Nigerian state courts often suffer from power outages and aging hardware, which hampers tools like LawPavilionGPT.⁷⁹

Judges and lawyers require training in prompts, bias detection, and verification, but most lack AI literacy, according to global surveys. Verification protocols increase workloads without dedicated staff. In Nigeria, the NBA requires competence; however, rural practitioners find it difficult to access such training.⁸⁰ The digital divide prevents non-urban litigants from accessing AI benefits, infringing on fair-trial rights under Section 36 of the Constitution. High costs further discourage adoption, especially with existing backlogs.⁸¹

2.3.5 Copyright Infringement Liability

Liability for copyright infringement is a key challenge facing generative AI in litigation, primarily concerning two issues: how the AI systems are

[FOR-THE-USE-OF-AI-IN-THE-NIGERIAN-LEGAL-PROFESSION-signed.pdf](#)>
accessed 13 July 2025.

⁷⁹ Thomson Reuters, ‘GenAI Technology in the Court System: Requirements and Capabilities’ (11 March 2025) < <https://legal.thomsonreuters.com/blog/genai-technology-in-the-court-system-requirements-and-capabilities/>> accessed 12 September 2025.

⁸⁰ Isha Sharma and Anuradha Gandhi, ‘Supreme Court’s Guidance on the Use of Generative AI Tools in Court Proceedings’ (Mondaq Legal 500 Intelligence, 28 October 2024) < <https://www.mondaq.com/india/court-procedure/1536250/supreme-courts-guidance-on-the-use-of-generative-ai-tools-in-court-proceedings>> accessed 5 November 2025.

⁸¹ Nigerian Bar Association, ‘Guidelines for the Use of Artificial Intelligence in the Legal Profession in Nigeria’ < <https://nbaslp.org/wp-content/uploads/2024/08/GUIDELINES-FOR-THE-USE-OF-AI-IN-THE-NIGERIAN-LEGAL-PROFESSION-signed.pdf>> accessed 13 July 2025.

trained and how lawyers incorporate AI-generated content into their work. Both issues pose risks of direct and secondary infringement, along with uncertainty about fair use and potential professional liability for litigators. Often, generative models are trained on large datasets that include copyrighted books, news articles, images, and proprietary legal materials without obtaining individual licenses. Major rights-holders such as large media companies, stock-image providers, and legal publishers have sued, claiming that copying their works into training datasets or extracting structural components like headnotes and editorial notes infringes on reproduction and derivative rights. The copyright Act created some protection for online content, which AI content can be subsumed into the definition of digital copy.⁸² Lawyers who write legal opinion, commentaries and other legal related articles on their social media accounts can be guilty of infringement of AI copyright content.⁸³ Courts have begun to rule that using proprietary compilations to develop legal research tools can breach copyright if the selected and arranged content is protected and not covered by fair use, resulting in damages and the removal of some AI products.⁸⁴ These rulings create uncertainty about the legality of future training methods and who is responsible, whether the model developer, the deployer, or both.

⁸² Section 108 of the Copyright Act, 2022

⁸³ *Ibid.* Sections 54 – 62.

⁸⁴ D.Del. 2025 cited in Frank D’Angelo, ‘Federal Court Holds that Creator of AI Tool Infringed Copyright in Training Data: Harbinger or Blip?’ (Leob & Leob, February, 2025) < <https://quicktakes.loeb.com/post/102k035/federal-court-holds-that-creator-of-ai-tool-infringed-copyright-in-training-data>> accessed 9 February, 2026 and S.D.N.Y. 2023-Present. Cited in Jim Millot, ‘Authors’ Class Action Lawsuit Against OpenAI Moves Ahead’ (Job zone, Oct, 2025) < <https://www.publishersweekly.com/pw/by-topic/digital/copyright/article/98961-authors-class-action-lawsuit-against-openai-moves-forward.html>> accessed 10 February, 2026.

2.3.6 Client Confidentiality and Data Security Breaches

GenAI presents serious concerns for client confidentiality and data security in litigation. Sensitive case details entered into third-party platforms may be unintentionally disclosed. Public AI tools often save prompts for training purposes, risking exposure of privileged communications, client identities, or proprietary strategies to unauthorized access or regeneration. In Nigeria, such practices violate RPC Rule 19 on confidentiality, increasing the risk of malpractice claims amid growing cyber threats. Unless explicitly opted out, inputs to general AI like ChatGPT become part of training data, which can surface in unrelated queries and breach attorney-client privilege. Poor platform security raises the risk of hacks, as seen in cases where firm data was leaked through unsecured APIs. Nigerian firms are particularly vulnerable to cyber-attacks, given unstable infrastructure and phishing scams targeting exposed information.⁸⁵ Breaches can result in sanctions, disqualification, or adverse inferences, which weaken the case's credibility under court rules. Clients might pursue damages, and regulators such as the NBA can discipline for negligence.⁸⁶

2.3.7 Ethical Considerations of Generative AI in Litigation

Generative AI in litigation raises profound ethical considerations rooted in duties of competence, candour, confidentiality, and supervision under rules like American Bar Association Model Rules of Professional Conduct (ABA

⁸⁵Marjorie Richter J.D., 'Concerns and Legal Issues Surrounding AI' (Thomson Reuters, 29 July 2025) < <https://legal.thomsonreuters.com/blog/the-key-legal-issues-with-gen-ai/>> accessed 10 October 2025.

⁸⁶ Jonatan Tam, 'Privacy Law Issues Associated with Developing and Deploying Generative AI Tools' (2024) *Privacy Law Section Journal, California* 1 < <https://calawyers.org/privacy-law/privacy-law-issues-associated-with-developing-and-deploying-generative-ai-tools/>> accessed 15 July 2025.

Model Rules)⁸⁷ or Nigerian Rules of Professional Conduct (RPC)⁸⁸ equivalents. Lawyers must treat AI as an assistant, not a substitute, and verify its outputs to uphold professional judgment. These imperatives balance innovation with justice and integrity,⁸⁹ else under the Nigerian law they might be guilty of professional negligence for any negative consequences to their clients' cause.⁹⁰

The ABA Model Rules⁹¹ mandates technological competence, requiring lawyers to understand AI limitations, such as hallucinations, before deploying AI in research or drafting. Failure invites sanctions, as in cases where unverified AI citations led to fines.⁹² Nigerian practitioners must master local tools such as LawPavilionGPT in line with NBA guidelines.⁹³ Rules 3.3 and 4.1⁹⁴ Prohibit misleading tribunals or parties with fabricated AI content, demanding disclosure of AI use where material. Client

⁸⁷ American Bar Association Model Rules of Professional Conduct (1983) 52 (7) <https://paclii.org/fm/rules/prof_conduct_rul...> accessed 12 October 2025.

⁸⁸ Rules of Professional Conduct, 2023.

⁸⁹ Bryce Riddle and Aram Desteain, 'Navigating Ethical and Regulatory Challenges of Generative AI in Law Firms' (Attorney At Law Magazine, 19 August 2024) <<https://attorneyatlawmagazine.com/author/bryce-riddle>> accessed 17 July 2025.

⁹⁰ Section 9 of the Legal Practitioners Act, 1975

⁹¹ American Bar Association Model, (n83) Rule 1.1.

⁹² *Mata v Avianca*, (n4).

⁹³ Ryan Groff, 'Ethical Uses of Generative AI in the Practice of Law' (Thomson Reuters, 8 August 2025) <<https://legal.thomsonreuters.com/blog/ethical-uses-of-generative-ai-in-the-practice-of-law/>> accessed 7 November 2025.

⁹⁴ American Bar Association Model Rules of Professional Conduct (1983) 52 (7) <https://paclii.org/fm/rules/prof_conduct_rul...> accessed 12 October 2025.

transparency under Rule 1.4⁹⁵ Ensures informed consent, addressing risks in strategy or predictions.⁹⁶

Rule 1.6⁹⁷ bars sharing privileged data with unsecured AI platforms, necessitating private instances and anonymised prompts. Breaches erode trust and clash with Nigerian Evidence Act protections.⁹⁸

Rules 5.1-5.3⁹⁹ require oversight of AI-assisted staff, while bias mitigation upholds fairness under constitutional due process. Courts increasingly mandate AI verification certifications.

3.0 Recommendations

Against the background of the challenges in the use of generative artificial intelligence in litigation in Nigeria, the following is recommended:

- a. Mandatory AI competence training should be introduced to address generative AI challenges in litigation by equipping lawyers with skills to verify outputs, mitigate biases, and ensure ethical deployment, fulfilling the duty of competence under the Nigerian Rules of Professional Conduct Rule 16 and the NBA guidelines. This recommendation transforms risks into managed opportunities through structured curricula

⁹⁵ Ibid.

⁹⁶ Natasha Norton, 'Understanding Ethical Dimension of Generative AI in Legal Practice' (Korum New Law, 19 November 2024) <<https://www.korumlegal.com/blog/understanding-the-ethical-dimensions-of-generative-ai-in-legal-practice>> accessed 3 December 2025.

⁹⁷ American Bar Association Model Rules of Professional Conduct (1983) 52 (7) <https://pauli.org/fm/rules/prof_conduct_rul...> accessed 12 October 2025.

⁹⁸ Marjorie Richter J.D., 'Concerns and Legal Issues Surrounding AI' (Thomson Reuters, 29 July 2025) <<https://legal.thomsonreuters.com/blog/the-key-legal-issues-with-gen-ai/>> accessed 10 October 2025.

⁹⁹ American Bar Association Model Rules of Professional Conduct (1983) 52 (7) <https://pauli.org/fm/rules/prof_conduct_rul...> accessed 12 October 2025

on prompting, auditing, and oversight. It promotes uniform standards amid Nigeria's diverse court systems.

- b. Adopt disclosure requirements in filings and court processes to promote transparency, enabling verification, and upholding the duties of candour under Rule 32 of the Nigerian Rules of Professional Conduct. Courts should mandate certifications to deter unverified outputs, reducing hallucinations and bias risks. This would foster trust without stifling innovation. The certification should be at the end of filing to read thus: "This document was prepared with assistance from [specific AI tool, e.g., LawPavilionGPT], limited to [e.g., initial drafting/research]. Counsel against primary sources has independently verified all content, citations, and facts.
- c. Bias auditing protocols should be embraced for testing of generative AI outputs in litigation to detect and mitigate embedded prejudices from training data, ensuring equitable case assessments and predictions.
- d. National AI ethics guidelines should be enacted for Nigeria to foster unified standards for transparency, accountability, and fairness, and promote responsible deployment of generative AI tools amid Nigeria's diverse courts.
- e. Adoption of human oversight on generative AI outputs by legal practitioners. It ensures lawyers retain ultimate responsibility for outputs to counter hallucinations, biases, and ethical risks. AI augments trial proceedings but cannot replace them, mandating verification at every stage to uphold due process and candour duties and emphasise autonomy in high-stakes decisions.
- f. Transparency and candour serve as foundational recommendations for generative AI challenges in litigation, requiring lawyers to disclose AI involvement and verify outputs rigorously to fulfil duties under Nigerian RPC Rule 32 (candour to tribunal). This builds judicial trust, pre-empts

challenges, and counters risks such as hallucinations and biases by enabling scrutiny.

4.0 Conclusion

GenAI holds immense promise for revolutionising litigation through efficiency gains and enhanced access to justice, yet its challenges and ethical pitfalls demand vigilant oversight. Opportunities like accelerated research, predictive analytics, and automated drafting can alleviate Nigeria's judicial backlogs, but hallucinations, biases, and confidentiality risks underscore the need for human verification and robust protocols. Adopting recommendations such as mandatory training, disclosure rules, and secure deployments will enable ethical integration, ensuring AI augments rather than undermines professional judgment. Litigators must prioritise competence and candour, transforming generative AI from a disruptive force into a reliable ally that upholds the integrity of the justice system across jurisdictions.