



Consultation response

Civil Justice Council consultation: Use of AI for Preparing Court Documents

9 April 2026

Introduction

1. The Costs Lawyer Standards Board (“CLSB”) is the regulator of Costs Lawyers in England and Wales. We exist to serve the public interest by setting and maintaining the standards of professional conduct by which Costs Lawyers must abide. Our mission is to “provide effective, proportionate regulation of Costs Lawyers in a way that promotes consumer choice and understanding, and engenders justified public trust.”
2. The CLSB is pleased to respond to the Civil Justice Council (CJC) consultation on the Use of AI for Preparing Court Documents.

About Costs Lawyers

3. Costs Lawyers are regulated by the CLSB and must comply with our regulatory rules and professional standards at all times. They must also follow our Code of Conduct for ethical behaviour, be covered by appropriate insurance and have a complaints procedure in place. Clients of Costs Lawyers have the right to escalate a complaint to the Legal Ombudsman. The CLSB also has the power to take disciplinary action, through a fitness to practise regime, against Costs Lawyers who do not meet their professional obligations.
4. Costs Lawyers have rights of audience that are higher than those of solicitors and chartered legal executives without higher rights of audience. Provided that they are instructed to deal only with matters that relate to costs, Costs Lawyers may conduct proceedings and represent clients in any court or tribunal, including any criminal court or courts martial, the Supreme Court or the Privy Council where:
 - the proceedings are at first instance; or
 - the proceedings include an appeal below the level of the Court of Appeal or Upper Tribunal, are on a first appeal (other than in the Court of Appeal) and the appeal itself relates to costs; or
 - the proceedings do not fall within either of the categories above, but their instructions are limited to dealing with the costs of the proceedings; or
 - the court or tribunal grants permission for a Costs Lawyer to conduct proceedings or to represent a client (or both).

Comments on the CJC proposals

5. The CLSB is supportive of the scope of the CJC's work and the proposals set out in the consultation paper.
6. The CLSB agrees that scope of this work - i.e. whether there is a need for procedural rules to govern the use of AI in the preparation of court documents - is appropriate, and that guidance should be a matter for professional bodies and regulators.
7. The CLSB has produced [guidance](#) for Costs Lawyers on the use of AI in their work. The guidance sets out the regulatory, ethical, and practical considerations Costs Lawyers should take into account when considering whether – and how – to use AI in their work. It emphasises that Costs Lawyers must comply with their duty to the court and promote the proper administration of justice at all times. They also must not knowingly or recklessly either mislead the court, attempt to mislead the court, or allow the court to be misled. The guidance further explains that if Costs Lawyers use generative AI to assist with research, drafting documents or any other legal tasks, they must critically review, verify – and where necessary – correct, any AI-generated output to confirm that it is accurate and consistent with their own legal knowledge and experience.
8. As a regulator, we expect Costs Lawyers to not use AI in any way that compromises their professional, regulatory, and ethical duties. We also expect Costs Lawyers to adopt appropriate safeguards when procuring and/or using AI, to ensure that clients are protected.
9. The CLSB has no concerns about the CJC's proposals from a regulatory perspective.
10. We look forward to seeing the CJC's final report when it is ready, and we would be happy to discuss our response to the consultation in more detail.