CYBER SECURITY IN AI-DRIVEN JUSTICE SYSTEMS: THE BAR, THE BENCH, AND ETHICAL CONCERNS

(Chairman's remarks at the Lagos State Judiciary 2025/2026 Legal Year Summit on 23rd September, 2025)

I. Introduction

Let me heartily welcome all of us to the Lagos State Judiciary 2025/2026 Legal Year Summit. It is an honour to preside over today's program and for this, I want to specially thank my noble Lords, Hon. Justice Adedayo Oyebanji, Hon. Justice Ibironke Harrison, and other distinguished members of the Legal Year Committee. The topic of today's conversation is both urgent and profound.

My role this morning is not to pre-empt the rich insights that will soon unfold from the presentations of our distinguished Keynote Speaker, Mr. Olumide Babalola, and the contributions of our eminent panel, led by the indomitable Olawale Akani, SAN, and comprising my Law Lord, Hon. Justice Eniola Fabamwo, my erudite brother Silk, Babatunde Ajibade, SAN; and a guru of ADR, Olusola Adegbonmire. Rather, I will attempt to share a few opening reflections that, I hope, will throw up the realities of the moment, and deepen our collective inquiry of how we should deal with them.

In a time when technology is evolving faster than legal systems can adapt, and when cybersecurity threats have shifted from being peripheral risks to existential challenges, we are compelled to confront something uncomfortable...***Artificial Intelligence (AI) in the Justice Sector***.

By "Artificial Intelligence." I refer to technologies powered by machine learning-tools such as ChatGPT, natural language processors, predictive engines, or computer vision — that enable machines to perform tasks which previously required human effort, such as generating written content, analyzing data, or recognizing complex patterns in large volumes of information.

Globally, Artificial Intelligence has emerged as a transformative force in legal systems. In Nigeria, however, judicial engagement with AI is marked by hesitation, even palpable fear. The question before us, then, is not only how ready our institutions are, but how ready we are individually - as lawyers, judicial officers, regulators, and educators.

Let me set the context with two short scenarios:

(i) Not long ago, an Australian Solicitor relied on an AI tool to prepare a legal brief. The document was well-written, coherent and persuasive. The citations appeared impeccable; the arguments flowed smoothly. But there was one fatal flaw: the case authorities quoted never existed. They were AI hallucinations. The Solicitor faced disciplinary actions for neglecting his duty to exercise professional judgement and responsibility.

(ii) The second scenario relates to the role of technologies that claim to detect criminals through facial algorithms or body language. How admissible would such evidence be in the courtroom? Could it be prejudicial to present to a Judge that an AI system has "determined" the likelihood of guilt of the defendant ?

For fact finders trained to exercise their discretion with independence, impartiality and competence, how are they to evaluate a system whose algorithms, datasets and training methods are opaque – and often shielded as proprietary trade secrets? How can the adjudicator verify accuracy, fairness, or bias?

These are only two illustrations of the complex challenges that AI introduces. Now extend those challenges into a justice system where courts, lawyers, and litigants rely heavily on such tools. Let me compound the situation by reminding us that these very systems may themselves be hacked, manipulated, or corrupted.

These are not futuristic scenarios. They are already our reality.

There is a raging debate in some quarters about whether we should adopt AI. This debate, to my mind, is misplaced. It is like locking a goat in a room with a tuber of yam and praying that the goat will not eat the yam - pure wishful thinking. AI adoption is not a matter of choice; it is inevitable because it is "product-led" and "usage driven" premised on the enormous benefits and value it delivers. Consumers are irresistibly drawn to it. Trying to stop this movement is like trying to stop a suitor from pursuing a desired bride - or forbidding us from using navigation apps, Google search engines, Siri, and Alexa. These everyday examples show how seamlessly AI has made life easier.

Just as in other sectors, the promise of AI in the Justice sector is enormous. It offers unprecedented opportunities for automation, efficiency and access to justice. Yet, with every promise comes peril. The cybersecurity threat is a core issue underlining the risks involved in the growing use of AI.

At the core of our justice system are the court registries which serve as the backbone of the record centers for case management, case files, transcripts of evidence, exhibits, judgments, execution and more. The more we embrace digital systems and data-driven innovation, the more the system become more vulnerable to technology risks and cyber threats. Beyond the courts, the justice ecosystem also includes the Ministry of Justice and private law firms. Their databases and networks are equally exposed to data breach and cyber-attack.

Hackers are already repurposing AI-based tools. What was designed for cyber defence is being used to generate deepfakes, poison datasets, and corrupt AI models - introducing false evidence and manipulating outputs to secure the hacker's desired outcome. How is an adjudicator expected to respond to such risks?

Let us picture a murder trial - the determination of which heavily rely on video evidence. The defence claims the footage is deepfake; the prosecution insists it is authentic. How should the adjudicator verify it? Or imagine a commercial dispute in which one party tenders an audio recording to discredit the opposing side's central witness. The response of the party sought to be discredited is immediate: "the audio recording is fake." What should the respective counsel do? How should the court respond?

It is within this context that I propose to examine three practical dimensions of AI's interaction with the judiciary.

II. **Some Practical Applications of AI in the Context of Nigeria's Judicial Sector**

- Application of AI in Judicial Decision – Making;
- Application of AI in Case Management;
- Application of AI in Legal Practice.

Application of AI in Judicial Decision – Making

a) Legal Research and Precedent Analysis

- **How AI Helps:** AI tools can instantly scan vast databases of case law, statutes, and academic writings to identify relevant authorities.

- **Best Practice:** An adjudicator should use AI to generate a list of possible authorities but personally review and analyze them to ensure context and applicability.

b) *Drafting Rulings and Judgments*

- **How AI Helps:** AI-assisted drafting tools can suggest structure, language clarity, and summarization of legal arguments or evidence.

- **Best Practice:**
  1. Adjudicator can use AI to organize materials - evidence summaries, witness depositions, and cited authorities. But, must maintain judicial independence by ensuring all reasoning, findings, and conclusions are authored and validated by the adjudicator.

  2. Judicial assistants must mandatorily disclose when AI has been used for administrative assistance.

c) *Dealing with AI Generated Forgeries and Deepfakes*

With respect to AI generated forgeries and deepfake images, videos, or audios, both Counsel and the court should be alert to unnatural facial or body movements such as blinking or stiff expression, lighting inconsistencies, strange shadows or reflections, blurry or distorted details, lip-sync issues, unnatural intonations or oddly paced speech.

- **How AI Helps:** AI tools such as Microsoft Video Authenticator, Deepware scanner among others can be deployed by experts invited by the parties to analyse and detect whether a video or audio is AI generated. These can form part of admissibility hearings pursuant to sections 84 – 86 of the Evidence Act.

- **Best Practice:**
  1. Courts can require expert forensic certification for video or audio evidence. For instance, a court may direct an independent forensic unit under the DSS or NITDA to verify metadata and editing trails.

  2. In the case of synthetic identity, in some jurisdictions, AI-powered ID verification tools can detect that a driving licence number does not exist in the official driver's licence database. This may not be possible yet in Nigeria for reasons of data-gap or lack of integration of some databases. What the court

can do is to order verification directly from the agency concerned e.g. FRSC in the case of driving licence or NIMC in the case of National Identity Card.

3. Practice Direction and Rules of Court can also be utilised to standardize disclosure by mandating full disclosure of digital source materials (e.g. original footage, devices used, timestamps) etc as part of pre-trial.

4. Continuous judicial education for adjudicators and Registrars on digital evidence authentication, AI generated fraud, and techno-legal standards.

5. Clear sanction for parties and their counsel who deliberately attempt to mislead the court with manipulated AI evidence.

Practical Example – Judge Writing a judgment

Scenario:

A High Court judge is delivering judgment in a complex commercial dispute involving breach of contract and allegations of fraud. The case has hundreds of pages of pleadings, witness statements, and cited authorities.

How AI Assists:

1. **Research:** The judge can use an AI legal research tool to quickly identify cases on "breach of contract" with similar fact patterns across Nigerian appellate courts.

2. **Summarization:** The judge can upload the parties' lengthy final addresses into an AI summarizer, with instructions for it to highlight the key issues raised by counsel.

3. **Drafting Aid:** The judge can ask AI to suggest a draft outline for the judgment (introduction, facts, issues for determination, analysis, and decision).

4. **Language Clarity:** After writing the judgment, the judge runs it through an AI writing assistant to simplify legal jargon for the public.

Pros:

- Saves time in sorting through voluminous case law and arguments.

- Helps organize judgment into a clear, logical structure.
- Improves readability of the judgment for non-lawyers.

Risks:

- AI may suggest irrelevant or out-of-context authorities.
- Confidential facts risk exposure if uploaded into public AI platforms.
- Over-reliance may weaken judicial independence if not appropriately balanced.

Best Practice: Adjudicators must ensure that while AI provided research support and structural guidance, all findings of fact and conclusions of law must remain the independent work of the adjudicator.

Application of AI in Case Management

- **How AI Helps:** A regular complaint is that courts are overwhelmed with cases which have resulted in delayed proceedings, hearings and judgements. For a long time, the courts did not have technological tools to cope with the volume of cases. Unfortunately, when technology was eventually introduced, its implementation and scaling has been far from effective. AI offers an opportunity to fundamentally reimagine judicial processes - from filing and categorizing cases by subject-matter, to flagging non-compliance with front-loading rules, allocating cases efficiently, archiving records, and generally managing case schedules with far greater precision.

- **Best Practice:** The effectiveness of technology in the judiciary depends on deliberate planning, adequate investment, proper training and robust frameworks to address ethical and practical concerns. Above all, the judiciary must take deliberate steps towards digitizing all its records. AI systems cannot generate reliable insights from data that does not exist in digital form. Currently, our justice system is characterised by significant data gaps, limited interoperability, sector fragmentation and poor information management. Reliable AI-driven insights will only thrive on high quality comprehensive data.

  Building this foundation can be the defining legacy of the Honourable Chief Judge and the Honourable Attorney-General. By putting the right building blocks in place, and benchmarking against jurisdictions that are already ahead, Nigeria's judiciary can chart a path towards a more efficient and trustworthy system.

Application of AI in Legal Practice

a) Drafting Pleadings (e.g., Statement of Claim, Written Address)

- **How AI Helps:** AI can generate templates, suggest phrasing, and highlight missing legal elements (e.g., cause of action, jurisdictional grounds).

- **Best Practice:**
  1. Treat AI output as a **first draft**, not a final submission.
  2. Verify every fact and citation independently—AI cannot assume responsibility for legal accuracy.
  3. Guard against over-reliance by ensuring the document reflects the lawyer's reasoning, strategy, and advocacy style.

b) Case Preparation and Strategy

- **How AI Helps:** AI can analyze opposing counsel's filings, extract key issues, and predict possible arguments based on precedent.

- **Best Practice:** Ensure predictions and summaries are **used to inform strategy** but not as substitutes for professional judgment.

c) Client Advisory Work

- **How AI Helps:** AI can generate quick overviews of legal frameworks or compare laws across jurisdictions.

- **Best Practice:** Always contextualize AI-generated insights with the client's unique circumstances, keeping in mind confidentiality and privilege obligations.

Practical Example – Practitioner Drafting a Statement of Claim
Scenario:

A lawyer is retained by a client whose property was demolished without due notice by a state agency. The client seeks damages for breach of constitutional rights and unlawful interference with property.

How AI Assists:

1. **Drafting Aid:** The lawyer can use an AI drafting assistant to generate a **template Statement of Claim**, inserting headings for "Parties," "Facts of the Case," "Reliefs Sought," and "Jurisdiction."

2. **Precedent Identification:** AI research tool can provide relevant constitutional provisions (e.g., Section 44 of the 1999 Constitution) and previous cases on compulsory acquisition.

3. **Address Writing:** For the written address, the lawyer can use AI to generate a summary of principles of natural justice and fair hearing.

4. **Strategy Support:** AI can suggest potential counter-arguments that the state agency might raise (e.g., "public interest" defense).

Pros:

- Reduces drafting time by providing a structured foundation.
- Ensures key legal elements (facts, reliefs, jurisdiction) are not omitted.
- Helps anticipate opposing arguments, strengthening strategy.

Risks:

- AI-generated authorities may not be up to date or jurisdiction-specific.
- Draft may include boilerplate text that doesn't fully reflect unique client facts.
- Confidential client data could be exposed if fed into unsecured platforms.

Best Practice: The lawyer should use AI-generated drafts as a **skeleton framework** but conduct independent legal research and tailoring to fit the client's facts and the court's jurisdiction. Client confidentiality is preserved by using secure, closed AI tools.

III. Will AI Replace Adjudicators and Lawyers

If I were to respond by analogy, I would start by saying that calculators did not replace accountants. AI, like a calculator, is no more than a tool structured to follow user instructions. There remain essential human roles in adjudication and advocacy that no machine can replicate.

(i) AI is not capable of true intuitive analysis and subconscious reasoning which are salient ingredients in assessing witness credibility (demanour), or the fair apportionment of damages;

(ii) AI is not likely to become an independent creative problem solver. It will remain a collaborative tool. It cannot weigh equity, public policy or moral considerations;

(iii) Critical thinking in the context of evaluation of information, questioning of assumptions and formation of independent judgments will uniquely remain human skills. AI will serve as a tool to enhance them, but, it cannot replace them.

(iv) AI cannot adjust for power asymmetries between parties during ADR hearings.

(v) With respect to lawyers, AI cannot effectively play out the instinctive choice of what line of questioning to adopt or the right moment to press a particular argument. That is the domain of the lawyer's brilliance, sharp wit, and the years of rigorous training and intuitive judgment.

AI may help us deliver judgments faster. But only we — the Bar, the Bench, and society — can ensure those judgments remain fair, ethical, and just.

IV. **Conclusion**

Permit me to close with these reflections.

The law is ultimately about people — not files, not codes, not algorithms, but people. Technology must remain the servant of justice, and never its master.

In the age of AI and rising cybersecurity threats, resistance is an understandable instinct but it is not a sustainable response. Adjudicators and lawyers cannot afford to stand on the sidelines of technological change. We must lead not with fear, but with foresight. What is certain is, if we do not shape the use of AI in the justice sector, others – less concerned with equity and fairness – will shape it for us, driven by commercial and/or political interest.

- **For adjudicators:** Use AI for **research, summarization, and structure** but never for reasoning or final decisions. Judicial independence must remain sacrosanct.

- **For Practitioners:** AI is valuable for **drafting, research, and strategy support**, but final documents must reflect professional reasoning and verified authorities.

- **For Both:** Always validate results, maintain confidentiality, and avoid over-reliance.

We can begin by putting in place a **multistakeholder AI Risk Advisory Committee** to think through risk mitigation in the judiciary's adoption of AI. Among others, the team will consider priority of design and rollout of judicial AI tools, possible regulatory framework, guidelines, and consultative working groups that can build inclusion.

The task before us is not to resist innovation, but to shape it responsibly, ensuring that justice remains not only human, but also grounded in trust. To achieve this, we must commit individually and collectively to continuous capacity building. Because, in a world where machines are learning rapidly, the legal (learned) profession must learn faster, not merely to keep up, but to lead with integrity, with insight, and with purpose.

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