

Bar AI Guidance Shifts Verification Duty Focus To Law Firms

By **Marcella Rich** (June 19, 2026, 9:00 AM BST)

On May 18, the Bar Standards Board [published](#) its first formal guidance on the use of artificial intelligence in the practice of law.[1]

The intervention has been a long time coming. The guidance, issued as a supplement to the BSB Handbook,[2] sets out how the existing core duties apply to AI use and draws on the High Court's June 2025 judgment in *R (Ayinde) v. London Borough of Haringey* and the cases that have followed it through the courts of England and Wales.[3]



Marcella Rich

For law firm leadership, the message is straightforward. The verification duty owed to the court has not changed. What has changed is the level at which the duty is being tested. Recent case law has stopped asking whether the individual lawyer knew what they were supposed to do, and has started asking whether the firm's operational architecture allowed them to do it.

Two decisions handed down within a day of each other in April illustrate the point. On April 22, the Judge Jonathan Klein in the High Court in *Godwin v. Godwin* declined to give full weight to two witness statements prepared with the assistance of ChatGPT, holding that it could not be sure whose words the court was reading.[4]

The following day, the County Court at Dudley in *Sabrena Rodney v. Gee's Micro Bar and Pitstop* referred a consultant solicitor and his firm's director at AML Legal to the [Solicitors Regulation Authority](#) over an appeal bundle containing misattributed and misapplied authorities, Judge Richard Grimshaw concluding that public admonishment alone would not suffice.[5] Read together, the decisions tell the firms watching this space why the BSB has chosen to intervene now.

This article shall discuss the BSB's intervention of May 18, the two April decisions behind it, and the operational implications for law firm leadership. The argument that follows locates the verification duty inside the firm's document production workflow and asks what management should be able to demonstrate when the regulator looks.

Two Failures of Verification

In *Godwin*, the defendant and another witness had each prepared statements that the defendant later acknowledged had been assisted by ChatGPT. Judge Klein could not rule out that the defendant might have been seeking to obscure his reliance on AI.

He recorded that both witnesses were sufficiently technically adept to have used conventional word processing tools, and that no satisfactory explanation for the use of generative AI had been advanced. The court concluded that it could not be sure that the statements were in the witnesses' own words.

The point is small, but consequential. Practice Direction 57AC, which governs the preparation of trial witness statements in the business and property courts, works on the premise that what the court is reading is the witness's own recollection. Godwin tells litigation teams that this premise can no longer be taken on trust.

The more significant decision is that of *Sabrena Rodney v. Gee's Micro Bar and Pitstop*, where the judge referred two solicitors to the SRA, as mentioned. Mahmood Hussain, a consultant solicitor, had been responsible for the conduct of the matter, while Kossar Qureshi, the firm's director, had signed off the email filing the appeal bundle.

The bundle, prepared in a small claims appeal, contained citations of cases whose neutral references belonged to wholly unrelated decisions, and other authorities deployed in support of propositions to which they had no apparent relevance.

Rodney's significance lies in where the citation errors originated, more than in the errors themselves. Hussain explained that the documents had been prepared with the assistance of a paralegal whose research he had not checked, and that the paralegal had relied on AI-enabled legal research tools and the firm's day-to-day case management software. That detail is the one law firm leaders should be reading carefully.

The AI arrived inside the practice management system that the firm was already using, embedded in commercial software that the firm had not been treating as an AI tool. Most of the AI conversations happening in law firms today focus on the consumer chatbots that staff might bring into the building. The Rodney transcript points to a conversation about the AI features the firm had already been paying for.

Qureshi acknowledged in her witness statement that, as director of the firm, she bore overall responsibility for the systems, supervision and safeguards of the firm, and accepted that further safeguards and training should have been implemented at an earlier stage.

Judge Grimshaw, having referred himself to the analysis in *Ayinde* and to existing guidance from the SRA^[6] and the Law Society,^[7] declined to refer the matter for contempt. He concluded, however, applying *Ayinde*, that "this is a prime example of a case where, given the material was deliberately, albeit probably negligently, deployed, admonishment alone is insufficient." He recorded failures on the part of both the solicitors and the management of the firm.

Workflow Problem

Read together, Godwin and Rodney describe a single problem. Neither failure involved a gap in legal knowledge. In both cases, the duty to verify was known, and the regulatory guidance supporting it was publicly available.

The failures occurred at the point in the production process where verification ought to have happened and did not. In Godwin, no one in the chain ensured that what the court read was the witness' own recollection. In Rodney, no one independent of the person who produced the research checked the citations before the documents were filed.

Both cases describe a workflow problem. Most law firms have an AI policy. A small number have the operational architecture to give that policy effect. The BSB guidance describes the duty in clearer terms than before, but it does not yet describe the operational machinery by which the duty is to be discharged within the firm or chambers. That gap is where regulatory exposure now sits.

Four Tests for Leadership

For managing partners, chief operating officers and heads of legal operations, the practical implication is that the next conversation with the regulator, or with a court, will not be about the firm's AI policy. It will be about what happens in the production of documents that reach the court. The questions the firm should be able to answer are not new in form; they are new in scope.

Chain of Custody

The first is whether the firm can describe, for any document of the kind that reaches the court, the chain of custody between the person who produces the underlying research and the person who signs the final document.

Rodney is, in essence, a chain of custody failure. The paralegal produced the documents, the consultant supervised the work in name only, and the director signed off the procedure without the kind of independent check that an effective production workflow would have required. Verifying citations should sit with someone independent of the person who produced them. That separation, even within a small team, prevents the kind of failure the courts have identified.

Knowledge of AI Function

The second question is whether the firm knows what AI is already doing inside the tools its people use. The Rodney transcript shows that the paralegal used AI features inside the software.

Most firms across the City and the regions are running similar tooling without a current inventory of which features are AI-enabled, which users have access, and on which types of work those features are being applied. That inventory is the foundation for everything else, including training, policy compliance and audit. Without it, the conversation with the regulator becomes very difficult.

Witness Statement Preparation

The third question is whether the firm has a documented protocol for witness statement preparation under Practice Direction 57AC.

The Godwin point translates into a specific operational requirement: The firm should be able to show how the witness's recollection was captured, what tools — including AI tools — were used

in transcription or drafting, what the witness was advised about their own use of AI, and how the final statement was verified back to the witness.

A protocol of that kind allows the supervising solicitor to sign the statement of truth with confidence rather than with hope.

Responsibility for Supervision

The fourth question is whether responsibility for supervision sits at the level at which the regulator is now looking. The Rodney decision records failures of firm management alongside the failures of the individual solicitors. That part of the judgment is doing important work. It places the design and audit of the production workflow within the regulatory frame, and lodges the responsibility for it with firm leadership rather than with the supervising solicitor on the file.

Conclusion

The Bar Standards Board guidance of May 18 marks an inflection point in how the verification duty is enforced at the bar and, through the SRA's parallel material, in the solicitors' profession.

As stated, the duty itself has not changed. What has altered is the level at which it is now tested. The decisions in Godwin and Rodney each place the operational processes of the firm, and the conduct of those who supervise rather than draft, squarely within the regulatory and judicial frame.

For law firm leadership, the question that follows concerns operational architecture: Who owns verification, where work transfers between people, what record is retained, and how the firm would demonstrate any of it if asked. An AI policy alone no longer answers that question. The case law of recent weeks suggests that the time to build the architecture is now.

Marcella Rich is senior vice president at [Williams Lea](#).

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[1] www.barstandardsboard.org.uk/resources/new-guidance-supports-barristers-to-safely-adopt-artificial-intelligence-and-emerging-technologies.html.

[2] www.barstandardsboard.org.uk/static/5e1baa5c-614c-4105-afae9a9ccdf8d97b/c0d1ed62-fcad-4a68-8ab810de5fa9b116/Artificial-Intelligence-Guidance-May-2026.pdf.

[3] [R \(Ayinde\) v. London Borough of Haringey](#)  and [Al-Haroun v. Qatar National Bank QPSC](#)  [2025] EWHC 1383 (Admin), Divisional Court (Sharp P and Johnson J), 6 June

2025: caselaw.nationalarchives.gov.uk/ewhc/admin/2025/1383.

[4] Godwin v Godwin [2026] EWHC 923 (Ch), Chancery Division (HHJ Klein sitting at Leeds), 22 April 2026: www.bailii.org/ew/cases/EWHC/Ch/2026/923.html.

[5] Sabrena Rodney v. Gee'z Micro Bar and Pitstop and others: www.judiciary.uk/judgments/committal-for-contempt-of-court-sabrena-rodney-v-geez-micro-bar-and-pitstop-and-others/.

[6] www.sra.org.uk/solicitors/guidance/use-of-artificial-intelligence-in-legal-practice.

[7] communities.lawsociety.org.uk/risk-and-compliance/compliance-and-the-use-of-ai-in-law-firms/6003325.article.