

AI DOES NOT EXEMPT FROM RESPONSIBILITY: REPORT TO THE BAR ASSOCIATION

A recent ruling by the Regional Administrative Court (T.A.R.) of Lombardy – Milan, Section V, dated 21 October 2025 No. 3348, addresses an issue that is increasingly being examined by judicial bodies: the use of artificial intelligence in the practice of law.

The case

The judgment originates from the appeal of a student who was not admitted to the second class of a high school, due to five failing grades. The defense argued, among other things, that the school failed to provide the documentation requested through an access-to-records application, misapplied the compensatory measures set out in the student's Personalized Learning Plan, and improperly used remedial and enhancement measures.

In order to support its claims, the defense cited numerous court decisions that, at first glance, seemed to fully substantiate the grounds of the appeal. However, the T.A.R. noted that the cited cases concerned completely different fields —from sports aviation to animal protection and the management of immigrants reception centres — and were therefore entirely irrelevant to the educational matter at issue.

Report to the Bar Association

Consequently, pursuant to Article 88 of the Italian Code of Civil Procedure, the T.A.R. ordered that the judgment be forwarded to the Milan Bar Association. The court deemed the conduct a "violation of the lawyer's duty to act with honesty and integrity in court."

During the oral hearing, the lawyer justified the incorrect citations by explaining that they had been obtained using AI-based research tools, which had generated erroneous results. The T.A.R., however, held that this explanation "cannot be recognized as an exculpatory circumstance, since the signing of procedural documents serves to assign responsibility for the content of legal writings to the signatory, regardless of whether they were personally drafted or produced with the assistance of collaborators or artificial intelligence tools."

The Charter of Principles for the Conscious Use of Artificial Intelligence Systems in the Legal Field (HOROS)

The judgment also referred to the "Charter of Principles for the Conscious Use of Artificial Intelligence Systems in the Legal Field" (HOROS), adopted and published by the Milan Bar Association on 19 December 2024. This document outlines the

ethical and professional principles governing lawyers' use of AI.

Particularly relevant is Provision No. 2 – Duty of Competence, which requires lawyers to make informed and mindful use of AI, emphasizing the importance of understanding “the limitations of the AI systems used” and avoiding “dependence on automated results.”

Regarding the principle of “the centrality of human decision-making,” also cited by the judges, HOROS states that “lawyers must actively intervene to critically assess the outcomes produced by AI technologies” (Provision No. 4). Specifically, the Milan Bar clarifies that “every AI-generated result must undergo human review to ensure its adequacy, accuracy, and compliance with ethical and legal standards.” Furthermore, “During interaction with AI, continuous review and critical analysis of automated recommendations or decisions are required.”

Ultimately, as the T.A.R. explains, there is “a duty to verify and control the results of research conducted using artificial intelligence systems, which may produce erroneous outputs commonly referred to as ‘AI hallucinations,’ occurring when such systems invent non-existent but seemingly plausible results.”

Conclusions

The T.A.R. Milan ruling establishes a clear precedent: artificial intelligence can be a valuable ally in legal practice, but it cannot (and should not) replace the lawyer's competence, diligence, and responsibility.

The use of technology must always be conscious, critical, and guided by the ethical principles of the profession. Only in this way can AI become a tool for efficiency rather than a source of error or disciplinary liability.

DISCLAIMER

The sole purpose of this *Client Alert* is to provide general information. Consequently, it does not represent a legal opinion nor can it in any way be considered as a substitute for specific legal advice.

2

Laura Sommaruga, Partner
Email: laura.sommaruga@grplex.com

Abdurrahman Gad Elrab, Associate
Email: abdurrahman.gadelrab@grplex.com