



Attorney General's Office
P.O. Box 164, Building 22, Port Zante
Saint Christopher (St Kitts) & Nevis
Office: 869.467.1013 | Fax: 869.465.5040
Email: AttorneyGeneral@gov.kn

JUSTICE WITHOUT BORDERS:
THE AI OPPORTUNITY FOR THE COMMONWEALTH CARIBBEAN

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Caribbean Commercial Law Workshop**

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Keynote Address by Garth Wilkin

I. INTRODUCTION

Whilst public office has taken me away from you, temporarily, I am happy to report from the other side of the fence that whether it be in our Commonwealth Caribbean corporate board rooms, our law firm strategy meetings or within our Cabinets, innovation matters.

If you forget everything else I have to say today, I need you to remember one thing—embrace innovation. Changing the way we think and our approaches to problem solving, does wonders. Innovation is the reason my twin island Federation moved from an average of 22 homicides per year to 4 in the past 9 months, only one of which has been gang/gun-related. This 75% reduction is not by accident. We embraced an innovative approach to this decades old violence problem and are immediately seeing results. Innovation matters.

Now, back to why I was invited here to have a conversation with you all today. In November 2024, I had the pleasure to deliver the first lecture in the Eastern Caribbean Supreme Court Lecture Series, under the theme: “Justice Without Borders: The Legal Practitioner’s Perspective and the ECSC Reality.” The then Acting Chief Justice Mario Michel wished for me to focus the lecture on the evolving role of our Court in the future.

Interestingly enough, this was a topic that had preoccupied my thoughts throughout 2024 and continues up to today. Earlier last year, I attended two conferences that, in their very different ways, painted a picture of how Artificial Intelligence (AI) will transform not only the legal profession but society at large—one from the perspective of the legal profession, and the other from the viewpoint of central bankers.

My conversation, by way of that lecture, was not just with the immediate stakeholders of the Eastern Caribbean Supreme Court, but with all of us who hold a vested interest in the future of justice in our region—policy makers, legal practitioners, and the public.

8 months later, I wish to continue that conversation with you today. I therefore invite you all, my friends, colleagues, and jurists, to open your minds for a few minutes to explore the limitless possibilities of innovation.



What if we were to reimagine how we “do” justice, and begin to prepare for the next phase of adaptation and re-engineering of our Commonwealth Caribbean Courts to meet the demands of our 7 million residents scattered across our mighty region?

Let’s kick off this thought experiment with two essential questions:

1. “Is a court a place or a service?”
2. “Do people with disputes need lawyers—or do they need resolution?”

These questions sit at the very heart of what many of us and our colleagues, as legal professionals, do—and, more importantly, what role the Court should play in the 21st century.

Yes, the Court is an institution, a “place” in the traditional sense—in, fact, it is made up of a group of places across the region where individuals go to resolve disputes. But it is so much more than that—a dynamic service, one that provides accessible, fair, and timely solutions. Imagine, if you will, that the court houses and registries were to close tomorrow—would justice cease to flow? Absolutely not. It can and will continue in a digital age. The recent pandemic taught us that.

Ten years ago, a courthouse closing meant justice grinding to a halt. Now, the physical space of the court has become secondary to the service it provides. What if, in the near future, justice could be dispensed without the need for a human judge? That is a possibility we must prepare for.

And to the second question: do people need lawyers? The answer, I suggest, is no. What people truly need is resolution to their disputes and advice on how best to reach that resolution. They need conveyances and wills drafted. They don’t truly “need” lawyers for these matters. For over nine centuries, the “modern” path to resolving disputes, drafting conveyances and preparing testamentary documents has been through the courts and with lawyers. But what if, in the not-so-distant future, that resolution could occur without a human lawyer?

Similarly, do companies need in-house counsel? The answer, also, is no. Companies need air-tight contracts and cogent legal advice. What if those services could be provided otherwise?

The questions I’ve posed challenge us to look beyond the boundaries we impose based on convention, tradition, and history and consider the future of justice without borders—justice that is not constrained by outdated methods and assumptions.

With technology, particularly AI, revolutionizing every sector—including law—another question arises: Can the Court adapt quickly enough to serve as a model of innovation and accessibility? I contend that not only can it, but it must.

Our conversation today therefore explores how Generative Artificial Intelligence is poised to radically transform the legal landscape in the Commonwealth Caribbean. I will also discuss why legal practitioners and judges should embrace the infinite possibilities of this next industrial



revolution fueled by AI, and how the Court can strategically harness this technology to enhance both access to, and the affordability of, justice. Whether we advise central bankers, CEOs, debt collection teams or company directors, the justice of our territories touches and concerns all of us.

Therefore, lend me not just your ears, but your minds for a few more minutes.

II. GENERATIVE AI: A NEW “ANSWER ENGINE” IN JUSTICE

Artificial Intelligence is a DISRUPTOR. Disruption is when a new product or service changes an industry by performing better than existing options, often at a lower cost. Think of the early 19th Century Industrial Revolution, a period of technological and scientific development that transformed the world’s economy from agrarian to industrial. The Industrial Revolution introduced new machines and techniques that allowed goods to be mass-produced in factories, rather than crafted by hand.

Two centuries later, the world is tasked with utilizing a tool of which none of us knows its full potential – Artificial Intelligence. In particular, Generative AI is tool 2.0; it is an advanced answer engine capable of processing and synthesizing vast data to support decision-making. Its applications in law include drafting legal documents, analyzing precedents, and aiding in case outcome predictions.

During the Commonwealth Law Ministers’ meeting in February last year, Professor Richard Susskind, an Oxford Professor and IT adviser to the Lord Chief Justice of England and Wales, highlighted the transformative potential of AI in justice. He noted that “Technology and AI are taking on tasks we used to think required human intelligence.”

Susskind envisions a future where AI empowers citizens by allowing them to understand and enforce their entitlements. He suggests that by the 2030s, AI will play a central role in enabling individuals to access justice independently, giving rise to a new era of “DIY justice.” Or for those who do not Frequent YouTube or TikTok: Do-It-Yourself Justice.

This is why AI is a hugely disruptive technology. Previous industrial revolutions have occurred when hugely disruptive technologies were introduced and – here is the key – swiftly adopted, leading to widespread changes in the way we live and work.

III. DEFINING JUSTICE IN THE MODERN ERA

To understand how the Court can evolve and utilize Generative AI, we must start by defining justice. Justice is far more than rulings, judgments, or even resolutions. Justice is a service commitment to fairness, equity, and integrity. It’s a process, a goal, and a fundamental principle guiding our Courts’ missions to serve the people of the Commonwealth Caribbean.



It manifests in several forms, each representing a unique facet of fairness and accessibility. Let's delve into these forms to understand how they relate to the Court and how AI might play a transformative role in each.

1. Substantive Justice: Fair Decision-Making

At its core, substantive justice is about fair decision-making—ensuring that each case is judged on its own merits, facts, and applicable laws. This is the heart of any judicial system: unbiased, informed, and just decisions. Our courts embody this through the diligent work of judges and, conjunctively, magistrates, who consider evidence, weigh arguments, and apply the law with integrity.

Imagine a world where Generative AI could analyze extensive datasets of past cases, highlighting relevant precedents and patterns to support judges and magistrates in making informed decisions. This technology doesn't replace human judgment but complements it by providing data-driven context.

2. Procedural Justice: Fair Processes

Procedural justice ensures that the judicial process is transparent, equitable, and respectful of all parties. This builds trust by ensuring that each individual has an opportunity to be heard and that the rules are applied consistently.

Imagine a world where AI can streamline procedural tasks, from automating filings to scheduling hearings, thus expediting processes and reducing administrative burdens. This model could be adapted for our Courts to improve procedural efficiency and make justice more accessible.

3. Open Justice: Transparency in Decision-Making

Open justice emphasizes that "justice must not only be done but must be seen to be done," reflecting the importance of transparency for public trust. Our courts have made strides in enhancing transparency through measures such as live-streaming hearings and publishing judgments.

Imagine a world where AI could play a role by automating the publishing and summarizing of court decisions, making complex rulings understandable to the public. Technology can help demystify the court process and make it more lucid to non-lawyers.

4. Distributive Justice: Accessibility for All

Distributive justice ensures that everyone, regardless of their background, has access to the legal system.



Imagine a world where AI-powered legal assistants can provide basic guidance to those who might otherwise be unable to afford representation. These tools can answer common legal questions, explain rights, and suggest initial courses of action. Such tools could be a significant step toward de-mocrat-izing access to justice by empowering self-represented litigants to navigate the legal system more effectively.

5. Proportionate Justice: Balanced Outcomes

Proportionate justice focuses on ensuring that legal outcomes are balanced relative to the offence or dispute. This is particularly crucial in criminal cases where sentencing disparities can have significant consequences.

Imagine a world where AI can assist by analyzing sentencing data and suggesting proportionate penalties that align with regional and historical trends. This promotes fairness and consistency across cases, supporting judges with evidence-based recommendations.

6. Enforceable Justice: Backed by Authority

For justice to be effective, its rulings must be enforceable. This reinforces trust in the institution.

Imagine a world where AI systems can track compliance with court orders, providing automated updates and ensuring accountability. By monitoring enforcement efficiently, AI could help ensure that justice is not only served but upheld.

7. Sustainable Justice: Building a Resilient System

Sustainable justice aims to create a judicial system that is adaptable and prepared for future challenges.

Imagine a world where AI-driven predictive analytics could assist our Courts in anticipating trends and allocating resources effectively.

IV. MERGING AI AND JUSTICE IN THE COMMONWEALTH CARIBBEAN

Without a doubt, our Courts stand to gain immensely by incorporating AI thoughtfully, using it to bolster each form of justice and make legal services more accessible, equitable, and efficient.

Generative AI, in particular, presents numerous opportunities for our Courts to enhance justice delivery. My proposal is that we start three “low hanging fruit” applications of AI that could transform how justice is delivered across the Commonwealth Caribbean.



1. Early Neutral Evaluation: Pre-Court Guidance

Imagine an AI-powered tool, available to every citizen and resident in our CARICOM Member States, providing initial guidance on the potential outcome of a dispute before they knock on a law office door or file a claim. This tool could evaluate facts, compare them with similar cases, and predict a likely outcome, helping individuals make informed decisions about whether to take another next step towards dispute resolution.

This form of early neutral evaluation would reduce the number of cases that proceed to full litigation, easing the court's workload and providing individuals with realistic expectations. It could also be used at various litigation stages, encouraging settlement and reducing unnecessary trials.

A simple AI driven ENE system could expedite pretrial resolution exponentially. However, any such tool will only be effective if the trust capital of our Courts is attached to it. Therefore, an effective Generative AI ENE solution must originate from the Court.

Less cases in the system, means human judges have more time to focus their energies on complex matters, which leads to more efficiency, which leads to a better justice system. That, I believe, is the first low hanging fruit for incorporating AI to make legal services more accessible, affordable, equitable, and efficient.

2. Sentencing Indications: Data-Driven Fairness

Consistency and fairness are paramount in sentencing. Generative AI could provide data-driven guidance for judges by analyzing vast datasets of past cases to identify common sentencing patterns, ensuring that decisions align with the Court Sentencing Guidelines while accounting for the unique nuances of each case. AI can present judges with insights on similar cases and sentences across the region, offering a comparative perspective that would otherwise take extensive research. This guidance could help maintain consistency and fairness, helping to reduce disparities in sentencing across jurisdictions.

AI could also help identify any emerging trends in sentencing disparities, alerting the Court to inconsistencies and prompting periodic reviews of the guidelines. Importantly, AI would serve as an assistant to judges, not a replacement.

As a real-world example, I put AI to the basic test recently, using ChatGPT 4.0 Deep Think Mode. I simply extracted the admitted facts from 2 recent guilty plea sentencing judgments of one of our resident judges, Justice Iain Morley; the social inquiry report results; uploaded our court's sentencing guidelines; and asked ChatGPT this question "analyzing the attached sentencing guidelines exclusively, pretend you were a judge of the Eastern Caribbean Supreme Court and apply those guidelines only to the attached facts, and give your opinion on the sentence that should be granted in application of those guidelines?".



The first case involved an August 2023 armed robbery of a supermarket in St Kitts. Justice Morley's sentence was 11 years. ChatGPT's sentence indication range was 8-12 years. The other case, a firearm possession: Morley's sentence was 6 years. ChatGPT's sentence indication was 5 years and 4 months to 6 years and 8 months. Maybe a third question should be considered? Do we even need judges?

Imagine the time a bespoke Court-produced AI tool of this nature could save judges from preparing sentence indications and how many more guilty pleas could result if accused persons and their legal counsel had access to a reliable tool to accurately predict likely sentences. More food for thought.

3. Resolution of Minimal Value Disputes: Speed and Efficiency

The third, and final, low hanging fruit proposal involves resolution of minimal value disputes. AI could transform the resolution of these minor disputes by providing quick, affordable, and streamlined solutions. Through AI-driven dispute resolution platforms, parties could submit their claims and evidence online, receiving fast preliminary assessments or mediated settlements from AI without engaging in protracted litigation.

Initially, this could be an optional step, but as the system matures, AI-based resolution could become the standard first step for minimal-value claims. Appeals would still be available to a magistrate or judge, ensuring that parties retain access to traditional justice mechanisms. This approach preserves judicial resources for more complex cases and ensures that every claim, regardless of size, receives timely and appropriate attention.

V. ETHICAL CONSIDERATIONS IN AI-DRIVEN JUSTICE

The use of AI in justice must be approached cautiously to avoid pitfalls such as bias, data inaccuracies, and privacy concerns. AI systems are only as impartial as the data they are trained on; thus, it is crucial to monitor them to avoid perpetuating existing biases. Safeguards must include transparent protocols, continuous human oversight, and regular audits to maintain public trust. Our courts must set clear ethical guidelines to ensure that AI tools are used in a way that respects human rights and upholds the principles of fair justice.

VI. CONCLUSION: THE FUTURE

In concluding, I hope to have sparked reflection on what justice means for the Commonwealth Caribbean as we move into an era shaped by generative AI. We began with two questions—whether a court is a place or a service, and whether people truly need lawyers. We added a third today: do we need judges? These questions challenge us to envision a justice system that, in its essence, transcends borders, tradition, and even the physical confines of the courtroom.

Generative AI, as we've discussed, holds enormous potential to advance each pillar of justice: it can streamline procedures, aid judges in delivering fairer and more consistent sentences, and



provide early neutral evaluations that empower individuals. The integration of AI can ensure that our courts adapt to the evolving needs of the people we serve.

Our respective courts have shown remarkable resilience and adaptability, some more than others. However, on this front, we must all advance collectively and the same or similar pace to become competitive in this ever-changing world.

My recommendation is simple yet forward-looking—a strategic 10-year plan to incorporate AI responsibly, focused on enhancing accessibility, affordability, and fairness in justice delivery. By developing court-driven AI tools, such as a generative AI-powered early neutral evaluation system, the Court could provide accessible guidance and streamline minor dispute resolutions, helping individuals navigate their options before stepping into a courtroom.

As legal professionals, we are witnessing an unprecedented moment of disruption, yet one that invites opportunity rather than fear. This is our chance to reimagine justice as a truly accessible service, one that breaks free from historical boundaries to serve people directly, efficiently, and equitably. In a sense, “Justice Without Borders” is a reminder that justice should flow freely, reaching every corner of our region, transcending barriers and limitations. Let us rise to this challenge with openness, innovation, and a commitment to making justice a borderless reality for all.

I’d like to end this lecture with a most apt quote from the most esteemed Dame Janice Pereira, our former Chief Justice and current Member of the Privy Council who in her final address to our Court on the Opening of the Law Year, 2024, had this to say, and I quote:

“Make no mistake: AI is here to stay... what we [...] cannot do is to ignore either the benefits or dangers of AI, which is developing at lightning speed and being integrated in every aspect of our daily lives.” I can say no more than “ditto”, Dame Janice. Thank you for listening. But before I go, I wish to introduce you to VoiceIT!

St Kitts & Nevis was the first country in the Western Hemisphere to integrate AI in Government to provide law and regulatory responses on the country’s laws. The Ministry of Justice and Legal Affairs partnered with Cherami Ltd, from Trinidad & Tobago, to develop VoiceIT, our AI Genuis, built from Generative AI, which improves user navigation, and understanding, of the Laws of St Kitts & Nevis. But it does more.

VoiceIT continues to learn from all of the Ministry’s Social Media posts, new laws and amendments, and procedures and policies throughout the Departments of the Ministry. It is truly our residents’ AI Genius personal Assistant for all they need to know about the Laws of St Kitts and Nevis and the operations of the Ministry of Justice and Legal Affairs.

With that, I will take my leave and look forward to learning more about innovation in all areas of our profession, because “Innovation Matters”.