Colombian judge's use of ChatGPT and Constitutional Court ruling T-323 of 2024

IMPLEMENTED 2023–2025 · GOVERNMENT AND PUBLIC SERVICES · COLOMBIA · BAND D · PROVED

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In January 2023 a Colombian appeal judge used ChatGPT 3.5 to extend the reasoning in a health ruling and copied its answers into the judgment. In August 2024 the Constitutional Court found no breach of due process because the judge had decided first, found the transparency and responsibility duties not fully met, and ordered national guidance. The Superior Council issued it in December 2024.

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NOTICE WORDING LAST UPDATED 16 NOVEMBER 2026

AT A GLANCE

AI used: Generative AI chat assistant: ChatGPT 3.5 used by a judge.

Implemented: 2023–2025. Grade: band D, Task support, Proved.

Headline result, as reported: Constitutional Court: ChatGPT did not replace the judge, but transparency and responsibility duties were not fully met

1 · The case

The facts, as reported by the 3 sources listed at the end. Where a source is silent, the field says "Not reported".

Organisation

Colombian Judicial Branch (Constitutional Court and Superior Council of the Judiciary). Colombia's judicial branch. The case concerns one circuit court judge, unnamed in the ruling; the court reviewed a tutela (rights protection) claim brought for a child with autism spectrum disorder against a health insurer (EPS). Canvas block: 8. Governance and risk. Also 4. Operations and process.

Business challenge

The challenge. A tutela claim asked for a child with autism to be exempted from copayments and moderating fees and to receive transport and comprehensive treatment. A municipal court decided on 7 December 2022. A circuit court judge decided the appeal on 30 January 2023. In that judgment the judge said he would use generative AI to "extend the arguments of the decision adopted" (translated), citing Law 2213 of 2022 on information technology in court proceedings.

How it was addressed. The judge put questions to ChatGPT 3.5 and transcribed the questions and answers into the judgment. He told the Constitutional Court that the aim was not to replace his decision but to optimise drafting time, and that he decided first. On review, the court took the judge's statement, a report from OpenAI and its own test of ChatGPT, then examined whether the use breached due process. [1] [2] [3]

Who implemented it

OpenAI (Model or cloud provider): Supplied ChatGPT 3.5, used by the judge, and reported to the court on how it works.
In-house (In-house): Chose to use the tool and wrote the judgment.
The tool was chosen by the individual judge, not procured by the branch.

Technology (SEAM pillar E)

SEAM types: T1 Chat assistants. Deployment: Vendor SaaS. Vendors and products: OpenAI, ChatGPT 3.5.

Where it was built in: Used by the judge as a separate chat tool; the questions and answers were copied into the text of the judgment.

What changed

Before: the court said there was no official regulation or guide from the Superior Council of the Judiciary on judges' use of AI. After: the court set twelve principles for judicial staff, ordered the council to publish guidance within four months, and the council adopted Agreement PCSJA24-12243 on 16 December 2024. The agreement requires explicit disclosure of AI use in the file, naming the tool, model, provider, date, purpose and the prompts given. [1] [2] [3]

What it cost

Not reported. No sanction on the judge is reported in the sources opened; the court acknowledged the judge's innovative and loyal conduct while drawing attention to his handling.

What it saved

Time saved: not measured. The judge said the purpose was to optimise drafting time. The court warned that checking an AI tool's output could add workload and leave the officer with a heavier burden. [1] [2] [3]

Governance and control

The Constitutional Court reviewed the use itself and ordered the Superior Council to issue guidance and to train judicial staff. The council's agreement sets three categories of permitted use, a duty to check output, a duty to disclose use, and validation of institutional AI projects by its digital unit. The court found the privacy principle met and the transparency and

S2 · Accountable owner · Outside scrutiny (a regulator, court, auditor or similar body acted)
The Constitutional Court held the judge responsible for his handling and ordered the Superior Council of the Judiciary to issue guidance and train staff; the council named its digital unit to validate institutional AI projects. [1] [2]

A1 · Safe use · Outside scrutiny (a regulator, court, auditor or similar body acted)
The court set twelve principles for judicial staff, including transparency, responsibility, privacy and human control, and found privacy was met. [1]

A2 · Human in the loop · Outside scrutiny (a regulator, court, auditor or similar body acted)
The court held that the judge decided first and that ChatGPT did not replace him; it also found his verification and disclosure fell short. [1]

A3 · Monitoring and assurance · Outside scrutiny (a regulator, court, auditor or similar body acted)
The council surveyed 3,152 judicial staff and reported 108 AI projects; the court itself ran a test of ChatGPT in the review. [1] [3]

A4 · Vendor AI · Outside scrutiny (a regulator, court, auditor or similar body acted)
The court took a report from OpenAI on how its model works; the council's rules require naming the tool, model, provider and acceptance of its terms. [1] [2]

A5 · Agent controls · Not reported
No agents described.

A6 · Standards and regulation · Outside scrutiny (a regulator, court, auditor or similar body acted)
The court applied the constitutional right to due process and the natural judge guarantee, and the council's agreement responds to the court's order. [1] [2]

What worked, what did not, what is unproven

WORKED

– The Constitutional Court held that ChatGPT did not replace the judge, because the AI system was used after the decision had been reasoned and taken.

– Privacy held: the judge entered no personal data of the child or the parties.

– The ruling led to national rules: twelve principles, a four-month order and, about four and a half months after the ruling, the council's Agreement PCSJA24-12243.

– The council's February 2025 survey shows the branch now has a picture of use: 108 AI projects reported and the most used tools identified.

DID NOT

– The court found the transparency and responsibility principles were not fully met: the judge's account of how he used the tool was only partial.

– The court found ChatGPT gave a different statute from the legal rules the court identified for exempting children with autism from moderating fees, which means the judge ran the risk of including inaccurate information.

– The court noted a lack of diligence on the responsibility principle, which it links to tracing the sources an AI tool gives, and said verifying AI output can increase workload.

UNPROVEN

– Whether using ChatGPT saved the judge any time: not measured.

– Whether the 2024 rules have changed practice across courts: the 2025 survey is voluntary and the sources opened do not measure compliance.

– Whether any judge or court has been sanctioned under the new rules: Not reported.

Dec 2022 Municipal court decides the tutela claim at first instance [1]

Jan 2023 Circuit court judge decides the appeal and includes ChatGPT 3.5 questions and answers [1]

Aug 2024 Constitutional Court rules in T-323 of 2024: no due process breach, but sets principles and orders guidance [1]

Dec 2024 Superior Council of the Judiciary adopts Agreement PCSJA24-12243 on AI use in the judicial branch [2]

Feb 2025 Council publishes survey of 3,152 judicial staff on AI use [3]

2 · Grade and SEAM assessment

MarLuc's opinion, made on the evidence above. How cases are graded: marluc.co.uk/case-studies/how-we-rate

Level of change and impact

Claimed: Not applicable. Grade: D, Task support. Proof: Proved. Level of change: Task support.

Task support (Level 1, band D). One judge used a chat tool for supporting text after deciding. The branch's later rules govern individual use; they do not change how cases are decided.

The judge used a general chatbot to add supporting text after he had decided the case, which is help with one drafting task and no change to how the court works. The court proved what happened and set rules, so the marker is Proved for the facts and findings. No time saving or quality effect was measured. The later national guidance and the survey show wider use by individuals, still task support.

The SEAM view and lessons learnt

The judge decided first and used the tool afterwards, which is why the court held that no due process breach occurred. The gaps were in disclosure and checking: the judge copied answers without explaining the prompts and without verifying what the tool said about the law. For a mid-sized or larger organisation, the transferable point is that a policy on disclosure, prompts and verification is easier to set before staff use general chatbots than after a public ruling.

1. Decide first, then use AI, and record that order.
2. Disclose the tool, the prompts and the answers you relied on, and say how you checked them.
3. Issue use rules before staff adopt general chatbots, and train people on them.

Evidence

Score 3 of 4. Court judgment, published: the Constitutional Court's own findings on a documented use, with the judge's statement, an OpenAI report and a court test. It proves what was done and the court's findings. It does not measure benefit.

Evaluation method. Court judgment on constitutional review: statement from the judge, report from OpenAI, a test run by the reporting magistrate's office and analysis of the judgment text; no outcome measurement. Guidance and survey are the council's own publications.

3 · Original sources

Read these in full. To challenge a fact or a grade, use the contact form at marluc.co.uk or the link on https://marluc.co.uk/case-studies/colombia-constitutional-court-chatgpt-judge-t323

[1] Constitutional Court of Colombia: Sentencia T-323 de 2024 (Expediente T-9.301.656), as published by Ámbito Jurídico
https://ambitojuridico.com/sites/default/files/2024-08/SENT-T-323-24.pdf

[2] Consejo Superior de la Judicatura: Consejo Superior de la Judicatura expidió lineamientos para el uso responsable y seguro de la IA generativa en la Rama Judicial
https://www.ramajudicial.gov.co/web/consejo-superior-de-la-judicatura/-/consejo-superior-de-la-judicatura-expidi%C3%B3-lineamientos-para-el-uso-responsable-y-seguro-de-la-ia-generativa-en-la-rama-judicial

[3] Consejo Superior de la Judicatura: Encuesta revela cómo está el uso de la IA en la Rama Judicial
https://www.ramajudicial.gov.co/web/consejo-superior-de-la-judicatura/-/encuesta-revela-c%C3%B3mo-est%C3%A1-el-uso-de-la-ia-en-la-rama-judicial

Colombian Judicial Branch (Constitutional Court and Superior Council of the Judiciary) website: https://www.corteconstitucional.gov.co

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