Rule and Standard for Use of Generative Artificial Intelligence in Court-Related Work

Hon. Brad R. Hill, Chair, Artificial Intelligence Task Force

Presentation to the Judicial Council
July 18, 2025

AI Task Force Efforts

Model Policy for Use of Generative AI

Published in February 2025; updates forthcoming

Rule 10.430: Generative AI use policies

Recommend council adoption; effective date Sept. 1, 2025

Standard 10.80: Use of generative AI by judicial officers

Recommend council adoption; effective date Sept. 1, 2025

Rule 10.430: Overview

- Requires courts that do not prohibit the use of generative AI to adopt a use policy by December 15, 2025
- Applies to use of generative AI by:
    - Court staff for any purpose
    - Judicial officers for any task outside their adjudicative role
- Does not require courts to permit the use of generative AI
- Model policies available

Rule 10.430: Use Policy Requirements

Confidentiality and Privacy

- Prohibits submission of confidential, personal identifying, or other non-public information to public generative AI systems
- Does not include internal court AI systems or court-operated systems such as a chatbot

Supervision and Accountability

- Requires users to take reasonable steps to:
  - Verify accuracy of any generative AI material used
  - Correct any erroneous or hallucinated output

Rule 10.430: Use Policy Requirements

Bias and Discrimination

- Prohibits use of generative AI to unlawfully discriminate
- Requires users to take reasonable steps to remove any biased, offensive, or harmful content from any generative AI material used

Transparency

- Requires disclosure, watermark, or statement if the final version of a written, visual, or audio work provided to the public is made up entirely of generative AI outputs

Standard 10.80: Overview

- Applies to judicial officers using generative AI in their adjudicative role
- Provides guidelines for addressing confidentiality, accountability, bias, and transparency

Standard 10.80

Confidentiality and Privacy

- Should not submit confidential, personal identifying, or other non-public information to public generative AI systems

Accountability

- Should take reasonable steps to:
  - Verify the accuracy of any generative AI material used
  - Correct any erroneous or hallucinated output

Standard 10.80

Bias and Discrimination

- Should not use generative AI to unlawfully discriminate
- Should take reasonable steps to remove any biased, offensive, or harmful content in any generative AI material used

Transparency

- Should consider whether to disclose the use of generative AI if used to create content provided to the public

Next Steps

- Improving self-help services for court users
- Evaluating generative AI's impact on evidentiary submissions in court proceedings
- Continuing to monitor the ever-changing AI landscape

Questions?