WHAT IS ARTIFICIAL INTELLIGENCE?

Technology that simulates human intelligence, enabling machines to learn, reason, perceive, and make decisions. **Artificial Intelligence is not new technology.**

1950s Origins of AI
Examples: Spell check, predicative typing, facial recognition, and computer based legal research.

2022 Mainstream Availability of Generative AI
Examples:
Text Composition Prompts
"Summarize the following legal brief and identify key arguments."

"Rewrite this paragraph in a respectful and neutral tone using plain language so it can be understood by people without legal expertise."

"Prepare a speech about the importance of procedural due process for an audience of judges."

Photo/Audio/Video Prompts
"Create image of an Illinois Courtroom."

"Create movie depicting President Abraham Lincoln conducting legal research on a computer."

WHAT IS GENERATIVE ARTIFICIAL INTELLIGENCE?

A subset of artificial intelligence focused on creating new content, such as text, images, and video, by learning from existing data.
Generative AI is a relatively new tool.

WANT TO KNOW MORE?

National Center for State Courts AI Resource Center

Description of AI and Court Use Cases Video

JUDICIAL DECISIONS

Judges remain ultimately responsible for their decisions, irrespective of technological advancements.

Code of Judicial Conduct - Rule 2.7
A judge shall hear and **decide** matters assigned to the judge...

Code of Judicial Conduct - Rule 1.2
A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary...

PLEADINGS

Lawyers & Self Represented Litigants are subject to sanctions for submitting legally or factually unfounded pleadings.

Illinois Supreme Court Rule 137
The signature of an attorney or party constitutes a certificate by him that he has read the pleading, motion or other document; that to the best of his knowledge, information, and belief formed after reasonable inquiry it is well grounded in fact and is warranted by existing law...

THINKING ABOUT USING GENERATIVE AI? JUDICIAL AI UTILIZATION GUIDELINES

Ethical Oversight - The Code of Judicial Conduct applies fully to the use of AI technologies. You maintain ultimate responsibility for all rulings and legal documents.

Competence - The judicial branch must stay informed about evolving AI technologies. Prior to using any technology, including generative AI applications, you need to understand both general AI capabilities and the specific tools being used.

Accuracy - Be mindful that content from generative AI applications comes from sourced material. AI-generated content must be thoroughly reviewed to ensure accuracy and compliance with legal and ethical obligations, including a specific need to guard against technology lending to unintentional bias or prejudice.

Attribution - Ensure your work product does not infringe upon copyright or intellectual property rights by proper attribution to sources as necessary.

Confidentiality - If using a public generative AI tool (like ChatGPT), your input prompt is being handed over to the technology. Ensure you do not compromise sensitive information. Do not input any information such as (non-exhaustive list):

- Confidential or privileged information;
- Personal identifying information;
- Protected health information;
- Justice and public safety information;
- Code containing passwords or security-related information; and
- Information that has potential to erode public trust.

WHAT TO WATCH FOR AS A JUDGE

AI is ubiquitously present in modern technology. It is safe to assume AI was used in pleadings and other written materials. Generative AI applications gives rise to these considerations:

Hallucinations - When generative AI produces output that appears realistic but is misleading or made up by the AI itself rather than real-world data or input. If generative AI was used in a legal pleading or brief, included citations may be entirely made up or be a real case but not contain the purported language cited. Read a case decision on hallucinations.

Deepfakes - When generative AI is intentionally used to produce convincing/deceptive media - images, audio, video, etc. Fake evidence is relatively easy to create and reliable technology solutions do not exist to identify real vs fake evidence. Learn more about identification of deepfakes.

Extended Reality - Technology can seamlessly be integrated with our person though wearable devices. Recognize that technology may allow an individual to record and analyze audio and video and channel information from other sources in real-time, potentially without detection. Learn more about extended reality.

CHECK CITATIONS

HEAR EVIDENCE ON FOUNDATIONS

ENFORCE EXISTING TECHNOLOGY RULES