



AI and the Courts: Where are we at?

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Towards constructive AI use

- GenAI: A form of AI that enables users to quickly generate new content, including text, images, sounds and computer code.
- Sir Geoffrey Vos (Master of the Rolls and Head of Civil Justice (UK/England and Wales)) argues that the principle that we all owe a duty to those we serve underscores the need to make 'constructive use' of GenAI to provide better, quicker and more cost-effective service.



Differing approaches to GenAI



Publicly available vs closed, proprietary models

Publicly available GenAI chatbots
Custom GenAI tools for law
Commercial legal publishers' GenAI tools



Potential uses of GenAI

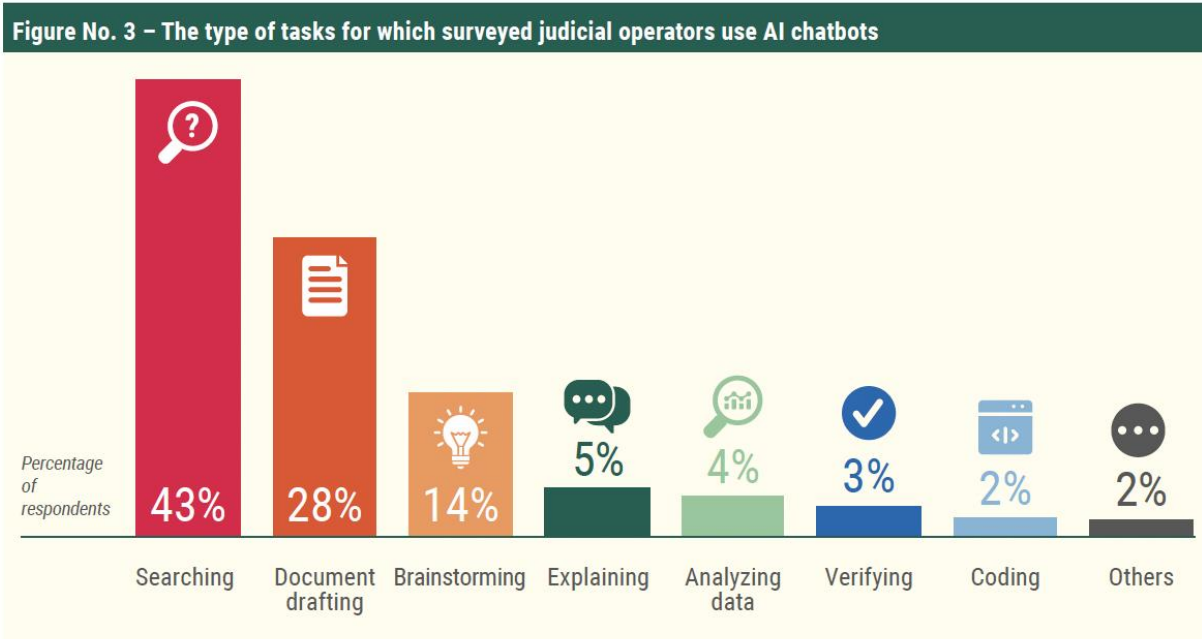
Summarising large bodies of text
Writing presentations and emails
Legal research
Drafting contracts
Legal analysis and writing



Responsible use guidelines

Guidelines for judicial officers, lawyers and non-lawyers (eg, NZ)
NSWSC PN: prohibits GenAI use for affidavits, witness statements and other evidentiary material
Cf guiding principles for responsible use (eg, NZ, Qld)

How are ‘judicial operators’ using AI chatbots?



- UNESCO survey of 563 judges, prosecutors, lawyers, civil servants in legal administration, and researchers working in 96 countries.
- 43% used AI chatbots to search for legislation, cases or legal literature, information on facts and definitions, and technical (non-legal) information.
- 28% used AI chatbots for document drafting, such as summarising texts, drafting emails, drafting legal arguments, and simplifying/correcting texts.

UNESCO, ‘UNESCO Global Judges’ Initiative: Survey on the Use of AI Judicial Operators’ (Report, 2024).

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Constructive use considerations



Is it appropriate to use a selected GenAI tool for a particular task and situation? Consider:



the nature of the GenAI tool

What is the scope and quality of the dataset the GenAI tool is trained on, and is it an open or closed model, etc?



the nature of the task

Content generation, summarisation, legal analysis, etc



your expertise

Use within your areas of expertise facilitates evaluation of outputs
Developing prompt optimisation strategies improves outputs



the regulatory environment

Australia's regulatory environment for AI continues to evolve