Pa. Supreme Court Adopts Interim Policy on the Use of Generative AI by Judicial Officers and Court Personnel

The Pennsylvania Supreme Court has adopted a policy, effective Dec. 8, 2025, regulating the use of generative artificial intelligence (gen AI) by judicial officers (judges) and court personnel. The policy, which is remarkably reasonable in an era of Henny Penny pronouncements by other judges and courts, outlines permitted uses, privacy limitations, and user responsibilities. It does not regulate the use of generative AI by lawyers or pro se litigants, but it does offer a glimpse into how the Supreme Court views generative AI.

At its core, the policy aims to ensure the safe and appropriate use of generative artificial intelligence tools while safeguarding the confidentiality, integrity, and independence of the judiciary. Leadership, i.e., the chief justice, the president judges of each appellate court and judicial district, and the court administrator of Pennsylvania, or their designees, are responsible for ensuring that persons who fall under their leadership comply with the policy.

The policy authorizes court personnel to use gen AI tools for work purposes under strict, but reasonable, guidelines. The policy applies to all personnel using gen AI tools on UJS technology resources. Of note, personnel may use gen AI, unless it violates other policies, for a variety of purposes, including:

- to summarize documents;
- to conduct preliminary legal research, provided the gen AI tool used was trained on a comprehensive, up-to-date collection of reputable legal authorities;
- to draft initial versions of documents, such as communications and memoranda;
- to edit and assess the readability of public documents; and
- to provide interactive chatbots or similar services to the public and self-represented litigants.

While the policy does not permit gen AI to draft final opinions, it does allow for initial versions of memoranda, presumably allowing it to author first drafts. Such guidance is implicitly consistent with guidance for lawyers by Pennsylvania Bar Association committee on legal ethics and professional responsibility, which has told lawyers that they, not AI chatbots, are responsible for their work.

The policy defines gen AI as "algorithms and/or computer processes that use artificial intelligence to generate text, audio, or images based on user prompts. These systems may be (and, presently, mostly are) trained on sets of data from the Internet or proprietary sources." While that is a

technical definition, it essentially says that the essence of gen AI are LLMs, large language models, which trains the software.

Much of the policy, of necessity, states the relatively obvious. For example, personnel must comply with all ethical guidelines, such as the Code of Judicial Conduct, the Rules Governing Standards of Conduct of Magisterial District Judges, the Code of Conduct for the Employees of the Unified Judicial System, and the Rules of Professional Conduct. Similarly, personnel must comply with all laws, in particular, ensuring that copyrighted material is fairly used and properly attributed.

Perhaps one of the challenges of the policy will be its requirement that "personnel must become proficient in the technical capabilities and limitations of gen AI tools before using them and must maintain competence to continue to use them." In reality, lawyers, and court personnel, are often woefully limited in their training and knowledge of technology. Hopefully, this portends that the Supreme Court will finally implement ethics rules and other requirements with teeth, and make lawyers become technologically competent.

Of note, the policy permits personnel to share with a secured AI system any case records, administrative records, or information, provided that the shared information will be treated in a confidential and privileged manner. This means the secured AI system provider and its vendors will not use the records or information to train an AI system, share the records or information with unauthorized third parties, or expose the records or information to the public domain. The policy also forbids personnel from sharing any nonpublic information with non-secured AI systems. These policies have the same guidance the PBA and others have given to attorneys that prohibits placing confidential and sensitive information in nonsecure gen AI systems.

Leadership is tasked with ensuring compliance through due diligence. For example, leadership must thoroughly review contracts and end-user licensing agreements to ensure gen AI tools meet policy requirements. In addition, factors such as data retention, system security, and exposure to the public domain must be evaluated before authorizing gen AI tools.

The policy also includes some helpful definitions. For example, it defines "secured AI systems" as systems that guarantee confidentiality, do not retain user data, and do not expose data to third parties or the public domain. Conversely, it defines "Non-Secured AI Systems" as AI systems that may retain user data, use it for training, or share it with third parties.

The policy also highlights several risks associated with gen AI tools. It notes that gen AI systems may generate biased or inaccurate content because of training on flawed data. It also states that AI outputs may lack the nuanced understanding humans bring to decision-making. Finally, it states personnel must review all gen AI-generated content to ensure accuracy and avoid reliance on "hallucinations" (false or baseless predictions).

In short, the policy adopted by the Pennsylvania Supreme Court avoids the "sky is falling" fears apparent in policies adopted by other courts. Rather, the interim policy establishes a framework for the responsible use of gen AI tools within the Unified Judicial System. By requiring approval, ensuring confidentiality, and mandating ethical and professional conduct, the policy seeks to balance the benefits of AI technology with the need to protect the judiciary's integrity and independence. Leadership and personnel are expected to exercise diligence and accountability in implementing and adhering to the policy.

The court should be congratulated for taking such a reasonable and measured approach to gen AI.