

Interim Policy on the Use of GenAI by Judicial Officers and Court Personnel

Purpose:

This Interim Policy on the Use of GenAI by Judicial Officers and Court Personnel (this “Interim Policy”), reviewed and approved by the Delaware Commission on Law and Technology, is offered for consideration by the Chief Justice of the Delaware Supreme Court as the Administrative Head of all Delaware Courts. This Interim Policy is intended to ensure the safe and appropriate use of GenAI by Authorized Users. Generative AI tools are intended to provide assistance and are not a substitute for judicial, legal or other professional expertise.

Scope:

This Interim Policy applies to the use of GenAI by Authorized Users in the course and scope of their official duties and on State Technology Resources.

Definitions:

“Approved GenAI” means GenAI tools that have been approved by the Administrative Office for use by Authorized Users in the performance of their duties and using State Technology Resources.

“Artificial Intelligence” or “AI” means technology that enables computers and machines to reason, learn, and act in a way that would typically require human intelligence.

“Authorized Users” means all judicial branch judicial officers, employees, law clerks, interns, externs, and volunteers.

“Generative AI” or “GenAI” means Artificial Intelligence trained on an existing set of data (which can include text, images, audio or video) with the intent to "generate" new data objects when prompted by a user. Generative AI creates new data objects contextually in response to user prompts based only on the data it has already been trained on.

“Non-Public Information” means information to which an Authorized User has access to as a result of their official position and not otherwise publicly available through action of the Authorized User.

“Non-Approved GenAI” means GenAI that is not Approved GenAI.

“State Technology Resources” include any and all computer systems, software, network systems, telecommunications equipment and systems, email and messaging systems, data storage, hardware, peripherals and other electronic systems and devices owned, leased, and/or provided by the State of Delaware.

Policy:

1. **Authorized User Remains Responsible.** Any use of GenAI output is ultimately the responsibility of the Authorized User. Authorized Users are responsible to ensure the accuracy of all work product and must use caution when relying on the output of GenAI.

2. **Informed Use.** Authorized Users should not use Approved GenAI without a working knowledge and understanding of the tools. Authorized Users should be trained in the technical capabilities and limitations of Approved GenAI prior to use.
3. **Decision Making.** Authorized Users may not delegate their decision-making function to Approved GenAI.
4. **Compliance with Laws and Judicial Branch Policies.** Use of GenAI must comply with all applicable laws and judicial branch policies.
5. **Non-Approved GenAI.** Authorized Users may not input any Non-Public Information into Non-Approved GenAI. Non-Approved GenAI may not be used on State Technology Resources.