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**Delaware Supreme Court adopts interim policy providing guidance on the use of generative artificial intelligence by judicial officers and court personnel**

*The guidance comes from the Supreme Court's Commission on Law and Technology that provided the draft guidance following months of study*

The Delaware Supreme Court today adopted an interim policy providing guidance on the use of Artificial Intelligence (“AI”) – specifically AI that generates data– by judicial officers and court personnel.

The interim policy was drafted by two committees of the Delaware Commission on Law and Technology (DCLT), an Arm of the Delaware Supreme Court that was reformed in November 2023 and specifically charged with looking at developing technology, like AI, to provide education and guidance to the legal community. Following extensive work by the Emerging Technologies Committee and the Rules and Professionalism Committee, the full commission approved the interim policy on October 14, 2024. As part of this process, commission members have been reviewing policies and rules adopted by other courts and consulting with technology experts. The interim policy adopted by the Supreme Court is brief, by design. Generative AI technology is evolving at such a rate that delving into technical specifics could lead to outdated, inaccurate and even counterproductive guidance within days of adopting any new policy.

The interim policy neither prohibits nor requires the use of generative AI. Like technologies that have come before, generative AI has the potential to be helpful and to provide efficiencies, said Supreme Court Justice and DCLT Co-Chair Karen Valihura. “But just as with earlier technologies, there are potential pitfalls and dangers associated with it and we believe this interim policy provides our judges and employees some needed and appropriate guardrails,” she said.

The court’s interim policy focuses on the fact that those who use this technology are ultimately responsible for the accuracy of whatever is produced. The policy also states users have a duty to educate themselves on the technology, how to use it properly and comply with existing court rules and policies.

Finally, the policy advises against using non-approved generative AI programs – which could potentially make confidential information public – and makes clear that “decision-making functions” may never be delegated to generative AI.

The Supreme Court order with a link to the interim policy can be found on the [court's website](#).