Judicial Council of California

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INVITATION TO COMMENT
SP25-01

Title

Judicial Branch Administration: Rule and Standard for Use of Generative Artificial Intelligence in Court-Related Work

Proposed Rules, Forms, Standards, or Statutes

Adopt Cal. Rules of Court, rule 10.430; adopt Cal. Standards of Judicial Administration, standard 10.80

Proposed by

Artificial Intelligence Task Force
Hon. Brad R. Hill, Chair

Action Requested

Review and submit comments by April 17, 2025

Proposed Effective Date

September 1, 2025

Contact

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Executive Summary and Origin

The Artificial Intelligence Task Force proposes adopting one rule and one standard to address the use of generative artificial intelligence for court-related work. The task force developed this proposal as part of its charge from the Chief Justice to oversee the development of policy recommendations on the use of artificial intelligence in the judicial branch.

Background

Generative artificial intelligence (generative AI) is an emerging technology that can generate content in many forms and languages and on almost any subject at a user's request. Generative AI has many potential benefits and appears to have particular promise for courts' management and administrative functions. Generative AI also poses significant risks, though many of these risks can be mitigated with careful training, oversight, and use. The Chief Justice created the Artificial Intelligence Task Force in May 2024 in response to growing interest in generative AI and public concern about the impact of the technology on the judicial branch. The task force is responsible for overseeing the development of policy recommendations on the use of AI in the judicial branch.

The task force is working to address the benefits and risks of generative AI throughout California's judicial branch. Use of generative AI for court-related work is one of the task force's current areas of focus. At the February 2025 Judicial Council meeting, the task force announced the *Model Policy for Use of Generative Artificial Intelligence* (model policy) (see Attachment A), which is offered as a resource for courts wishing to permit the use of generative AI for court-related work. The model policy addresses the confidentiality, privacy, bias, safety, and security risks posed by generative AI systems and addresses supervision, accountability, transparency, and compliance when using those systems. Courts can adopt the model policy as written or add, modify, or delete provisions as needed to address specific goals or operational requirements.

The model policy does not require Judicial Council approval and is not part of this proposal, but the task force welcomes comments on the model policy, particularly from courts. The task force asks for specific comments from courts on whether the model policy should address additional issues and whether there are additional guidance documents that would aid courts in developing or applying a generative AI use policy.

The Proposal

The task force proposes adopting a rule of court and a standard of judicial administration to address the confidentiality, privacy, bias, safety, and security risks posed by use of generative AI in court-related work. Generative AI is a tool that can be used to assist judicial officers and court staff to fairly administer justice, and this proposal aims to promote responsible innovation in court operations while protecting confidential information, ensuring appropriate oversight, and maintaining public trust.

Rule 10.430
Under rule 10.430, if a superior court, Court of Appeal, or the Supreme Court permits the use of generative AI for court-related work, that court must adopt a policy that applies to the use of generative AI by court staff for any purpose, and by judicial officers for any task outside their adjudicative role.[1] As discussed below, standard 10.80 covers the use of generative AI by judicial officers for tasks within their adjudicative role.

Policies adopted under rule 10.430 must:

- Prohibit the entry of confidential, personal identifying, or other nonpublic information into a public generative AI system, meaning any system that is publicly available or that allows information submitted by users to be accessed by anyone other than judicial officers or court staff;

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[1] Use of generative AI by Judicial Council staff will be covered by a separate policy, which is currently being developed by the Judicial Council Information Technology office.

- Prohibit the use of generative AI to unlawfully discriminate against or disparately impact individuals or communities based on membership in certain groups, including any classification protected by federal or state law;

- Require court staff and judicial officers who generate or use generative AI material to review the material for accuracy and completeness, and for potentially erroneous, incomplete, or hallucinated output;

- Require court staff and judicial officers who generate or use generative AI material to review the material for biased, offensive, or harmful output;

- Require disclosure of the use or reliance on generative AI if generative AI outputs constitute a substantial portion of the content used in the final version of a written or visual work provided to the public; and

- Require compliance with all applicable laws, court policies, and ethical and professional conduct rules, codes, and policies when using generative AI.

Courts can comply with rule 10.430 by adopting the model policy or a policy that is substantially similar to the model policy. The provisions marked "optional" in the model policy are not needed to comply with rule 10.430.

The task force considered several alternatives when drafting rule 10.430. First, the task force considered having the rule apply directly to court use of generative AI, rather than requiring courts to implement policies meeting the rule's requirements. Second, the task force considered requiring courts to adopt the model policy instead of giving courts the option to adopt their own policy. Third, the task force considered making the rule more expansive to include the model policy's optional provisions.

The task force ultimately decided that the proposed version of rule 10.430 is preferable because it gives each court that permits the use of generative AI the flexibility to write a policy that will meet the court's specific goals and operational requirements while ensuring that all court policies address the major risks of generative AI. As discussed in the Advisory Committee Comment to subdivision (d), courts can comply with the rule by adopting a use policy that contains language substantially similar, but not identical, to subdivision (d). Courts can also adopt policies that are more restrictive than rule 10.430 or that have additional provisions not covered by the rule.

The task force also concluded that it will be beneficial to use the model policy to illustrate and expand on the rule's requirements, rather than relying solely on a rule of court to set the parameters for court use of generative AI. The model policy can provide background, suggestions, examples, and other material that would not be suitable for a rule of court. The model policy can also be revised more quickly to respond to changes in generative AI technology and its uses.

Standard 10.80

Standard 10.80 covers the use of generative AI by judicial officers for tasks within their adjudicative role, and its provisions are similar to those in rule 10.430. The standard states that judicial officers:

- Should not enter confidential, personal identifying, or other nonpublic information into a public generative AI system;

- Should not use generative AI to unlawfully discriminate against or disparately impact individuals or communities based on membership in certain groups, including any classification protected by federal or state law;

- Should review generative AI material, including any materials prepared on their behalf by others, for accuracy and completeness, and for potentially erroneous, incomplete, or hallucinated output;

- Should review generative AI material, including any materials prepared on their behalf by others, for biased, offensive, or harmful output; and

- Should consider whether to disclose the use of generative AI if it is used to create content provided to the public.

Additionally, the Advisory Committee Comment to subdivision (b) reminds judicial officers to comply with applicable laws, court policies, and the Code of Judicial Ethics when using generative AI.[2]

The task force considered having rule 10.430 cover the use of generative AI by judicial officers for any purpose but determined that a standard of judicial administration would be more appropriate for addressing the use of generative AI for tasks within a judicial officer's adjudicative role. The standard identifies the major risks of generative AI and allows judicial officers to determine the best way to address those risks in their adjudicative work.

Alternatives Considered

The task force considered taking no action but ultimately determined that the proposal was warranted because it will help create uniformity throughout the branch in the use of generative AI for court-related work. As discussed in the explanation of the proposal, the task force considered several alternatives when drafting the proposed rule and standard and concluded that the current proposal strikes the best balance between addressing the major risks of generative AI and giving courts the flexibility to address those risks in a way that will meet their specific goals and operational requirements.

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[2] In particular, the task force anticipates likely future developments in ethical guidance relating to judicial officers' use of generative AI in their adjudicative work.

Fiscal and Operational Impacts

Adopting rule 10.430 will require any court that permits the use of generative AI for court-related work to adopt a generative AI use policy, which in turn might require training for judicial officers and court staff. Adopting standard 10.80 might also require training for judicial officers. The rule and standard in this proposal do not require courts to permit use of generative AI and therefore do not require courts to incur costs related to the purchase or use of generative AI tools.

Request for Specific Comments

In addition to comments on the proposal as a whole, the task force is interested in comments on the following:

- Does the proposal appropriately address the stated purpose?

The task force also seeks comments from *courts* on the following cost and implementation matters as they relate to the proposal's requirement that courts adopt generative AI use policies if they permit use of generative AI for court-related work:

- Are there any additional issues that your court would like the task force to address in the *Model Policy for Use of Generative Artificial Intelligence*?
- The AI Task Force is planning to release guidance documents such as "Frequently Asked Questions About Generative AI" and "Examples of How Generative AI Can Be Used for Court-Related Work" to aid courts in developing and deploying generative AI use policies. Are there any particular issues that your court would like the task force to address in those documents?
- Would the proposal—to adopt a rule of court requiring courts to adopt generative AI use policies if they permit use of generative AI for court-related work, and to adopt a standard of judicial administration governing use of generative AI by judicial officers for tasks within their adjudicative role—result in costs? If so, please quantify.
- What would the implementation requirements of the proposal be for courts that are required to adopt a use policy because they permit use of generative AI for court-related work, and for judicial officers who must follow the standard—for example, training staff (please identify position and expected hours of training), revising processes and procedures (please describe), changing docket codes in case management systems, or modifying case management systems?
- Would two months from Judicial Council approval of this proposal until its effective date provide sufficient time for implementation?
- How well would this proposal work in courts of different sizes?

Attachments

1. Cal. Rules of Court, rule 10.430, at pages 6–8
2. Cal. Standards of Judicial Administration, standard 10.80, at pages 9–10
3. Attachment A: *Model Policy for Use of Generative Artificial Intelligence*

Rule 10.430 of the California Rules of Court would be adopted, effective September 1, 2025, to read:

1   **Title 10. Judicial Administration Rules**
2
3   **Division 2. Administration of the Judicial Branch**
4
5   **Chapter 6. Court Technology, Information, and Automation**
6
7
8   **Rule 10.430. Generative artificial intelligence use policies**
9
10 **(a)   Definitions**
11
12 As used in this rule, the following definitions apply:
13
14   (1)   "Artificial intelligence" or "AI" means technology that enables computers
15   and machines to reason, learn, and act in a way that would typically require
16   human intelligence.
17
18   (2)   "Court staff" means all employees, contractors, volunteers, and any other
19   persons working for or on behalf of the court.
20
21   (3)   "Generative AI" means artificial intelligence trained on an existing set of
22   data (which can include text, images, audio, or video) with the intent to
23   "generate" new data objects when prompted by a user. Generative AI creates
24   new data objects contextually in response to user prompts based only on the
25   data it has already been trained on.
26
27   (4)   "Judicial officer" means all judges, all justices of the Courts of Appeal and
28   the Supreme Court, all temporary and assigned judges, and all subordinate
29   judicial officers.
30
31   (5)   "Public AI system" means a system that is publicly available or that allows
32   information submitted by users to be accessed by anyone other than judicial
33   officers or court staff, including access for the purpose of training or
34   improving the system.
35
36 **(b)   Generative AI use policies**
37
38 If a superior court, Court of Appeal, or the Supreme Court permits the use of
39 generative AI by court staff or judicial officers, that court must adopt a generative
40 AI use policy.
41
42

Rule 10.430 of the California Rules of Court would be adopted, effective September 1, 2025, to read:

1
2 **(c)   Policy scope**
3
4   A use policy created to comply with this rule must cover the use of generative AI
5   by court staff for any purpose, and by judicial officers for any task outside their
6   adjudicative role.
7
8 **(d)   Policy requirements**
9
10   Each court's generative AI use policy must:
11
12   (1)   Prohibit the entry of confidential, personal identifying, or other nonpublic
13   information into a public generative AI system. Personal identifying
14   information includes driver license numbers; dates of birth; social security
15   numbers; Criminal Identification and Information, and National Crime
16   Information numbers; addresses and phone numbers of parties, victims,
17   witnesses, and court personnel; medical or psychiatric information; financial
18   information; account numbers; and any other content sealed by court order or
19   deemed confidential by court rule or statute.
20
21   (2)   Prohibit the use of generative AI to unlawfully discriminate against or
22   disparately impact individuals or communities based on age, ancestry, color,
23   ethnicity, gender, gender expression, gender identity, genetic information,
24   marital status, medical condition, military or veteran status, national origin,
25   physical or mental disability, political affiliation, race, religion, sex, sexual
26   orientation, socioeconomic status, and any other classification protected by
27   federal or state law.
28
29   (3)   Require court staff and judicial officers who generate or use generative AI
30   material to review the material for accuracy and completeness, and for
31   potentially erroneous, incomplete, or hallucinated output.
32
33   (4)   Require court staff and judicial officers who generate or use generative AI
34   material to review the material for biased, offensive, or harmful output.
35
36   (5)   Require disclosure of the use or reliance on generative AI if generative AI
37   outputs constitute a substantial portion of the content used in the final version
38   of a written or visual work provided to the public.
39
40   (6)   Require compliance with all applicable laws, court policies, and ethical and
41   professional conduct rules, codes, and policies when using generative AI.
42

Rule 10.430 of the California Rules of Court would be adopted, effective September 1, 2025, to read:

1
2   **Advisory Committee Comment**
3
4   **Subdivision (a).** The definition of "court staff" in this subdivision is intended for use in this rule
5   only.
6
7   **Subdivision (c).** California Standards of Judicial Administration, standard 10.80 covers the use of
8   generative AI by judicial officers for any task within their adjudicative role.
9
10   **Subdivision (d).** This subdivision does not require any court to permit the use of generative AI
11   by court staff or judicial officers. Courts may entirely prohibit the use of generative AI and may
12   also set restrictions on how generative AI may be used for court-related work, such as allowing or
13   prohibiting the use of specific generative AI tools, allowing use of generative AI only for
14   particular tasks, or requiring approval for the use of generative AI. Courts that permit the use of
15   generative AI for court-related work can comply with subdivision (d) by adopting the nonoptional
16   sections of the *Model Policy for Use of Generative Artificial Intelligence* verbatim, or by
17   adopting a policy that uses substantially similar language. Courts adopting a generative AI use
18   policy under this rule may make their policy more restrictive than the rule requires and may
19   include provisions not covered by rule 10.430.

Standard 10.80 of the Standards of Judicial Administration would be adopted, effective
September 1, 2025, to read:

1 **Title 10. Standards for Judicial Administration**
2
3 **Standard 10.80. Use of generative artificial intelligence by judicial officers**
4
5 **(a) Definitions**
6
7 As used in this standard, the following definitions apply:
8
9 (1) "Artificial intelligence" or "AI" means technology that enables computers
10 and machines to reason, learn, and act in a way that would typically require
11 human intelligence.
12
13 (2) "Court staff" means all employees, contractors, volunteers, and any other
14 persons working for or on behalf of the court.
15
16 (3) "Generative AI" means artificial intelligence trained on an existing set of
17 data (which can include text, images, audio, or video) with the intent to
18 "generate" new data objects when prompted by a user. Generative AI creates
19 new data objects contextually in response to user prompts based only on the
20 data it has already been trained on.
21
22 (4) "Judicial officer" means all judges, all justices of the Courts of Appeal and
23 the Supreme Court, all temporary and assigned judges, and all subordinate
24 judicial officers.
25
26 (5) "Public AI system" means a system that is publicly available or that allows
27 information submitted by users to be accessed by anyone other than judicial
28 officers or court staff, including access for the purpose of training or
29 improving the system.
30
31 **(b) Use of generative artificial intelligence**
32
33 A judicial officer using generative AI for any task within their adjudicative role:
34
35 (1) Should not enter confidential, personal identifying, or other nonpublic
36 information into a public generative AI system. Personal identifying
37 information includes driver license numbers; dates of birth; social security
38 numbers; Criminal Identification and Information, and National Crime
39 Information numbers; addresses and phone numbers of parties, victims,
40 witnesses, and court personnel; medical or psychiatric information; financial
41 information; account numbers; and any other content sealed by court order or
42 deemed confidential by court rule or statute.

Standard 10.80 of the Standards of Judicial Administration would be adopted, effective September 1, 2025, to read:

1
2   (2)   Should not use generative AI to unlawfully discriminate against or
3   disparately impact individuals or communities based on age, ancestry, color,
4   ethnicity, gender, gender expression, gender identity, genetic information,
5   marital status, medical condition, military or veteran status, national origin,
6   physical or mental disability, political affiliation, race, religion, sex, sexual
7   orientation, socioeconomic status, and any other classification protected by
8   federal or state law.
9
10   (3)   Should review generative AI material, including any materials prepared on
11   their behalf by others, for accuracy and completeness, and for potentially
12   erroneous, incomplete, or hallucinated output.
13
14   (4)   Should review generative AI material, including any materials prepared on
15   their behalf by others, for biased, offensive, or harmful output.
16
17   (5)   Should consider whether to disclose the use of generative AI if it is used to
18   create content provided to the public.
19
20   **Advisory Committee Comment**
21
22   **Subdivision (a).** The definition of "court staff" in this subdivision is intended for use in this
23   standard only.
24
25   **Subdivision (b).** This subdivision provides guidelines to judicial officers for the use of generative
26   AI for tasks within their adjudicative role. California Rules of Court, rule 10.430 covers the use
27   of generative AI by judicial officers for tasks outside their adjudicative role. In addition to the
28   guidelines provided in this subdivision, judicial officers should be mindful of complying with all
29   applicable laws, court policies, and the California Code of Judicial Ethics when using generative
30   AI.

Introduction

Generative artificial intelligence (generative AI) is an emerging technology that can generate content in many forms and languages and on almost any subject at a user's request. Generative AI has many potential benefits and appears to have particular promise for the courts' management and administrative functions. Generative AI also poses significant risks, though many of these risks can be mitigated with careful training, oversight, and use.

Generative AI is a tool that can be used to assist judicial officers and court staff to fairly administer justice. The Artificial Intelligence Task Force created this model policy to aid courts in promoting responsible innovation in court operations while protecting confidential information, ensuring appropriate oversight, and maintaining public trust.

This model policy is a template for a use policy addressing the confidentiality, privacy, bias, safety, and security risks posed by generative AI systems, and addressing supervision, accountability, transparency, and compliance when using those systems. Courts can adopt this policy as written or add, modify, or delete provisions as needed to address specific goals or operational requirements. For example, a court wishing to address the confidentiality risks posed by generative AI could adopt only section III.a but not III.b–d, could adopt III.a and a modified version of III.b, and so on.

Some provisions in this model policy contain bracketed language providing alternatives and additional issues for consideration.

The model policy does not require any court to permit the use of generative AI by court staff or judicial officers. Courts can prohibit the use of generative AI if they wish and can also set restrictions on how generative AI can be used for court-related work, such as allowing or prohibiting the use of specific generative AI tools, allowing use of generative AI only for particular tasks, requiring approval for the use of generative AI, and so on.

This model policy is offered as a resource. Courts are not required to adopt this policy. However, the Artificial Intelligence Task Force plans to propose California Rules of Court, rule 10.430, which will require courts that permit the use of generative AI in court-related work to adopt a use policy that meets certain requirements. The task force anticipates that adopting either this model policy as written or a policy that uses substantially similar language will satisfy rule 10.430, though the rule may change as the proposal is developed. The task force also anticipates that the provisions in boxes marked "optional" will *not* be needed to comply with rule 10.430. The task force plans to seek approval of the rule at the Judicial Council's July 2025 meeting, and the proposed effective date will be September 1, 2025.

The Artificial Intelligence Task Force is also preparing documents to aid courts in developing and deploying generative AI use policies. These documents will include things like frequently asked questions, examples of how generative AI can be used in court administration, and examples of how to disclose or watermark generative AI material.

Model Policy for Use of Generative Artificial Intelligence

I.   Purpose and Scope

The emergence of generative artificial intelligence (generative AI) technologies has prompted the court to develop a set of requirements for use of generative AI by court staff.

   a.   These requirements are designed to govern the use of generative AI systems in court-related work. Generative AI systems include applications such as OpenAI's ChatGPT, Anthropic's Claude, Dall-E2, Microsoft's Copilot, Google's Gemini, Westlaw Precision, Lexis+ AI, and Grammarly. Generative AI features are also included in non-AI applications such as Adobe Acrobat or Google search. Information can be submitted to a generative AI system by typing a prompt into a chat interface, uploading a document or image, and other methods.

   b.   This policy applies to the use of generative AI for any purpose by court staff, and by judicial officers for any task outside their adjudicative role.

II.   Definitions

For purposes of this policy only, the following definitions apply:

   a.   "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.

   b.   "Court staff" means all employees, contractors, volunteers, and any other persons working for or on behalf of the court.

   c.   "Generative AI" 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.

   d.   "Judicial officer" means all judges, all justices of the Courts of Appeal and the Supreme Court, all temporary and assigned judges, and all subordinate judicial officers.

   e.   "Public generative AI system" means a system that is publicly available or that allows information submitted by users to be accessed by anyone outside the court, including access for the purpose of training or improving the system.

   f.   "User" means any person to whom this policy applies.

III. Confidentiality and Privacy

a. Users must not submit confidential, personal identifying, or other nonpublic information to a public generative AI system. Personal identifying information includes driver license numbers; dates of birth; social security numbers; Criminal Identification and Information, and National Crime Information numbers; addresses and phone numbers of parties, victims, witnesses, and court personnel; medical or psychiatric information; financial information; account numbers; and any other content sealed by court order or deemed confidential by court rule or statute.

> ***Optional paragraphs (one or more of the following):***
>
> b. If a document has been filed or submitted for filing in a case before the court, users must not submit it to a public generative AI system, even if the document is publicly available.
>
> c. Before submitting any information to a public generative AI system, the user must determine whether the submission is permissible under this policy. If it is unclear whether the submission is permissible, the user must obtain approval from [*court leadership/their supervisor*] before submitting the information to the system. [*Courts adopting this provision should consider how to define "court leadership" if approval is to be given by the presiding judge, clerk/executive officer, court executive officer, or chief information officer, or other member of court leadership. Courts requiring approval by court leadership should also consider whether to include a provision allowing leadership to delegate approval authority to others.*]
>
> d. When using public generative AI systems, users must disable or opt out of data collection by the system if possible.

IV. Supervision and Accountability

a. Generative AI systems sometimes "hallucinate," meaning they provide false or misleading information presented as fact. Generative AI outputs can also be faulty in other ways, such as outputs that are inaccurate, incomplete, or uncited. Users must review their generative AI material for accuracy and completeness, and for potentially erroneous, incomplete, or hallucinated output. Any use of generative AI outputs is ultimately the responsibility of the person who authorizes or uses it.

> ***Optional paragraphs (one or more of the following):***
>
> b. Users must obtain approval from [*specify which office, department, division, or individual will be responsible for approval*] before using a public generative AI system.
>
> c. Public generative AI systems may be used only if they have been approved by the court [*specify which office, department, division, or individual will be responsible for approval*].

V. Avoidance of Bias and Discrimination

 a. Generative AI must not be used to unlawfully discriminate against or disparately impact individuals or communities based on age, ancestry, color, ethnicity, gender, gender expression, gender identity, genetic information, marital status, medical condition, military or veteran status, national origin, physical or mental disability, political affiliation, race, religion, sex, sexual orientation, socioeconomic status, and any other classification protected by federal or state law.

 b. Generative AI systems may be trained on material that reflects cultural, economic, racial, gender, and social biases, and content generated by these systems may contain biased or otherwise offensive or harmful material. Users must review their generative AI material for biased, offensive, or harmful output.

VI. Transparency

 a. If generative AI outputs constitute a substantial portion of the content used in the final version of a written work or visual work that is provided to the public, the work must contain a disclaimer or watermark.

 b. Labels or watermarks used to disclose the use of generative AI should be easily visible and understandable, accurately informing the audience that generative AI has been used in the creation of the content and identifying the system used to generate it.

VII. Compliance with Applicable Laws and Policies

    a.   When using generative AI, users must comply with all applicable laws, court policies, and ethical and professional conduct rules, codes, and policies.

> ***Optional paragraph:***
>
> b.   Users should be aware that content produced by generative AI systems might include copyrighted material. If it is unclear whether the content produced includes copyrighted material, the user must consult [*specify which office, department, division, or individual will be responsible for advice*].

> ***Optional section and paragraphs (one or more of the following):***
>
> ## VIII. Safety and Security
>
> a.   Users must use strong passwords when using AI platforms. Users must comply with the court's password requirements when creating passwords for generative AI platforms.
>
> b.   When using generative AI systems to perform court-related work, users must use their court email address if the system requires users to provide an email address or create an account. Accounts created using a court email address must not be used for personal matters. [*Courts should also consider whether to require staff to provide their supervisor or IT department with the username and password of any generative AI account created to do court-related work.*]
>
> c.   When available and practical, court-provided generative AI systems should be used instead of public generative AI systems.