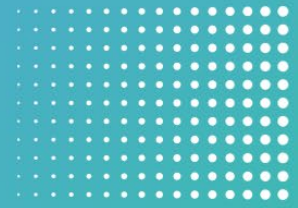


ARIZONA SUMMIT ON
**ARTIFICIAL
INTELLIGENCE**
LAW AND THE COURTS



**TOPIC: ARTIFICIAL INTELLIGENCE
AND COURTS**

Outline for Breakout Group Session

AI Working Group Paper Outline 10/27

1. Definitions

- a. Define Capabilities
 - i. Who is it for? We need to decide this today
 - ii. Is it mainly for SCAs? Should there be a section for judges? For technologists?
- b. What is AI?
 - i. Vendors are calling many things AI that are not AI
 - ii. Casey K- will help draft definition
 - iii. NCSC AI Working Group has drafted a definition of AI as well- and a blurb on scope
 - i. Definition: AI, or Artificial Intelligence, is a scientific field that develops systems capable of processing large volumes of information, adapting to changes, and solving complex problems to achieve predefined or evolving goals. These systems utilize a combination of rules and data heavy statistical models defined by humans reflecting the values, intentions, and qualities of the teams who build them. AI in state courts can aid in document analysis, legal research, workflow processes, case management, predictive analytics, and other functions to streamline operations and improve access to justice.
 - ii. What it is: AI, or Artificial Intelligence, is a scientific field that develops systems capable of processing large volumes of information, adapting to changes, and solving complex problems to achieve predefined or evolving goals.
 - iii. How it works: These systems utilize a combination of rules and data heavy statistical models defined by humans reflecting the values, intentions, and qualities of the teams who build them.
 - iv. How it relates to state courts/use cases: AI in state courts can aid in document analysis, legal research, workflow processes, case management, predictive analytics, and other functions to streamline operations and improve access to justice.
 - v. Scope: AI Related Technologies includes things that typically fall under the AI umbrella such as generative AI, Machine Learning (ML), Natural Language Processing (NLP), Large Language Models (LLM) and the tools such as Robotic Process Automation (RPA), big data tools, chatbots, etc. that use them.
- c. Who is the audience?
 - i. All types of courts
 - ii. Primary: court managers, clerks, administrators
 - iii. Secondary: CIOs, judges (as administrators), the vendor community/product providers

2. Policy/Data Governance

- a. All automated processes should conform to policy and data governance
- b. Tie to NACM CORE - Policy
- c. RFP guidelines
 - i. Required language
- d. What court managers and technologists are going to need to do
- e. Maturity Model/checklist
 - i. What do you need in order to have X AI product? What do you need to implement an AI technology?

- ii. Take known use cases and lay out basic requirements for each in terms of staffing, technical support, training, data privacy, etc.
 - f. If there is something wrong with an AI model, who do you go to in order to fix it? IT can't fix that
- 3. Practical Uses in and outside the Courts
 - a. Vendors - what's available
 - i. We are likely going to see a lot of AI embedded into existing things that we use
 - ii. There are likely a lot of court managers that don't understand where AI is already in place is systems that they already use
 - iii. Communication with vendors for SCAs can be difficult because they call things AI that are not AI
 - b. References to existing implementations
 - i. What has worked/hasn't worked
 - ii. Where it is currently showing up/embedded in some of our tools
 - i. Westlaw
 - ii. Facial recognition
 - iii. Voice to text
 - iv. Audio using AI to identify participants in a hearing- using mic to identify someone by their voice no matter where they are in the courtroom
 - v. Word processing predictive text
 - vi. Chatbots/public facing avatars
 - vii. AI read policy and allow staff to query it
 - viii. Act as a "deputy clerk" in Tarrant County, TX; Maricopa County, AZ; Palm Beach, FL
 - 1. They can't fill positions- it is taking vacancies
 - 2. Need to get contact information for people in these 3 jurisdictions (Tarrant- Casey, Maricopa- Dave/Shay, Palm Beach- Jim)
 - ix. DeepL (translation), Claude, Whisper
 - x. Verification of authenticity of evidence/no AI tools were used to alter evidence
 - xi. Name-matching/identification of duplicates in systems
 - iii. Can we get a list of jurisdictions using AI for document processing?
 - i. There are a lot of vendors, but some will likely be gone soon as well
 - c. Efficiencies
 - i. Drafting agendas, documents
 - d. Translations
 - e. Risk assessment tools for pretrial release
 - f. Tools available to attorneys/law offices (IV Ashton)
 - i. Decision predictors
 - ii. Westlaw/Lexis
 - iii. Pro-se litigants may use Chat GPT to write pleas etc. We know that it may hallucinate when this is done.
 - i. Court staff/clerks may have to have Westlaw pulled up to check that cases references are real
 - ii. Should not be limited to just Attorneys and law offices
 - g. Human Resource Tools (Joe Fazari)
 - i. Applicant Screening

- ii. Removing factors to reduce bias
 - h. Race Blind Charging
 - i. Karpel
 - j. Public-facing avatars or bots
 - i. Ask questions/get answers and then referred to people
 - ii. NM has interactive kiosks
 - k. Internal system- have AI read all of their policies
 - i. Employee can ask "how do I do X?" "Am I allowed to do Y?"
 - l. Analysis of Court Data
 - i. BI offers a service that reads data and interprets it
 - ii. Microsoft is coming out with "CoPilot"
 - m. Data extraction
 - i. Aforementioned translation
 - ii. From PDFs, videos, forms
 - iii. Joe Wheeler/MCP are involved with 911 center data
- 4. Transparency/Public Trust and Confidence
 - a. Accuracy
 - b. Statement of Use
 - c. Tie into NACM CORE Competencies
 - d. Balancing privacy and access
 - i. Are there procedural equity issues with using this technology? Almost certainly.
 - . Do we need to be concerned about the digital divide? Not really.
 - i. EX: Landlord/tenant, debt buyers/collectors- things at scale
 - ii. Haves vs. have nots will be between large firms/SREs and small firms or between prosecutors and public defenders offices
 - e. Just because you can, do that mean you should?
 - i. We may not have the solution, but we have to at least raise the issue
 - f. Before using a tool, a jurisdiction should have a confidence level before they use a tool
 - i. AI tools give percentages on how confident they are on things
 - ii. What are acceptable confidence levels/accuracy levels?
- 5. Obstacles/Considerations/Limitations
 - a. Authenticating digital evidence
 - b. Adversarial process
 - c. Self-represented litigants
 - i. Self-help tools
 - a. Bias
- 6. Communication with Staff
 - a. Union Issues
 - b. Fear of Replacement - losing job
 - c. Automate routine and repetitive data entry
 - d. Focus on improving quality of all other filings
 - e. Tie into NACM CORE Workforce
- 7. Training
 - a. Training on use of generative AI
 - b. Training AI models
- 8. Cost
 - a. Licensing per user
 - b. Rural/Small Courts v. Large Courts
 - c. Statewide implementations

9. AI Courts
 - a. Add something in the conclusion about this?
 - b. This is the next step from ODR

10. What should the product of this working group be?
 - a. Virtual paper using the software Issuu
 - i. Issuu can embed videos
 - b. An AI chatbot
 - i. Would potentially reduce the burden of constant manual revision
 - c. It should not be too long- average length of NACM guides is 20-30 pages
 - d. Multiple webinars with SMEs

11. Concerns with accuracy/becoming outdated
 - a. Paper will be entirely virtual hosted by NCSC
 - b. Document of existing tools in use
 - i. Could be updated more often than the paper
 - c. Have a series of checklists etc. for court managers to use so they can check where AI things are going
 - d. NACM Comms Committee determines when guides are updated, etc.
 - e. What if something is out of date?
 - i. Create a feedback button/link to send an email to the NACM general inbox (will then be forwarded to NACM Communications Chair) with feedback/edit/revision
 - i. Roger will take this to the NACM Communications Committee
 - ii. Person with feedback could attend a meeting and then committee would decide who will make correction

12. Deadlines
 - a. May 1- absolute latest to have a draft completed

13. Work breakdown
 - a. Andre- Data section?
 - b. Dave- more of an editor than a writer
 - c. Do we want a general counsel to write a section about legal concerns?
 - i. There is an association of general counsels
 - d. If there is a specific element you would like to write on, please let us know before we meet with the SMEs

14. Next Steps
 - a. Nat will send out compiled outline/notes and SMEs list
 - b. Meet with SMEs before JTC meeting or at the latest AZ meeting
 - c. Contact info for jurisdictions using AI
 - i. Tarrant- Casey Kennedy
 - ii. Maricopa- Dave Byers/Shay Cleary
 - iii. Palm Beach- Jim Harris
 - d. AZ Meeting
 - i. Is at the ASU Law School in downtown Phoenix
 - ii. Dec 12 meeting- 8:30-4:30
 - iii. Have team in-person
 - iv. Bring in SMEs virtually in the afternoon
 - i. Ask SMEs to come with a brief outline of
 - e. Nat send letter/email and outline to SMEs