

PRACTICE DIRECTION NO. 1 OF 2025
USE OF GENERATIVE ARTIFICIAL INTELLIGENCE IN COURT PROCEEDINGS

This Practice Direction is issued by the Honourable Chief Justice and applies to all proceedings before the Supreme Court of Judicature of Jamaica, the Revenue Court, the High Court Division of the Gun Court, and the Circuit Court Division of the Gun Court.

This Practice Direction sets out guidance on the appropriate use of Generative Artificial Intelligence tools by attorneys-at-law, parties, self-represented litigants, and other persons involved in proceedings before the Court.

This Practice Direction takes effect on the 17th day of September 2025 and shall remain in force until otherwise varied or revoked. It is to be cited as Practice Direction No. 1 of 2025 – Use of Generative Artificial Intelligence in Court Proceedings.

1. GENERAL

1.1 This Practice Direction applies to all divisions of the Supreme Court, the Revenue Court, the High Court Division of the Gun Court, and the Circuit Court Division of the Gun Court.

1.2 The Court acknowledges the growing use of Generative Artificial Intelligence (GenAI) tools in the preparation of legal documents and other materials but affirms that such use must be responsible, secure, and transparent.

1.3 This Practice Direction seeks to preserve the integrity of the judicial process, ensure the accuracy of the information provided to the Court, and protect confidential and privileged information.

2. DEFINITION

2.1 “Artificial Intelligence” shall refer to a technological system that, autonomously or partly autonomously, processes data related to human activities through the use of algorithms and statistical models and generates content or decisions, recommendations or predictions.

2.2 “Court” shall be interpreted as any Court of competent jurisdiction in Jamaica.

2.3 “Generative Artificial Intelligence” or “GenAI” refers to software or tools that can produce text, images, code, or other content in response to human input, by drawing from large datasets and patterns in the training data. Such tools include both open-source and proprietary applications, including large language models (LLMs).

2.4 “Hallucination” refers to the output of an artificial intelligence system, particularly a generative model such as a large language model, that contains information that is fabricated, inaccurate, or misleading, despite being presented in a linguistically coherent and seemingly credible manner.

2.5 A person is a party where:

- i. Their presence is necessary to ensure that all matters in dispute may be effectively and completely adjudicated upon.
- ii. They possess a direct legal interest in the subject matter of the claim, the determination of which may affect their rights or liabilities.

3. USE OF GENERATIVE AI IN COURT DOCUMENTS

3.1 Court documents generated in whole or in part with the assistance of GenAI must be thoroughly reviewed, verified, and approved by the party or attorney submitting them.

3.2 Any court document generated in whole or in part with the assistance of GenAI:

- i. must be fact-checked and legally accurate;
- ii. must not contain fabricated case law, misapplied authorities, or hallucinations;
- iii. must not include confidential or privileged material submitted to unsecured platforms.

3.3 Attorneys-at-law and parties must not rely solely on GenAI for legal analysis or citation without confirming the validity of the authorities relied upon.

3.4 GenAI tools may be used to assist in drafting the information provided to the Court, correspondence, and other case-related documents, provided the outputs are not relied upon blindly.

4. PROHIBITED USES

4.1 GenAI must not be used to:

- i. draft or alter affidavits or witness statements intended to reflect a person's direct knowledge, belief, or opinion;
- ii. generate expert evidence or any report purporting to be from an independent person;
- iii. create or modify any material intended to be tendered into evidence, unless authorized by the Court;
- iv. generate documents purporting to be original documents;
- v. generate images; unless this use is expressly requested, explained and approved by the Court;
- vi. generate invented case law, statutory provisions, legal principles, facts, any information that is not independently verified;
- vii. generate images or avatars that falsely present or imply an accurate likeness of the user or any other person for the purpose of joining any virtual conference, meetings and/or hearings before Judges, Masters, Registrars, and Deputy Registrars.

5. OBLIGATIONS OF ATTORNEYS AND PARTIES

5.1 Attorneys-at-law and self-represented litigants using GenAI must exercise due diligence in:

- i. understanding the capabilities and limitations of the AI tool(s) used;
- ii. ensuring the confidentiality of all data processed using GenAI tool(s);
- iii. maintaining professional responsibility for all materials filed or submitted.

5.2 The use of GenAI tools does not relieve the party or attorney of their duty of candour and diligence to the Court.

6. DISCLOSURE REQUIREMENTS

6.1 Where any part of a document submitted to the Court has been prepared using GenAI, the party or attorney shall include a declaration in the form set out in the Appendix to this Practice Direction.

6.2 The Court may, in any case, direct a party to provide further particulars of their use of GenAI in preparing the information provided to the Court.

7. NON-COMPLIANCE

7.1 Where a party or attorney submits inaccurate, fictitious, or misleading information generated by GenAI, the Court may:

- i. refuse to admit the document into evidence;
- ii. disregard the submission in part or in whole;
- iii. make any order as to costs or other sanction as may be appropriate in the circumstances.

7.2 Non-compliance with the instructions and limitations set out in this Practice Direction may constitute contempt of court, result in the referral of attorneys-at-law to the Disciplinary Committee of the General Legal Council, or lead to any other sanction the Court considers just in the circumstances.

8. JUDICIAL CONSIDERATION

8.1 Judicial officers may consider AI-assisted materials submitted by parties only to the extent that such materials meet the evidentiary and procedural standards of the Court.

9. PERIODIC REVIEW

9.1 This Practice Direction will be subject to periodic review to reflect developments in AI technology, and necessary modifications will be made as experience dictates.

DATED THIS 17TH DAY OF SEPTEMBER 2025

A handwritten signature in black ink that reads "Benjamin Sykes". The signature is written in a cursive, flowing style.

**THE HONOURABLE MR JUSTICE BRYAN SYKES OJ, CD
CHIEF JUSTICE**

APPENDIX

FORM OF DECLARATION FOR USE OF GENERATIVE ARTIFICIAL INTELLIGENCE

I confirm that the following portions of this document were prepared with the assistance of [Name of Tool] (version []), a Generative Artificial Intelligence application. I further confirm that all information, citations, and representations made therein have been independently verified by the undersigned.

Name

Date