

December 24, 2024

New Year, New AI Policy in Illinois

Natalie Ellis

On January 1, 2025, the Illinois Supreme Court's AI policy will take effect. In summary, the policy permits the use of AI only if it adheres to legal and ethical standards. It also provides guidance to AI users on who may use AI, how AI can be used within the legal community, and specifies prohibited uses of AI technologies. The Court aims to further its mission of providing equitable access to justice for all by supporting ongoing education on emerging technologies, including AI.

Who Can Use AI?

Generally, the policy authorizes litigants, attorneys, judges, judicial clerks, research attorneys, and court staff to use AI. Although the policy encourages the use of AI in the courts, it does not place the responsibility for liability on AI technologies. According to the policy, “attorneys, judges, and special-represented litigants” will be accountable for their final work product. Judges, not advanced technologies like AI, are ultimately responsible for their decisions.

What Steps Should AI Users In The Legal Community Take Before Using AI?

The Rules of Professional Conduct and the Code of Judicial Conduct apply fully to the use of AI. Before using any AI technology, users must understand both the general capabilities of AI and the specific tools they intend to use. All users are required to thoroughly review AI-generated content for accuracy and compliance with legal and ethical standards before submitting documents (i.e., pleadings) in any court proceeding.

What Acts Are Prohibited by AI?

While the policy does not require the disclosure of AI usage in pleadings filed in Illinois state court, it prohibits the use of “unsubstantiated or deliberately misleading AI-generated content that perpetuates bias, prejudices litigants, or obstructs truth-finding and decision-making.” AI applications must comply with privacy and confidentiality laws and regulations. This includes not disclosing confidential communications, personal identifying information, protected health information, justice and public safety data, security-related information, or providing information that conflicts with judicial conduct standards or undermines public trust.

Client **Alert**

The policy states the Court will take swift action against any AI technology that threatens due process, equal protection, or access to justice. Additionally, the Court promises to “regularly reassess” this policy as technologies continue to evolve.

A copy of the Policy can be found here: [Illinois Supreme Court AI Policy](#)

For more information, **please contact:**



Natalie Ellis
1.312.471.8773
nellis@rshc-law.com
Chicago