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PRACTICE DIRECTION NO. 1 OF 2025

**THE USE OF GENERATIVE ARTIFICIAL INTELLIGENCE TOOLS
IN COURT PROCEEDINGS**

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This Practice Direction provides guidance on the permissible use of Generative Artificial Intelligence ('GenAI') tools by attorneys, parties, witnesses, self-represented persons, and other court users.

This Practice Direction applies to all proceedings before the Caribbean Court of Justice ('the CCJ' or 'the Court').

I. DEFINITIONS

"Generative Artificial Intelligence" is a form of artificial intelligence that produces new content including text, images, video or audio in response to prompts, based on patterns and data acquired from a body of training data. These systems range from generic large language model programmes, available as closed-source and open-source, to more bespoke programmes specifically directed to legal professionals.

"Court Documents" includes text, images, sounds, videos, data and any other material that is filed in or submitted to the Court, such as written submissions and reports. They do not include the content of affidavits, witness statements, or other material that are intended to reflect the evidence and/or opinion of deponents or witnesses, or other material tendered into evidence or material used in cross-examination.

II. GENERAL PRINCIPLES

1. The use of GenAI is prohibited in the generation of the content of affidavits, witness statements, or any other material intended to reflect the evidence or opinion of a deponent or witness, or other material tendered into evidence or used in cross-examination. Such documents must reflect solely a person's knowledge and must not include artificial intelligence-generated content.

2. The use of GenAI is prohibited for the purpose of altering, embellishing, strengthening, diluting or otherwise rephrasing the evidence of a witness or deponent.

3. In exceptional circumstances, permission may be sought for the use GenAI in the preparation or generation of any annexure or exhibit to an affidavit or witness statement. An application to the Court must specify:

(i) a detailed description of the intended use of GenAI,

(ii) the GenAI programme, system or proposed for use (including the relevant version),

(iii) whether the GenAI is closed-source or open-source,

(iv) whether the GenAI contains privacy and or confidentiality features, and

(v) the anticipated advantages of employing GenAI in the preparation of the annexure or exhibit.

4. The Court does not prohibit the use of GenAI tools for the preparation of Court Documents, provided that users comply with this Practice Direction and any relevant legislation, rules, and ethical obligations.

5. Court users who utilise GenAI tools assume full responsibility for the accuracy, relevance, and appropriateness of the outputs incorporated into Court Documents, annexures and exhibits presented to the Court.

6. Attorneys are reminded of their professional duty to ensure that all submissions, reports, evidence and statements presented to the Court are independently verified and comply with rules of professional conduct.

III. GUIDANCE FOR SPECIFIC USERS

1. **Attorneys and Legal Practitioners**

   GenAI tools may be used to draft submissions, summarise legal arguments, or conduct basic research, but outputs must be thoroughly fact-checked, reviewed for accuracy, and adapted to comply with legal standards and requirements. Citations or references generated by GenAI tools must be independently verified using reliable sources.

2. **Self-Represented Persons**

   Self-Represented Persons may use GenAI tools to draft submissions or familiarise themselves with legal principles, but they remain responsible for verifying the accuracy and appropriateness of such outputs.

IV.   SPECIFIC REQUIREMENTS AND RESTRICTIONS

1.   Court users must not input sensitive, confidential, or privileged information into open source GenAI tools to avoid unintentional disclosure of private and confidential information. The use of secure platforms which adhere to established ethical standards and legal requirements is recommended for processing private and confidential information.

2.   Outputs generated by GenAI tools must be checked against authoritative legal texts, case law, or statutes. Court users may be required to demonstrate how such verifications were conducted.

3.   The Court may require a user to disclose whether a GenAI tool was employed in the preparation of any document or evidence. Court users should be prepared to identify specific portions of their submissions influenced by GenAI and explain the steps taken to ensure accuracy.

V.   FAILURE TO COMPLY

Non-compliance with this Practice Direction may result in:

1.   Costs orders against the offending party.

2.   Rejection or diminished evidentiary weight of improperly prepared documents or submissions.

This Practice Direction shall take effect from the date on which it is issued and it is expected that given the dynamism of the subject matter there will be periodic revisions.

Issued by the President of the Caribbean Court of Justice pursuant to Part 18.1 of the Caribbean Court of Justice (Appellate Jurisdiction) Rules 2024 and Part 32.1 of the Caribbean Court of Justice (Original Jurisdiction) Rules 2024 on 14th February 2025.

Adrian Saunders
President