

Robert M. Brutinel, Chair
On behalf of the Arizona Steering Committee on
Artificial Intelligence and the Courts
Administrative Office of the Courts
1501 W. Washington, Suite 411
Phoenix, AZ 85007-3327
Phone: (602) 452-3301
Projects2@courts.az.gov

**IN THE SUPREME COURT
STATE OF ARIZONA**

In the matter of:)	
)	
PETITION TO ADOPT RULE 135)	Supreme Court No. R-26-0020
RULES OF THE SUPREME)	
COURT)	COMMENT OF THE ARIZONA
)	STEERING COMMITTEE ON
)	ARTIFICIAL INTELLIGENCE
)	AND THE COURTS
)	

Pursuant to Rule 28(c), Rules of the Supreme Court of Arizona and this Court’s order dated January 22, 2026, the Arizona Steering Committee on Artificial Intelligence and the Courts (“AISC”) hereby submits this Comment regarding Rule Petition No. R-26-0020 (“Petition”) filed by the Honorable Andrew M. Jacobs, Arizona Court of Appeals, Division One. The Petition proposes adoption of a new Rule 135 of the Rules of the Supreme Court of Arizona, placing a three-year moratorium on the use of generative artificial intelligence (AI) in core judicial work.

Following discussion of this Petition at the April 20, 2026, AISC meeting, a motion was made and seconded that the AISC oppose the Petition. That motion

passed with one vote against. This Comment is a result of that formal Committee action and is intended to reflect the AISC’s reasons for opposing the rule amendments requested in the Petition.

The AISC opposes the moratorium on AI use in core judicial work proposed in the Petition. The AISC favors, instead, continuing the Arizona model – which has been in place for more than two years – of controlled, real-world testing to evaluate the impact of AI use in the judiciary.

In this Comment, the AISC sets forth some history and background of the current policies for use of AI in Arizona’s courts, the safeguards and standards currently in place that account for the concerns listed in the Petition, and why the moratorium requested in the Petition would undercut the potential that AI presents to further improve the way Arizona’s courts analyze legal information and process cases.

I. Arizona’s Policy Framework Encourages AI Use

Arizona has been a national leader in the responsible use of AI in the law and the judicial system. In December 2023, Arizona held a first of its kind Summit on AI law and the courts. *See* <https://www.azcourts.gov/aisummit>. In January 2024, the Arizona Supreme Court established the AISC. *See* Ariz. Sup. Ct. Admin. Order No. 2024-33. In doing so, the Court stated AI presents “unprecedented opportunities and challenges,” with “the potential to further improve the way courts process cases,

streamline workflows and analyze legal information, and impact decision-making.”

Id. The Court noted the need “to approach the integration of AI into court processes in an organized manner that takes into account ethical issues, proper handling of confidential information, understanding of possible biases, and the proper use of these new technologies.” *Id.*

Among other things, the Court directed the AISC to advise the Arizona Judicial Council about AI in the Arizona courts, to serve as a collaborative platform within and outside of the judiciary, to identify and implement AI solutions, to develop guidelines and best practices to ensure the responsible use of AI in the judiciary, and to develop and recommend rules and procedures for AI use by judicial officers, legal practitioners, and judicial employees. *Id.* In the more than two years since being established, the AISC has done these things in various ways, resulting in Arizona’s current policy framework encouraging responsible AI use. The AISC, at the direction of the Arizona Supreme Court, will continue to do so in the future.

After significant consideration and input, the AISC helped craft what became Arizona Code of Judicial Administration (ACJA) § 1-509 (“Use of Generative Artificial Intelligence Technology and Large Language Models”). This use policy was supported by the Committee on Superior Court, the Committee on Limited Jurisdiction Courts, the Presiding Judges of Arizona’s Superior Courts, the Clerks of Court for the Superior Court, and the Limited and General Jurisdiction Court

Administrators. This use policy, approved by the Arizona Judicial Council and adopted by the Arizona Supreme Court in October 2024, expressly aims to “promote the use of Generative AI tools when it is beneficial and appropriate.” In so doing, it provides the administrative requirements, standards, and guidelines to ensure appropriate AI use and safeguard controls. It also provides that AI use policies must be reviewed regularly and updated as needed to account for changes in technology and to ensure compliance with all applicable laws, rules, regulations, and other policies. Those provisions include rules governing lawyers (the Arizona Rules of Professional Conduct); judges (the Arizona Code of Judicial Conduct); and judicial employees (the Arizona Code of Conduct for Judicial Employees).

In October 2024, the AISC filed a petition seeking to amend Rule 2.5 of the Arizona Code of Judicial Conduct by adding the underlined language to expressly state that the duty of competence for judges requires “the legal knowledge, skill, thoroughness, and preparation necessary to perform a judge’s responsibilities of judicial office, including the use of, and the benefits and risks associated with, technology relevant to service as a judicial officer.” In August 2025, the Arizona Supreme Court granted that petition effective January 2026. That amendment parallels the Arizona Rules of Professional Conduct, which directs that the duty of competence requires lawyers to keep abreast of the benefits and risks associated with relevant technology. Ethical Rule 1.1 Comment 6.

II. Safeguards and Standards Currently In Place

A. Use of Any AI Tool Must be Approved

Although ACJA § 1-509 authorizes court personnel to use AI tools for work-related purposes, use is limited to approved AI tools. ACJA § 1-509(D) and (I). Approval follows a tiered structure that depends on how a tool uses and handles the data it receives, as well as whether approval is being sought for pilot purposes.

The approval process requires a detailed request to the Administrative Office of the Courts (AOC) describing the tool and its anticipated uses. The AISC AI Tools Workgroup evaluates whether the tool adequately safeguards court data, whether approval is appropriate, and the scope of authorized use. Judicial leadership at the local level may also approve AI tools, consistent with ACJA § 1-509.

Through the Arizona Supreme Court Center for Forensics & Artificial Intelligence, the AOC maintains a list of all AI tools that have been approved for statewide and local use. See <https://www.azcourts.gov/forensicsciencecenter/AI>. This resource lists approved generative AI tools, local tools and uses, prohibited tools and uses, and the process to gain approval for a tool. Court personnel are prohibited from using any AI tool not listed. This resource implements the directives of ACJA § 1-509.

Determining the appropriate approval level depends on real-world use and testing because judges and staff require practical exposure in order to recognize AI

hallucinations, understand the tool’s limitations, and practice verifying outputs for accuracy and completeness. A moratorium would prevent this necessary evaluation and resulting evolution.

B. AI-Generated Materials Must Be Reviewed

The Petition seeks a moratorium on using AI in “core judicial work,” which it defines as “drafting any document that adjudicates,” such as an order, ruling, decision, or opinion, or drafting language that will be read from the bench as an oral ruling, citing concerns that “[j]udicial actors can fall (and have fallen) prey to its propensity to hallucinate.” Petition at page 3.

AI tools can and do generate errors. The AISC regularly discusses training and quality control measures, including testing standards, to prevent and recognize errors or hallucinations in AI-generated content. Additionally, ACJA § 1-509(F) provides that court personnel should receive training on the use of AI tools, are expected to understand the limitations of such tools, and *must* use caution when relying on the output.

Various training and education regarding judicial use of AI tools are available from a variety of sources. Along with training and education in Arizona, including at bench meetings and various conferences including the Arizona Judicial Conference, the National Center for State Courts provides significant training on court use of AI, through an AI Policy Consortium for Law & Courts, that includes

substantial resources as well as a bi-monthly AI Implementers' Forum. *See* <https://www.ncsc.org/resources-courts/artificial-intelligence-ai>. In addition, developers of AI tools typically offer training tailored to use of their tools.

Moreover, ACJA § 1-509(F) *requires* that court personnel review AI-generated material for accuracy, completeness, and potentially erroneous, incomplete, hallucinated, biased, or otherwise problematic output. “Court personnel” expressly includes judicial officers. The AISC submits that no moratorium can substitute for users properly verifying AI outputs.

III. A Moratorium Would Cause Arizona’s Courts to Fall Behind

AI is advancing rapidly and there is a need for controlled, real-world testing to understand how best to use it responsibly and effectively, and any limitations that should be imposed. AI has the potential to save substantial time and improve efficiency, but only if courts have the ability to evaluate tools and develop best practices.

There will be extraordinary advances in three years, and a moratorium would leave Arizona behind other jurisdictions without the ability to catch up due to lost opportunities for technological innovation and development. At the same time, litigants will continue using AI, likely increasing both the volume and complexity of filings. Judges must have access to the available tools to help them effectively

manage this growing workload, to know what AI tools are and do, and to be able to account for how they are used in the courts.

IV. Use of AI Tools in Judicial Decision-Making

Although the Petition seeks a moratorium on “core judicial work,” defined as document drafting, it also expresses concern with AI use in core judicial decision-making. Petition at page 3. While AI tools support efficiency, they are, at their core, a tool—never a substitute for human judgment. Their permitted use has never been intended to replace judicial decision-making. If the AISC, and the Arizona judiciary more broadly, are to evaluate how AI might support judicial work and recommend appropriate policies, it cannot do so without knowing the advantages and drawbacks, which are uncovered through use and evaluation of the tools. Without hands-on testing, courts cannot evaluate the tools in a meaningful way to identify the most efficient use cases, matters that should be excluded, resource savings or costs, and impacts on accuracy, timeliness, and user experience. A moratorium blocks this learning entirely and places the AISC and the Arizona judiciary at a disadvantage in trying to develop balanced policies for Arizona courts.

V. Conclusion and Request

Arizona’s current policy framework supports responsible use of AI. A moratorium of AI use in judicial work would prevent judges and court staff from

determining how AI tools can best serve Arizona's justice system. For these reasons, the AISC respectfully requests that this Court deny the Petition.

The AISC continues to review and update AI use policies to account for changes in AI and to ensure compliance with all applicable laws, rules, regulations and other policies. That charge, at the direction of this Court, can include further study by the AISC to consider and recommend what additional policies should be put in place, including proposing amendments to ACJA § 1-509, relating to use of AI by judges in judicial decision-making and document production.

Respectfully submitted this 29th day of April, 2026.

/s/ Robert M. Brutinel
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