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**IN THE SUPREME COURT  
STATE OF ARIZONA**

In the Matter of	)	No. R-26-0020
	)	
PETITION TO ADOPT RULE 135	)	
RULES OF THE SUPREME	)	Comment In Support of the Petition
COURT	)	
_____	)	

Undersigned<sup>1</sup> files this Comment in support of the Petition to Adopt Rule 135, Rules of the Supreme Court.

Our state courts are extensive<sup>2</sup> and busy.<sup>3</sup> Rule 135 is appropriate until such time as all of our state judicial officers have clear, statewide guidelines and training for how and when generative AI (“GenAI”) should be used in drafting orders, rulings and decisions. While the Court has [adopted](#) ACJA § 1-509, issued some helpful [guidance](#) as to ethical best practices, and [approved](#)

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<sup>1</sup> Undersigned’s institutional title and affiliation are included for identification only.

<sup>2</sup> [Judicial Data Report 2025, Arizona Supreme Court](#), p. 2 (documenting over 500 judicial officers including 35 appellate judges, 294 Superior Court judges and full-time commissioners, 80 Justices of the Peace, and 142 full- and part-time municipal court judges).

<sup>3</sup> *Id.*, p. 1 (documenting in fiscal year 2025, our state courts received nearly 1.8 million case filings with an average of 7,187 cases filed per working day).

GenAI tools, those materials do not provide sufficient guidance as to the proper use of GenAI in the creation of core judicial work. Until additional guidelines and training are provided, Proposed Rule 135 is necessary to ensure that wisdom and independent, human judgment continues to be the basis of all judicial decisions in our state courts, and that the public’s trust and confidence in our judiciary is maintained.

All agree that GenAI cannot and should not replace human judicial judgment.

- “[J]udicial authority is vested solely in judicial officers, not in AI systems.”<sup>4</sup>
- “[A]ll experts agree is that artificial intelligence is not equivalent to human intelligence—and especially the intelligence that we expect from judges. . . . The human aspect of intelligence that cannot be artificially constructed is that of ‘judgment.’ So while artificial intelligence can assist judges in many ways, **judges will always have the responsibility to exercise that human trait and obligation to provide justice through judgment.**”<sup>5</sup>

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<sup>4</sup> Hon. Herbert B. Dixon, Jr., et al., [Navigating AI in the Judiciary: New Guidelines for Judges and Their Chambers](#), 26 SEDONA CONF. J. 1, 3 (February 2025) (emphasis added).

<sup>5</sup> Marla Greenstein, [AI and a Judge’s Ethical Obligations](#), The Judges’ Journal, WINTER 2020, at 40 (emphasis added).

- “GenAI can help with structure, clarity, and speed, but it cannot replace judgment. . . . We can use GenAI. But **we cannot outsource our judgment.**”<sup>6</sup>

The potential danger in allowing use of GenAI in the creation of core judicial work product without clear guidelines and education is significant. Potential dangers include the following:

- **Overreliance** – “An overreliance on AI or GenAI undermines the essential human judgment that lies at the heart of judicial decision-making. As technology continues to advance, judicial officers must remain vigilant in ensuring that AI serves as a tool to enhance, not replace, their fundamental judicial responsibilities.”<sup>7</sup>
- **Automation Bias** – “Users must exercise vigilance to avoid becoming ‘anchored’ to the AI’s response, sometimes called ‘automation bias,’ where humans trust AI responses as correct without validating their results.”<sup>8</sup>
- **Confirmation Bias** – “[Us]ers of AI need to account for confirmation bias, where a human accepts the AI results because they appear to be consistent with the beliefs and opinions the user already has.”<sup>9</sup>
- **Illusion of accuracy** – “GenAI tools may provide incorrect or misleading information (commonly referred to as ‘hallucinations’).

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<sup>6</sup> Hon. Scott Schlegel, [AI in Chambers: A Framework for Judicial AI Use](#), Judicial AI Consortium, Resources, September 2025 (emphasis added).

<sup>7</sup> Dixon, *supra*, n. 4, 4.

<sup>8</sup> *Id.*, p. 4.

<sup>9</sup> *Id.*

Accordingly, the accuracy of any responses must always be verified by a human.”<sup>10</sup>

State court judges need clear guidance and training on these potential dangers and how to counteract them.

Because of these potential dangers, the following jurisdictions have strongly cautioned their judges regarding use of GenAI in the creation of core judicial work:

- **West Virginia** – “The gray area revolves around the use of drafting AI to prepare an opinion or order. It is one thing to use a product like Microsoft Word that corrects spelling, punctuation, grammar, maintains a built-in thesaurus and provides an editor’s score for the finished document. Those products are perfectly acceptable. However, **the use of an AI product to actually draft findings, conclusions and ultimate decision should be met with extreme caution.** The drafting product may have built in biases or over time may develop perceived biases based on the judge’s thought process. AI should never decide the conclusion. As he/she would with a law clerk, the judge must decide which way he/she wants to rule and let the program know in advance to ensure the product conforms with the decision rendered by the judge. Like the final draft of the law clerk, the judge must review it to ensure

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<sup>10</sup> *Id.*, p. 6. Schlegel, *supra*, n. 6.

that it is what the judge wishes to convey to the parties in any given case and make changes where needed.”<sup>11</sup>

- **Michigan** – “[T]here are times when, properly used, AI is an asset for the legal community, such as creating accurate content for pleadings and legal summaries, providing efficiency in docket management and legal research, and supplying answers to questions based on algorithms used by technological programs. . . . [; however, ] artificial intelligence is not equivalent to human intelligence – and especially the intelligence that we expect from judges.”<sup>12</sup>

- **Pennsylvania** – “GenAI has serious limitations. While it may be useful to assist in preliminary research or drafting, GenAI cannot substitute for a Judicial Officer’s discernment. Using Gen AI in this way would undermine the public’s confidence in the judiciary.”<sup>13</sup>

- **New York City Bar** – “As judges explore the use of AI to generate text, they should consider whether such usage is influencing in unintended ways how they might rule on an issue, and whether an over-reliance on AI might

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<sup>11</sup> [JIC Advisory Opinion 2023-22](#), JUD. INVESTIGATION COMM’N (W.VA.), 4-5 (Oct. 13, 2023) (emphasis added).

<sup>12</sup> [Ethics Advisory Opinion JI-155](#), *Judicial Officers Must Maintain Competence with Advancing Technology, Including But Not Limited to Artificial Intelligence*, STATE BAR OF MICH. (Oct. 27, 2023),

<sup>13</sup> General Ethics Guidance No. 2-2025, Use of Generative Artificial Intelligence, SUPREME COURT OF PENNSYLVANIA JUDICIAL ETHICS ADVISORY BOARD 1, 5 (Dec. 10, 2025).

reduce the amount of original judicial drafting that for generations has been the hallmark of establishing new legal concepts.”<sup>14</sup>

Similarly, the **Working Group on AI and the Courts** as part of the ABA’s Task Force on Law and Artificial Intelligence developed guidelines for responsible use of AI by judicial officers.<sup>15</sup> Of the Working Group’s 14 potential judicial uses for AI or GenAI, they did not include creation of core judicial work in a filed case.<sup>16</sup> At most, they recommended “AI and GenAI tools may be used for editing, proofreading, or checking spelling and grammar in draft opinion[.]”<sup>17</sup>

As a result of the ongoing uncertainties in this rapidly evolving area, many judges have been justifiably cautious in using GenAI in core judicial work.<sup>18</sup> A recent study documented that 1.8% of a random sampling of 502 federal judges—with 12 responding—use GenAI to draft documents filed in a case, and 2.7% use GenAI to edit documents filed in a case.<sup>19</sup>

As to what guidance is necessary for judicial officers in the use of GenAI in core judicial work, the Steering Committee on Artificial Intelligence and the

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<sup>14</sup> [ARTIFICIAL INTELLIGENCE AND THE NEW YORK STATE JUDICIARY: A PRELIMINARY PATH, N.Y. CITY BAR WORKING GRP. ON JUDICIAL ADMIN. & ARTIFICIAL INTELLIGENCE](#) 1, 5 (June 2024).

<sup>15</sup> Dixon, *supra*, n. 4, 1.

<sup>16</sup> *Id.*, p. 6-7.

<sup>17</sup> *Id.*, p. 6.

<sup>18</sup> Amy B. Cyphert, et.al., [Judicial Use of Generative AI: Lessons Learned](#), AI POLICY CONSORTIUM FOR LAW & COURTS, 6 (March 2026) .

<sup>19</sup> Anika Jaitley, et.al., [Artificial Intelligence in Federal Courts: A Random-Sample Survey of Judges](#), 27 SEDONA CONF. J. \_\_\_\_\_, 21 (forthcoming 2026).

Courts (AISC) can provide that to the Court and our judicial officers statewide. Following are some potential starting points for how and when GenAI should be used in drafting orders, rulings and decisions:

- Judge Scott Schlegel, Louisiana Fifth Circuit Court of Appeal, has created a [Ten-Phase Implemental Framework](#) to guide incorporating GenAI tools into chambers' workflows.
- As [documented](#) by the National Center for State Courts, Various state courts have issued detailed guidance.
- UNESCO has issued [Guidelines for the Use of AI Systems in Courts and Tribunals](#) which provides 15 universal principles applicable to this topic.

To ensure continued public trust and confidence in our judiciary, there must be clear guidelines regarding the state judiciary's transparent use of GenAI.<sup>20</sup> "Judicial use of AI tools in researching and drafting judicial opinions threatens to erode this trust. The solution lies in being transparent and ethical about such use, while developing clear guidelines for judges that stress accountability."<sup>21</sup> The State of Connecticut's Judicial Branch requires judicial

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<sup>20</sup> *Id.*, p. 9 ("One area that was identified as possibly needing further policy development is whether, when, and how judges should disclose their use of GenAI to litigants, including whether any such disclosure should be on a case-by-case basis or an institutional level.").

<sup>21</sup> Hon. John G. Browning (ret.), [The Dawn of the "AI Judge"? Generative Artificial Intelligence and Its Impact on Appellate Courts](#), THE JOURNAL OF APPELLATE PRACTICE AND PROCESS, 25:2, 342, (2025).

officers and staff to “appropriately cite the use of AI where required by law” and provides template citation formats.<sup>22</sup> Also, other research supports disclosure of the use of GenAI for drafting rulings, opinions, and other documents that may have legal consequences.<sup>23</sup> That disclosure should potentially include disclosure of “the entire interaction [with GenAI] leading to the final result[.]”<sup>24</sup>

Statewide guidelines and training on the use of GenAI in core judicial work will ensure that all judicial officers can comply with their ethical duties including their Rule 2.5 duty of competence. Ariz. R. Sup. Ct. 81, [Canon 2.5 cmt. 1](#) (“Competence in the performance of judicial duties requires the . . . knowledge of the benefits and risks associated with, technology relevant to service as a judicial officer.”).

As to the concerns of some that the Arizona judiciary will be at a disadvantage without allowing judicial officers to use GenAI for core judicial work (AISC Comment, p. 8), there is nothing in the proposed Rule 135 which would limit AISC or the state courts to do hands-on testing through 2029. The only limitation is that the hands-on testing would not be on real cases involving real people and having real consequences. Just as software developers employ

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<sup>22</sup> [ARTIFICIAL INTELLIGENCE RESPONSIBLE USE FRAMEWORK, STATE OF CONNECTICUT JUDICIAL BRANCH](#) 1, 9 (Feb. 1, 2024),

<sup>23</sup> UNESCO, [Guidelines for the Use of AI Systems in Courts and Tribunals](#), 3.3.7, 2025,

<sup>24</sup> *Id.*

user acceptance training (UAT) to test new software in real-world scenarios before going live, AISC could develop a form of UAT testing to develop and refine statewide guidelines on the use of GenAI in core judicial work over the next few years. The public and the courts would benefit from such a process.

In closing, the undersigned respectfully requests that the Court adopt Rule 135, and direct AISC to create statewide guidelines for how and when GenAI should be used in drafting orders, rulings and decisions, as well as provide adequate training to all our state's judicial officers in this rapidly evolving area.

DATED this 1st day of May, 2026.

/s/ Greg Sakall

Hon. Greg Sakall