

GUIDE ON THE USE OF GENERATIVE ARTIFICIAL INTELLIGENCE TOOLS BY COURT USERS

1. Application

This “Guide on the Use of Generative Artificial Intelligence Tools by Court Users” (this “Guide”) will apply from 1 October 2024, to all matters in the Supreme Court, the State Courts (including the Small Claims Tribunals, the Employment Claims Tribunals and the Community Disputes Resolution Tribunals) and the Family Justice Courts.

2. Definitions

(1) In this Guide, the following definitions will be used:

- (a) “Artificial Intelligence” or “AI” refers to technology said to be able to perform tasks that require “intelligence”. These tasks include reasoning, problem solving, learning and planning. For the avoidance of doubt, it does not include technology which merely corrects spelling or grammar and does not generate content based on prompts.
- (b) “Court” refers to the Supreme Court, the State Courts (including the Small Claims Tribunals, the Employment Claims Tribunals and the Community Disputes Resolution Tribunals) and the Family Justice Courts.
- (c) “Court User” refers to any person who is involved in a Court case, including prosecutors, lawyers, Self-Represented Persons, or witnesses.
- (d) “Court Documents” includes text, images, sounds, videos, data and any other material that is filed in or submitted to Court, such as written submissions, skeletal arguments, pleadings, affidavits and opening statements.
- (e) “Generative AI” refers to a type of software that “generates” content typically based on prompts provided by users. The content generated may be in the form of text, images, video or audio.
- (f) “Self-Represented Person” refers to a litigant who is not legally represented. They may also be referred to as “litigant-in-person” or “accused-in-person”.

3. General principles

- (1) The Court does not prohibit the use of Generative AI tools to prepare Court Documents, provided that this Guide is complied with.
- (2) This Guide does not change a Court User’s duty to continue to comply with the relevant legislation, rules, codes of conduct and Practice Directions.
 - (a) Where the Court User is a lawyer, the lawyer’s duty to comply with the rules of professional conduct remains. Lawyers continue to have a professional obligation to ensure that materials they put before the Courts are independently verified, accurate, true, and appropriate.

- (b) Where the Court User is a Self-Represented Person, he or she is also responsible for ensuring that all information provided to the Court is independently verified, accurate, true, and appropriate.
- (3) The Court maintains a neutral stance on the use of Generative AI tools. It is important to emphasise that Generative AI is a tool, and any output generated should only be used on the basis that the Court User assumes full responsibility for the output. Unless specifically asked for by the Court, pre-emptive declaration of the use of Generative AI is not required, as the responsibility for any resulting content ultimately rests with the Court User.

4. General information

Please note that the information below is not an exhaustive description or guide regarding Generative AI tools. Court users who wish to use Generative AI tools should conduct their own research to understand how such tools work and assess whether such tools may be suitable for use in preparing Court Documents.

(1) What are Generative AI tools, and what are they used for?

Generative AI tools use “Large Language Models” (“LLMs”) to produce output that is or appears to be coherent and responsive to the users’ needs. The output may be grammatically correct, competently written and appear to be written by a human.

(2) How do Generative AI tools work?

Generative AI tools accept input (also called “prompts”) from the user and generate output based on what they have already been trained on and the information provided by the user.

This usually results in output that looks like it is specially tailored to the user’s prompt. For example, if you included someone’s name in your prompt to the Generative AI tool, the tool may use that person’s name in generating the response to your prompt. Similarly, if you talked about a specific situation in your prompt, the Generative AI tool may talk about the specific situation you mentioned in its response to you. The response you get from the Generative AI tool therefore can look like it was specially written to address your situation and give the impression that human intelligence was involved.

However, it is important to remember that no human intelligence is involved in generating the output. In some senses, Generative AI technology can be thought of as a much more advanced version of predictive text functions seen on the keyboards of mobile phones and applications like WhatsApp.

It should also be highlighted that a Generative AI tool is not a search engine like Google. A search engine produces a list of websites or other resources that match

your search criteria. In other words, it asks you to look at source material found on the Internet. It does not produce an answer that makes any specific references to your situation.

Increasingly, there are tools that combine features of search engines with Generative AI features. Such tools may produce answers that seem tailored for your specific situation whilst still referencing source material.

Whilst many Generative AI tools present themselves as chatbots, Generative AI may also be incorporated within tools other than chatbots. For example, you may be asked a series of questions, which the tool then uses to create a prompt for the Generative AI tool to answer.

(3) Is the information generated by Generative AI chatbots always accurate?

No. Generative AI chatbots reorganise information and predict the words to generate an answer in response to the context provided in the prompt, based on what they had previously “learned”. They cannot tell if the generated answer is factually accurate. You therefore should not rely on Generative AI chatbots for legal advice for your specific case.

Where legal research is concerned, it is possible that the data the Generative AI tool was trained on did not include the latest developments in the law. Also, a Generative AI tool may not understand the significance of a decision that has changed or developed the law, even if this new decision is provided to the tool. Even if the latest developments are included, the chatbot may not understand that one single case or one change in the statute could make the many cases which were decided before it invalid.

Generative AI chatbots can therefore generate answers that appear to be persuasive and authoritative, but could be extremely inaccurate or even fabricated. Generative AI chatbots can invent cases and statutes. They can also include facts which you never provided to them, or make arguments that you never asked them to make. This is also known as “hallucinating”.

5. Use of Generative AI tools

- (1) As a Court User, you are fully responsible for the content in all your Court Documents.
 - (a) If you choose to use Generative AI tools to help you to prepare Court Documents, you should assess whether the output produced by the Generative AI tool is suitable to be used in your specific case.
 - (b) In particular, you should ensure that any AI-generated output used in your Court Documents:
 - i. is accurate;
 - ii. is relevant; and
 - iii. does not infringe intellectual property rights (e.g., copyright).
 - (c) For the avoidance of doubt, Generative AI tools should not be used to generate any evidence that you wish to rely upon in Court. For example, you cannot use Generative AI to ask for evidence to be created, fabricated, embellished, strengthened or diluted. Asking a Generative AI tool to generate a first-cut draft of an affidavit/statement can be done (provided that this Guide is complied with), but it is not acceptable to ask a Generative AI to fabricate or tamper with evidence.
- (2) Please note that existing requirements for you to produce case law, legislation, textbooks and articles which you have referred to continue to apply. Existing requirements that Court Documents should not contain inappropriate content also continue to apply. Nothing in this Guide overrides those existing requirements.

Ensuring accuracy

- (3) To ensure accuracy in the Court Documents you submit, you should do the following:
 - (a) Fact-check and proof-read any AI-generated content that you use.
 - (b) Edit and adapt AI-generated content to suit your situation.
 - (c) Verify that any references to case law, legislation, textbooks or articles provided as AI-generated content actually exist and stand for the legal positions that are attributed to them. If the AI-generated content includes extracts or quotes, you must verify that these are extracted/quoted accurately and attributed to the correct source.
 - (d) When checking the materials referred to in (c) above, you should use a source that is known to have accurate content. For Self-Represented Persons, this includes the eLitigation GD Viewer (<https://www.judiciary.gov.sg/judgments/judgments-case-summaries>) for case law and Singapore Statutes Online (<https://sso.agc.gov.sg/>) for legislation.
 - (e) Please note that it is *not* sufficient verification for you to ask a Generative AI tool for confirmation that the materials exist or contain the content that the AI-generated content says it does. To be clear, you cannot use one Generative AI tool to confirm the content generated from another Generative AI tool.
- (4) You must be prepared to identify the specific portions of the Court Documents which used AI-generated content, and explain to the Court how you have verified the output produced by a Generative AI tool. The Court may ask you to explain this if there are

any doubts about any of your Court Documents or a lack of compliance with this Guide.

Protecting intellectual property rights and confidential or sensitive information

- (5) It is important to respect intellectual property rights in the Court Documents that you file or submit.
 - (a) You should ensure that proper source attribution is provided, where appropriate. This means that you must include in the Court Document the original source of any material that you use or reference. For example, if you have quoted from an article, you should state who the writer of the article was and the title and year of publication of the article.
 - (b) For the avoidance of doubt, this Guide does not change existing laws in relation to intellectual property rights, including provisions on the use of intellectual property for Court proceedings.
- (6) You should ensure that there is no unauthorised disclosure of confidential or sensitive information when you use Generative AI tools. All information you provide to Generative AI chatbots may potentially be disclosed publicly. If you include personal information (e.g. identification information or other confidential or sensitive content) it is possible that the Generative AI tool will store the information for various purposes. You must comply with confidentiality orders and laws, personal data protection laws, intellectual property laws and legal privilege when using Generative AI tools.
- (7) Please also be reminded that where any document is obtained through a Court Order for production of a document, you are not to use the document for any purpose other than the Court proceedings for which the Court Order was granted.

What you may be required to do if you use Generative AI output in your Court Documents

- (8) If the Court has grounds to believe that you have used AI-generated output in your Court Documents, you may be asked to do the following:
 - (a) inform the Court whether or not you used Generative AI tools in the preparation of your Court Documents. Such tools include but are not limited to Generative AI chatbots;
 - (b) declare to the Court that your Court Documents are in compliance with this Guide; and
 - (c) you may be required to do so by the making and filing of an affidavit.

Failure to comply with this Guide

- (9) If you do not follow what is stated in this Guide, the Court may, amongst other things:
 - (a) Order costs against you. This means that you will have to pay money to the other party or parties to the case, and this payment is separate from any judgment sum ordered. If you are a lawyer, costs may be ordered personally against you.

- (b) Disregard any document or other material submitted to Court (in part or in full), or give less evidentiary weight to the document or material in coming to a decision. This means that what you submitted to Court may not be considered or may be given less emphasis when the Court is passing judgment in your case.
- (c) Take disciplinary action against you if you are a lawyer.
- (d) Take the appropriate action in accordance with existing laws in respect of intellectual property rights, personal data protection, the protection of legal privilege and contempt of court.