Federal Court Cour fédérale

NOTICE TO THE PARTIES AND THE PROFESSION
Explanatory note to the
Update to the Use of Artificial Intelligence in Court Proceedings
May 7, 2024

Today, the Court published a Notice to the parties and the profession to update its prior Notice entitled *The Use of Artificial Intelligence in Court Proceedings*, originally published on December 20, 2023.

The updates address issues raised within the *Artificial Intelligence Working Group*.

The issues raised were as follows:

- Will the Court treat documents containing a Declaration on the use of AI differently than those that do not? More particularly, would a member of the Court use the inclusion of a Declaration to make a negative inference on the contents of the document?
- What is the onus on counsel, when taking over a matter from either a self-represented litigant or previous counsel, to verify whether documents that were previously filed with the Court contain content that should have been declared?
- Can the Court be more specific in discussing the purpose of the Declaration and how it addresses some of the harms identified by the Court in the Notice?
- Where does the Court draw the line between uses of AI that must be declared and those that do not need to be declared?
- Can the Declaration be more specific in highlighting where and/or how AI-generated content has been included in documents?
- Can the Court clarify its commitment to consult stakeholders in relation to future iterations of Court policy on the use of AI?

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Chief Justice