EXECUTIVE ORDER

The administration of justice is premised upon adherence to certain bedrock virtues in the practice of law, chief among them being competence and diligence. Lawyers must "provide competent representation to a client," which "requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation." Supreme Court Rules, Art. V, Rule 1.1. In order "[t]o maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, engage in continuing study and education and comply with all continuing legal education requirements to which the lawyer is subject." Supreme Court Rules, Art. V, Rule 1.1, Comment 6. Such changes in the law and its practice have always included knowledge of, and adaption to, evolving courtroom and personal technologies. Moreover, technology is a key component in helping a lawyer meet their obligation to "act with reasonable diligence and promptness in representing a client." Supreme Court Rules, Art. V, Rule 1.3.

Technologies used throughout the legal landscape have, in recent years, come to incorporate artificial intelligence ("AI"), which is broadly defined as computer software that makes predictions, recommendations, decisions, and/or content. Tools incorporating AI, such as caselaw research systems and predictive word processing software, have become fundamental in the practice of law. Further developments in recent years have led to the emergence of "generative AI" which is generally understood to be computer software and/or programs that use large quantities of data to generate entirely new text, images, video, audio, or other media with or without human instruction. Advances in caselaw research and word processing technologies incorporating generative AI are poised to drastically improve the pace of researching and drafting

litigation briefs, contracts, and other legal instruments. Judges, lawyers, and self-represented litigants could potentially utilize such improvements to improve the quality of legal analysis and the disposition of disputes, thus increasing access to justice. Yet, other aspects of generative AI technologies—such as artificially-generated "deepfake" images or recordings that misrepresent what they purport to show—threaten the factfinding function of courts and, therefore, threaten the administration of justice. The proliferation of generative AI will require the Judiciary, like all court systems across the country, to proactively navigate the balance between the promise of radical efficiency and the threat of inauthentic information.

To address the impact of AI technology on the administration of justice, access to justice, court rules and procedures and the practice of law, I hereby establish the Committee on Artificial Intelligence and the Courts ("CAIC") pursuant to the authority vested in me by G.L. 1956 § 8-15-2.

The CAIC shall be comprised of a steering committee and subcommittees as further addressed below. The steering committee shall be co-chaired by Supreme Court Associate Justice Erin Lynch Prata and Superior Court Associate Justice Brian P. Stern, and shall also include:

- Family Court Associate Justice Richard A. Merola;
- District Court Associate Judge Kas R. DeCarvalho;
- Workers' Compensation Court Associate Judge Moira E. Reynolds;
- Traffic Tribunal Magistrate Michael DiChiro, Jr.;
- State Court Administrator Julie P. Hamil;
- Linn F. Freedman, Esq., as designee of the Rhode Island Bar Association; and,
- Brian J. Lamoureux, Esq.

The steering committee is authorized to identify and invite appropriate subject matter experts or other professionals to assist the steering committee. The steering committee is authorized to identify and invite appropriate subject matter experts or other professionals to serve

on and/or assist each subcommittee. The steering committee is also authorized to appoint a steering committee member as a member of any subcommittee.

Each subcommittee shall meet as needed to develop and submit a written report to the steering committee containing the subcommittee's recommendations concerning the subcommittee's specific charge. Such recommendations should address appropriate mechanisms to guard against bias in using AI technology in the practice of law and the administration of justice. They should also address methods of enhancing access to justice. The steering committee may expand the charges of any subcommittees.

The steering committee shall meet as needed to consider, develop, and submit a written report to the Chief Justice containing the written reports of each of the subcommittees, and any additional analysis or recommendations that the steering committee deems necessary. The CAIC shall submit its written report to the Chief Justice by June 30, 2025.

The steering committee and subcommittees may engage subject matter experts and/or incur expenses to support their analysis and written report, as facilitated by the Administrative Office of State Courts. The Administrative Office of State Courts shall provide staffing and administrative support for the steering committee and subcommittees as needed.

The subcommittees' specific charges shall be as follows:

Professional Conduct

Analyze and make recommendations regarding the impact of AI technology on professional conduct in the practice of law. Such analysis and recommendations shall include proposed amendments to court rules or comments thereto, if any. The court rules considered by the Professional Conduct subcommittee shall consist of, but are not limited to: Article III of the Supreme Court Rules (Disciplinary Procedure for Attorneys), Article V of the Supreme Court

Rules (Rules of Professional Conduct), the Rules of the Rhode Island Supreme Court Ethics Advisory Panel, the Rules of Procedure of the Disciplinary Board of the Supreme Court of Rhode Island, the Governing Rules of the Unauthorized Practice of Law Committee, and the Rules of Procedure of the Unauthorized Practice of Law Committee.

Judicial Conduct

Analyze and make recommendations regarding the impact of AI technology on judicial conduct. Such analysis and recommendations shall include proposed amendments to court rules, comments, and/or procedures, if any. The court rules considered by the Judicial Conduct subcommittee shall consist of, but are not limited to: Article VI of the Supreme Court Rules (Judicial Conduct) and the Rules of the Commission on Judicial Tenure and Discipline.

Criminal Law and Evidence

Analyze and make recommendations regarding the impact of AI technology on the practice of criminal law and the administration of justice. Such analysis and recommendations shall include proposed amendments to court rules, comments, and/or procedures, and best practices or other guidance documents, if any. The court rules considered by the Criminal Law and Evidence subcommittee shall consist of, but are not limited to: the Rules of Evidence, Article I of the Supreme Court Rules (Appellate Procedure), the Superior Court Rules of Criminal Procedure, the Superior Court Rules of Presumptive Sentences, the Superior Court Sentencing Benchmarks, the Superior Court Rules of Practice, the Family Court Rules of Practice, the Family Court Rules of Criminal Procedure, the District Court Rules of Criminal Procedure, and the Bail Guidelines.

Civil Law and Evidence

Analyze and make recommendations regarding the impact of AI technology on the practice of civil law and the administration of justice. Such analysis and recommendations shall include

proposed amendments to court rules, comments, and/or procedures, and best practices or other guidance documents, if any. The court rules considered by the Civil Law and Evidence subcommittee shall consist of, but are not limited to: the Rules of Evidence, Article I of the Supreme Court Rules (Appellate Procedure), the Superior Court Rules of Civil Procedure, the Superior Court Rules Governing Arbitration of Civil Actions, the Superior Court Rules of Practice, the Family Court Rules of Domestic Relations Procedure, the Family Court Rules of Practice, the Rhode Island Rules for Juvenile Proceedings, the District Court Civil Rules, the District Court Rules of Small Claims Procedure, the Workers' Compensation Court Rules of Practice, and the Rules of Procedure for the Traffic Tribunal.

Entered as an Executive Order on the *22nd* day of *October 2024*.

BY ORDER:

/s/
_____
Paul A. Suttell
Chief Justice