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SUPREME COURT OF ARKANSAS

Opinion Delivered: June 5, 2025

IN RE CREATION OF ARKANSAS
SUPREME COURT
ADMINISTRATIVE ORDER NO. 25.
ARTIFICIAL INTELLIGENCE

PER CURIAM

In response to the growing use of Artificial Intelligence (AI), the Arkansas Supreme Court Committee on Automation created a subcommittee to study the use of AI in the courts. As this committee continues its work, it will make recommendations to the court. The court plans to implement a new administrative order specific to AI that may be modified as the knowledge of its implication on the justice system develops. The use of AI has become increasingly prominent. Members of the public, attorneys, and personnel who interact in the State's justice system may be using it intentionally, or even unintentionally.

We now publish for comment the proposed new Administrative Order No. 25: Artificial Intelligence. It begins by specifically addressing the use of generative artificial intelligence with confidential court data. The comment period shall end on August 1, 2025. Comments should be submitted in writing to: Kyle E. Burton, Clerk of the Arkansas Supreme Court, Attention: The Creation of Administrative Order No. 25, Justice Building, 625 Marshall Street, Little Rock, AR 72201, or by email: rulescomments@arcourts.gov.

The court will consider any submitted comments and make subsequent changes if necessary.

Order 25. Artificial Intelligence.

Section 1. Awareness.

Everyone participating in the court system must be mindful of the following when entering client or court data into any electronic system that generates responses or generative artificial intelligence (GAI):

- (a) Certain GAI tools retain the data submitted into their system and use it to keep building their large language models (LLM), or what you would consider their database.
- (b) Anyone who enters confidential or sealed information into a GAI should determine whether the system is retaining and using the confidential or sealed data.
- (c) Anyone who either intentionally or inadvertently discloses confidential or sealed information related to a client or case may be violating established rules, some examples are:
 - (1) Arkansas Supreme Court Administrative Order No. 19, which limits access to certain court records and data;
 - (2) the Arkansas Code, which has many statutes that limit access to certain court records and data;
 - (3) the Arkansas Rules of Professional Conduct;
 - (4) the Arkansas Code of Judicial Conduct; and
 - (5) the many other rules governing other court staff—for example, court reporters.

Section 2. Prohibition.

The Administrative Office of the Courts is responsible for maintaining several court management systems for our state courts including case management, electronic filing, online payment, jury management, and others.

- (a) The following are prohibited from intentionally exposing our state courts' internal data to a GAI:
 - (1) Administrative Office of the Courts staff;
 - (2) All clerks of the courts and their staff (district, circuit, and appellate); and
 - (3) Anyone else with access to internal CourtConnect.

(b) Research and Analysis. Anyone subject to the prohibition in Section 2 may request the approval of the Supreme Court's Automation Committee to engage in a research and analysis project related to the use of generative AI tools and general AI for the benefit of our courts.

(c) The CIS Division is allowed to engage in research and analysis related to the use of generative AI tools and general AI for the benefit of our courts.