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IN THE SUPREME COURT OF THE STATE OF HAWAI‘I

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IN RE

COMMITTEE ON ARTIFICIAL INTELLIGENCE AND THE COURTS

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ORDER ESTABLISHING THE COMMITTEE ON  
ARTIFICIAL INTELLIGENCE AND THE COURTS

(By: Recktenwald, C.J.)

In recent years, Artificial Intelligence (“A.I.”) programs have increased dramatically in their sophistication and widespread use. The Judiciary recognizes the effect that the emergence of A.I. will have on the courts. The effective use of A.I. has the potential to make the administration of justice more efficient and accessible, and could be beneficial in closing the justice gap by providing legal information to self-represented litigants and assisting them in navigating the court process on their own. However, concerns have been raised about the accuracy of court filings generated by A.I. and whether factual and legal citations in such filings have been adequately vetted. Accordingly, in order to keep the Judiciary informed

and prepared for the development of A.I. related technology, to address issues and concerns, to formulate a plan of action, and connect with experts in this field across jurisdictions,

IT IS HEREBY ORDERED as follows:

1. A Committee on Artificial Intelligence and the Courts ("Committee") is hereby established, effective upon the filing of this order.
2. The role of the Committee is to examine issues and make recommendations related to the use of A.I., including but not limited to:
  - a. Research on A.I. capabilities, limitations, and risks to the Judiciary;
  - b. Determine how to approach, incorporate, and/or implement A.I. technology into court operations;
  - c. Provide guidance and/or policies in regard to A.I. usage;
  - d. Identify ways in which A.I. can be used to meet the needs of self-represented litigants; and
  - e. Identify legal and ethical issues that could arise from the use of A.I. technology in court operations and in the practice of law, and as appropriate, recommend rules to address them.

3. The Committee shall consist of the following members:
- a. A Justice and/or Staff Attorney of the Hawai'i Supreme Court [**The Honorable Vladimir P. Devens**];
  - b. A Judge and/or Staff Attorney of the Intermediate Court of Appeals [**The Honorable Keith K. Hiraoka**];
  - c. A Judge and/or Administrator representing the First Judicial Circuit [**The Honorable John M. Tonaki**];
  - d. A Judge and/or Administrator representing the Second Judicial Circuit [**The Honorable Annalisa M. Bernard Lee**];
  - e. A Judge and/or Administrator representing the Third Judicial Circuit [**The Honorable Jeffrey W. Ng**];
  - f. A Judge and/or Administrator representing the Fifth Judicial Circuit [**The Honorable Kathleen N. Watanabe and The Honorable Stephanie R. Char**];
  - g. The Administrative Director of the Courts, or its designee(s) [**Daylin-Rose H. Heather, Angela K. Min, and Jenny R. Silbiger**];
  - h. The Chair of the Hawai'i Access to Justice Commission, or its designee [**The Honorable Joseph E. Cardoza (ret.)**];
  - i. The President of the Hawai'i State Bar Association, or its designee [**Jesse K. Souki**];

- j. A representative(s) of the Criminal Justice Research Institute [**Dr. Erin E. Harbinson** and **Aerielle I. Reynolds**]; and
- k. The Dean of the the University of Hawai'i William S. Richardson School of Law, or its designee(s) [**Matthew Stubenberg** and **Assistant Professor Emile Loza de Siles**].
4. **The Honorable Vladimir P. Devens** and **The Honorable John M. Tonaki** shall serve as Co-Chairs of the Committee.
5. The Committee may call upon representatives of other Judiciary departments such as Policy & Planning, Information Technology & Systems, and Human Resources to serve as resources.
6. Other members of the Committee shall be appointed by the Co-Chairs at their discretion and as deemed necessary for the Committee's work.
7. The Committee shall submit periodic reports with findings and recommendations to the Supreme Court with a preliminary report due no later than December 15, 2024, and a final report due on or before December 15, 2025. The reports shall address the matters set forth in section 2 above, as well as the current status of the use of A.I. technology in the Judiciary and by court users, and any other matters deemed relevant by the Committee.

8. The Committee's work shall end upon submission of the final report, unless extended further.

DATED: Honolulu, Hawai'i, April 16, 2024.

/s/ Mark E. Recktenwald

Chief Justice

