

Use of Artificial Intelligence (AI) in Proceedings before the Nova Scotia Court of Appeal

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Artificial intelligence (AI) technology is rapidly evolving. It now functions in practically every segment of our society, including the legal system.

Balanced with human oversight and quality control, AI can be a helpful tool for improving efficiency in many aspects of our lives and work. That said, as the use of AI becomes more widely accepted and used, the Judiciary and the courts must be increasingly diligent in protecting the integrity and credibility of court proceedings.

The National Action Committee (NAC) on Modernizing Court Operations has developed several publications on artificial intelligence, including a document that defines AI, provides examples of common AI tools, and outlines the challenges, risks and considerations associated with AI use in court proceedings. That document and other NAC publications are available on the website for Federal Judicial Affairs Canada.

Counsel and litigants appearing begore the Nova Scotia Court of Appeal are encouraged to review that document and exercise caution when relying on authorities or analysis obtained from artificial intelligence applications. Court participants are ultimately responsible for the content, completeness, and accuracy of all material submitted to the Court. This is known as "human in the loop" to ensure human oversight and quality control. The Court of Appeal expects all written and oral submissions referencing case law, statutes or commentary will be based on accredited and established legal databases.

This directive is a living document. Through the All Courts Technology Committee and other means, and recognizing that emerging technologies are evolving, the Court of Appeal will update this directive as required.