2024 Questionnaire of the 1st Study Commission IAJ-UIM

"The Effects of Artificial Intelligence on the Judiciary"

Questions:

1) Do judges in your country utilize artificial intelligence technology ("AI"), and how so?

Currently, no system that has the ability to perform tasks that are commonly associated with the intellectual characteristics of humans, is used in the judiciary in Cyprus. The only computer-based system, currently, in use is an e-filing system, called "e-justice", that allows to submit claims remotely, get access to electronic files of cases, and pay commissions and fees. This system is currently used in all jurisdictions, except the criminal jurisdiction of the District Court and the Criminal Court.

a) If not, have judges in your country considered utilizing AI, and, if so, in what ways?

No, there aren't any AI initiatives, currently underway.

b) Is the use of AI in legal proceedings regulated?

No.

c) Does the use of AI impact the handling of evidence?

As already mentioned above, the e-justice system allows remote access to electronic files of cases. Quite often, documents that are presented as exhibits are uploaded in the system and all participants to the judicial

process can have access, at the convenience of their personal computer. However, the system is not capable of handling or processing evidence, for example categorizing it or prioritizing it.

2) What are the pros and cons of having judges utilize AI?

Most of the judicial work involves, handling and processing information, either evidence, submissions of the parties, legislation, jurisprudence and many more. I believe AI can be beneficial in many respects. For example, it can be used for presenting large amounts of information in an accessible and user-friendly manner. An AI system can also be used to extract, from a large amount of information, parts that are more relevant to what the court has to decide. It can also be used to recognize and present legal sources, related to a specific case or issue and make this information easily accessible to the Judge. Routine cases and procedural matters can be handled up to a certain point by an AI system, provided that the final judgment on a matter is made by a human. In other words, formulating a draft solution that requires judicial review, can help that the judge's assessment in non-complex cases, can become more of a routine matter. All of the above can be beneficial both in terms of speed and quality of judgements.

a) What are the possible effects of AI on the administration of justice?

I believe that AI technologies have enormous potential to be used for the benefit of the administration of justice. Apart from Judges, AI technology can be beneficial to all the participants in a judicial process. For example, it can provide the parties, or legal professional with the opportunity to reach an out of court settlement. In other words, AI can be used as a support function that can help people resolve their problems and thus prevent disputes or court cases.

On the other hand, there are some ethical issues to be addressed in respect of using AI in the administration of Justice. Any AI tool that is developed has to be of high standard in order to ensure fundamental rights such as privacy, equal treatment and fair trial. In all aspects of the AI technology, there must be room for human control and should involve systematic human intervention, evaluation and validation by expert staff. The process must be transparent and comprehensible to all parties of the judicial process. Anyone affected by AI actions, must be able to have access to all the information and provided with the possibility to seek legal protection against decisions based on AI.

b) What are the possible effects of AI on judicial independence?

Since AI technology uses algorithms and involves the monitoring by non-legal profession experts such AI technicians, there is the possibility of negative effects on Judicial independence. Furthermore, there is always the risk of malfunctions to an AI system, or even cyber-attacks, that can lead to misguidance of a judge and ultimately affect hers/his decision making. All of the above are important issues that need to be addressed. I believe that, if developed in a controlled, regulated and ethically acceptable manner, the risks can be minimized. Judicial independence requires judges to be free from interferences, and to maintain an impartial attitude towards the parties. In this respect, the most important issue, that needs to be addressed, when developing AI systems for the judiciary, is to provide Judges full control of the choices they make and be able to, easily, deviate from the outcome of an AI tool.

3) Should there be limits on the use of AI by judges, and, if so, to what extent?

Yes. There must be limits on the use of AI by Judges. Due to the complexity of AI, there is the need for expert knowledge on these systems, to oversee their operations and spot potential problems. The training of judges will be a crucial part in the process of introducing AI to the judiciary. Furthermore, Judges should not be allowed to use AI tools that have not been developed specifically for the judiciary of their jurisdiction. This will ensure effective monitoring, transparency and cyber safety.

Cyprus Judges Association