

SUPREME COURT OF VIRGINIA RULES FOR GENERATIVE AI USE

Effective Date: June 6, 2024

Last Amended: May 7, 2025

The following Supreme Court of Virginia Rules for Generative AI Use (“AI Rules”) apply to all individuals subject to the administrative authority of the Chief Justice of the Supreme Court of Virginia in his or her capacity as “administrative head of the judicial system.” Va. Const. art. VI, § 4.

These AI Rules outline the only authorized use of generative AI tools for work related to any function of the Judicial System or performed on any court-issued device. Generative AI tools should be used solely to support and enhance the functions of the Judicial System. Generative AI tools should only be used in such a manner that protects confidential information and safeguards the security and reputation of the Judicial System.

1. **Responsibility:** Any user of generative AI tools is responsible for understanding the limitations of any AI-generated content and verifying the accuracy and completeness of any AI-generated content. AI-generated content must not be relied upon as a sole source of reference or assumed to be truthful, credible, or unbiased.
2. **Compliance Certification:** Before using any generative AI tool, users must complete the compliance training video posted on the Court’s Judicial Learning Center and certify that they have read and will comply with the AI Rules.
3. **Vetted AI Tools:** Generative AI tools listed in the Appendix to these AI Rules have been vetted and approved as secure by the Department of Judicial Information Technology (“DJIT”) and are not subject to further use limitations beyond those outlined in Paragraphs 1 and 2.
4. **Prohibited AI Tools:** No user shall download or use on any court-issued device the DeepSeek AI application or any other application developed by Hangzhou DeepSeek Artificial Intelligence Basic Technology Research Co., Ltd. (“DeepSeek”). This prohibition parallels the Governor’s directive for the Executive Branch and its agencies in [Executive Order 46](#) (Feb. 11, 2025). In addition, no user shall download or use any DeepSeek application on a personal device used for official business or connected to any network service, application, or wireless network related to any function of the Judicial System. Any user who has already downloaded any DeepSeek application to such a device shall immediately remove, delete, or uninstall these applications.
5. **Other AI Tools:** Other generative AI tools not listed in the Appendix may be used but only under the following limitations:

- Users must obtain pre-approval from their managers or supervisors, if any, before using any generative AI tool not listed in the Appendix.
- Any use of other generative AI tools by entire departments, divisions, or offices beyond individual use must be registered using the DJIT registration form.
- Users are permitted to use other generative AI tools only in strict accordance with applicable licensing terms, pursuant to the [Commonwealth Information Security Standard \(SEC530\)](#).
- Users must not enter, upload, or otherwise disclose non-public, proprietary, confidential, personally identifying, or case-related information. “Case-related” is defined as including any records, data, or information — public or non-public — that could lead someone to identify a specific impending or pending case or any individual or entity involved in a case.
- When using a generative AI tool not listed in the Appendix, users must first determine if the tool offers settings that allow them to decline the gathering and storing of their data, such as prompts, uploads, chat histories, or any other information that they provide. If these options are available, users must activate (during each use if necessary) the most comprehensive opt-out feature to avoid the collection and storage of their data.
- Users must report to Derek M. Kestner, DJIT’s Information Security Officer, and the user’s appointing authority or supervisor any disclosure of non-public, proprietary, confidential, personally identifying, or case-related information. Such reports must include the specific nature of the improper disclosure, any reasons for concern about the improper disclosure, and any additional information that might be useful for further evaluation by DJIT and your appointing authority or supervisor.

6. Additional Use Limitations:

- Supervisors, directors, and other managers are authorized to create additional use limitations beyond those outlined within these AI Rules and to require compliance of these additional use limitations by employees under their direct report. Any such additional use limitations must be reported to the SCV Generative AI Compliance Team.
- “All decisions related to the pre-trial detention or release, prosecution, adjudication, sentencing, probation, parole, correctional supervision, or rehabilitation of criminal offenders shall be made by the judicial officer or other person charged with making such decision. No such decision shall be made

without the involvement of a human decision-maker. The use of any recommendation or prediction from an artificial-intelligence-based tool shall be subject to any challenge or objection permitted by law.” Code § 19.2-11.14(B) (effective July 1, 2025).

7. **Compliance:** Users must comply with all relevant laws, regulations, court policies, and ethical and professional conduct rules while using generative AI tools. These AI Rules shall be incorporated by reference into the Rules of Conduct for Judicial System Employees and enforced in the same manner. These AI Rules also should be considered in tandem with Canon of Judicial Conduct 3F, which requires a judge “to maintain professional competence in judicial administration” and “to cooperate with other judges and court officials in the administration of court business.” Similarly, these AI Rules should be considered in tandem with Canon of Conduct for Virginia Magistrates 3C, which requires a magistrate to “maintain professional competence” in administrative responsibilities.
8. **Amendments:** These AI Rules may be amended from time to time to reflect changes in generative AI technologies, use, and governance. Such amendments will be posted on the Court’s intranet website (OESINET) and public website. Users of generative AI tools are responsible for complying with all future amendments to these AI Rules.
9. **Contact:** Users that have questions about these AI Rules or about the permitted use of specific generative AI tools should contact the SCV Generative AI Compliance Team.

APPENDIX

Vetted AI Tools* (last updated November 14, 2024):

- Lexis+ AI (included in the Judicial System's current LexisNexis subscription)
- Westlaw Precision with AI Assisted Research

* An AI tool's inclusion on this list does not constitute the Court's endorsement or advertisement.