

## **Response from The Danish Association of Judges**

### **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?

In Denmark, the use of AI within the courts is at a very early stage, and as far as we know, it is not yet used by any judges as part of the proceedings. There are also no current plans to adopt AI.

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

There are some very preliminary considerations about using AI to convert audio recordings and to use it for interpretation in court cases. It is also being considered to use it to make summaries of decisions.

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

There are no direct rules on the use of AI. However, the regulations on the protection of personal data (GDPR) set limits on which data we may allow systems outside the courts to process.

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

Given the possibilities of creating forged evidence that is very difficult to distinguish from the real thing, the requirements to ensure that evidence comes from a reliable source will of course become even more important than today.

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

We think that the benefits may be that the judges get more efficient tools for case processing, including searching for information and to handle some parts of the case processing that were previously handled by secretaries, but which have now been cut away for resource reasons.

The biggest risk, in our opinion, will be if judges rely on a proposal from AI without a sufficiently thorough review of the proposal. The disadvantages may furthermore be that it becomes less transparent how the decisions are made.

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

Initially, a great deal of work is needed to clarify the possibilities and limitations of AI in relation to our legal system.

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

It depends a lot on the level of the case management at which AI is used. There is a big difference between using AI for translation or transcription of an audio recording compared to asking the system for a draft decision.

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

extent?

In any case, it must be ensured that legal independence is preserved. In addition, it must be ensured that the data material used by the courts' AI is reliable, just as it must be ensured that personal data held by the courts does not come into the possession of unauthorized persons as a result of the AI.

Proposal for 2025 topic: Please submit your proposals for possible topics to be treated in 2025 together with the answers to this questionnaire.