

1. There are no systems based on artificial intelligence in the Polish judiciary. Internal surveys conducted by Iustitia show that about 90% of judges are in favor of their work being supported by AI or ML in the broadest sense. This is about data processing and process automation, not decision-making. Moreover, another survey conducted by Polish Ministry of Justice shows that those holding positions of judge, assistant judge, judicial clerk, and judge's assistant are the most interested in the proposed new functionalities for the judicial IT system compared to other positions. At the same time, new judicial IT system most desired by the respondents relate to replacing tedious, manual, repetitive tasks with automation - determining basic information about the parties in the proceedings (marital status, place of residence etc.) rather than implementing pure AI systems.

Polish procedures do not provide for such solutions.

Indeed. First of all, it dramatically shortens the processing of large amounts of data. Human attention and time can thus be redirected to typically substantive work. AI can also find more complicated patterns that humans may fail to notice.

2. The predominant advantage is the tremendous saving of time and human resources, and thus a significant acceleration of proceedings. Depending on potential solutions, the use of AI-based systems can also have an impact on the uniformity of jurisprudence.

AI like any technology should be used with caution. AI-based systems offer tremendous possibilities from processing, analyzing data (e.g., document evidence), searching databases (rulings, literature) to designing rulings and justifications. The biggest threat to independence, then, is the temptation to unreflectively use ready-made output in the name of large numbers of settlements and good statistical results. This threat, however, is created by human nature itself, not by AI.

3. In every field of life, the use of AI should suffer limitations. The judiciary is no exception. It is crucial to train judges so that they are aware of the dangers of using AI. There are many examples in the world where the output of the police or judicial system was discriminatory. E.g., recently a Detroit citizen sued the local Police Department for wrongful arrest as a result of using a facial recognition system. Certainly AI should not (except in schematic, typical cases such as *epo*) replace the judge in making substantive decisions.

It is crucial to limit the use of AI in pure judicial processes so the results do not directly influence procedural decisions unless they are confirmed by other existing similar cases. There is a lack of proper available data on cases which may weaken the validity and usefulness of AI systems that rely on prior machine learning. In other words, if the system does not have comprehensive material to learn from, it will not present reliable results. Building algorithms based on selective data is problematic and therefore a major challenge facing AI in courts.

There are also two concerning aspects. Firstly, AI may discourage judges from using their own experience, moral judgments, and values in decision-making. As a result, the adoption of

algorithms threatens to shift judges' focus from evaluating evidence to conforming to the algorithm (chinese experience). There is a concern that some elements of digitization promote judicial conformism. Secondly, the increasing digitization favors supervision over the courts. The social control on the way of thinking (surveillance) works as long as the subjects believe they are being observed. In other words, it matters that there is an electronic dashboard at headquarters showing the files of individual judges. This undoubtedly leads to increased caution among judges who believe they are being monitored by algorithms, particularly by avoiding decisions that deviate from the average or avoiding politically controversial decisions (Chinese experience). These experiences suggest problems that many jurisdictions are likely to encounter, especially as the increasing use of technology coincides with growing criticism of judicial discretion, which we also see in Poland.

The above demonstrates that the introduction of AI into courts should be a gradual, long process. Initially, it is necessary to implement solutions that helps resolving tedious, manual tasks and accelerate the exchange of information (or correspondence between court and parties). Next step is to responsibly introduce AI.

