Supreme Court of Colorado

MONICA M. MÁRQUEZ
CHIEF JUSTICE

SUPREME COURT OF COLORADO
OFFICE OF THE CHIEF JUSTICE

CHARGE ESTABLISHING THE LEGAL TECHNOLOGY ADVISORY COMMITTEE

I.   Background

The increasing use of generative artificial intelligence (AI) impacts all areas of law. And while AI has the potential to dramatically increase legal professionals' productivity and reduce clients' costs, it can also present risks, including ethical concerns. For example, AI can produce "hallucinations"—fake citations to legal and other authorities, or fake audio and video files—and create inaccurate answers that sound convincing. AI can also provide outputs that reflect the bias of materials in the training dataset on which the AI tool may rely, such as online posts. Further, careless use of AI can result in loss of the protections for confidential information and work product.

As with any technology, legal professionals must understand the risks and benefits of AI tools employed in providing services to clients and those tools used by their clients and other legal professionals.

II.   Purpose

The Standing Committee on the Colorado Rules of Professional Conduct (the Standing Committee), the Advisory Committee on the Practice of Law (the Advisory Committee), and the Colorado Bar Association's Ethics Committee have all discussed the impact of AI on the practice of law and professional ethics. But none of these bodies possess the expertise and authority to draft and to recommend to the Chief Justice technology-focused guidance documents that the Chief Justice would make publicly available.

The Chief Justice therefore accepts the Standing Committee's unanimous recommendation that the Chief Justice form a Legal Technology Advisory Committee to do this work. Several state court and bar association committees have promulgated guidance documents addressing legal professionals' use of AI. *See* https://www.ncsc.org/consulting-and-research/areas-of-expertise/technology/tri-ncsc-ai-policy-consortium/ai-policy-resources/state-activities/resource-center/state-court-guidelines-and-policies. These guidance documents are particularly critical given that legal professionals are increasingly relying on—and in some instances misusing—AI tools.

For the above reasons, the Chief Justice establishes the Legal Technology Advisory Committee, effective October 1, 2025.
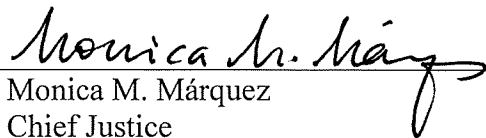
III.   Charge/Membership

The Legal Technology Advisory Committee is charged with drafting and recommending to the Chief Justice guidance materials on the use of technology, including AI, for attorneys, licensed legal paraprofessionals, other legal professionals, judicial officers, and members of the public who have cases in our courts or otherwise interact with them. The Committee's objectives are to safeguard the integrity of the legal system, promote competent client service, protect client confidences, support access to justice, and encourage innovation, consistent with the Colorado Rules of Professional Conduct.

The Legal Technology Advisory Committee shall consist of twelve members appointed for a three-year term by the Chief Justice. Membership shall include one Supreme Court Justice; one Court of Appeals Judge, who shall serve as Chair; two district court judges, one of whom shall be a chief judge; two county court judges; one clerk of court; three practicing Colorado attorneys; and two subject matter experts who may be attorneys. The chair shall convene meetings of the Legal Technology Advisory Committee no fewer than four times per year and shall make guidance recommendations to the Chief Justice no less than annually, with the first recommendations due by October 1, 2026. If the Committee determines that no guidance recommendations are needed within a given year or if the work on one or more recommendations needs to extend beyond the annual deadline, the chair shall submit a short report to the Chief Justice with an update on the Committee's work to date. The chair may establish subcommittees to perform the tasks deemed appropriate to carry out the Committee's responsibilities.

The Legal Technology Advisory Committee shall sunset on September 30, 2028, unless renewed by the Chief Justice.

DONE this 15 day of September, 2025.

Monica M. Márquez
Chief Justice