

SUPREME COURT OF YUKON

PRACTICE DIRECTION
GENERAL-35

*Conditions on use of generative AI in
written and oral representations*

Generative Artificial Intelligence (“Generative AI”)¹ is a tool that may facilitate some of the work of counsel and litigants. It can, however, make errors, such as hallucinating² case law. This Practice Direction aims to preserve and reinforce the integrity and credibility of legal proceedings by addressing the use of Generative AI in written and oral representations to the Supreme Court of Yukon.

Caution: The Supreme Court of Yukon directs counsel and litigants to use caution when relying on and referencing legal authorities, analysis or principles derived from Generative AI in their written and oral representations.

Reliance: Counsel and litigants must rely only on authoritative sources such as official court websites, government websites, commonly referenced commercial publishers or well-known public services such as CanLII³ when referencing legislation, case law, legal commentary or principles in written and oral representations.

“Human in the Loop”: Counsel and litigants are responsible for the accuracy of their written and oral representations. Anyone who uses Generative AI in the preparation of their representations must check and confirm the accuracy of the information provided. Verification can be done through cross-referencing with reliable legal databases.

Certification: All pleadings, notices of application, responses, and outlines shall include a certificate in the form set out below signed by counsel or the litigant, certifying that the person signing is satisfied as to the authenticity of every authority and legal principle cited in the document.

¹ Generative AI is artificial intelligence that creates or generates new content, such as images or text, in response to a prompt from a human.

² Hallucination means Generative AI content that has been fabricated in response to a prompt and is incorrect or misleading.

³ www.canlii.org

CERTIFICATE

In accordance with PD-General 35 (*Conditions on use of generative AI in written and oral representations*), I, _____, [*name of Party or Party's lawyer*], certify that I am satisfied as to the authenticity of every legislative reference and legal principle cited in this [*name of document*].

Dated _____

Signature _____
[*Party or Party's lawyer*]

AND (use the following certificate in Outlines only):

CERTIFICATE

In accordance with PD-General 35 (*Conditions on use of generative AI in written and oral representations*), I, _____, [*name of Party or Party's lawyer*], certify that I am satisfied as to the authenticity of every legislative reference, legal principle and case cited in this [*name of document*].

Dated _____

Signature _____
[*Party or Party's lawyer*]

For convenience, the required Certificate has been included on the applicable Forms available on the Court's website.

Costs Consequences: The failure of counsel or litigants to comply with this Practice Direction may result in the assessment of costs, including personal costs, against them.

Generative AI is constantly evolving. New opportunities and challenges will continue to emerge. The Court encourages discussion and collaboration with stakeholders to respond to changes in the use of Generative AI in ways that ensure the integrity of legal proceedings and safeguard public confidence in the justice system.

Duncan C.J.
June 2, 2026