

# 'It Can Be Abused': Pa. Supreme Court Justices Talk AI, Looming Financial Troubles During State Budget Hearing

Justices Kevin Dougherty and Kevin Brobson appeared before the House Appropriations Committee March 5 to discuss the court's budget and field questions from lawmakers.

5 minute read March 16, 2026 at 08:00 AM

By



[Tristin Hoffman](#)



Justice Kevin M. Dougherty (L) and

Justice P. Kevin Brobson, (R) of Supreme Court of Pennsylvania. Courtesy photos

Email

Share

Font Size

Print

During the annual hearing to discuss the state budget proposal for the judiciary, two Pennsylvania Supreme Court justices took questions from state legislators on a range of hot-button topics, including whether the judiciary is heading toward a "fiscal cliff" and how the high court might approach ethics rules for lawyers using artificial intelligence.

Justices Kevin Dougherty and Kevin Brobson appeared before the House Appropriations Committee on March 5 to discuss the court's budget and field questions from lawmakers. Gov. Josh Shapiro's

proposed [general fund budget](#) for the judiciary stands at a little more than \$500 million for the upcoming fiscal year, which is an increase by 10.3% from a \$453 million budget last year.

The court's budget request, however, is about [\\$18 million](#) higher than what the governor has proposed.

## Artificial Intelligence

Toward the end of the session, Rep. Joshua Kail, R-Beaver, turned the justice's attention to artificial intelligence, specifically asking about the high court's AI advisory commission and whether the court may look to impose AI-specific ethics rules for lawyers.

Saying he was concerned with AI's potential use for the unauthorized practice of law, he asked Brobson and Dougherty whether they see a need for the court to create new rules on the issue.

"You might get two different answers from two different justices," Brobson said.

Brobson compared generative AI to Westlaw and said attorneys have been making similar arguments regarding the new technology's possible impacts to the profession. Whether the court will adopt rules is a topic of discussion, he said, but he said he felt the same rules should apply to attorneys regardless of what technology they use.

"When you sign your name to that document, I am assuming—as an officer of the court—you are representing to us that you have reviewed it, it represents your work and you stand by what's there," he said, adding that during his time on the Commonwealth Court attorneys sometimes filed briefs citing to nonexistent cases. "Hallucinations happened before generative AI and they're going to happen afterwards."

Dougherty, however, voiced stronger concerns, saying he felt similarly to Kail.

"I think it can be abused," he said, adding that, especially in large filings, judges and law clerks may not check every case that's cited. "We do have to have some element of ethical concern or consideration with regard to a lawyer's submission."

He also noted that the court is looking to update its verifications on filings to include language indicating that any use of AI has been properly vetted by the attorneys.

Court administrator Andrea Tuominen addressed the AI committee, saying the 14-member group, which was established in 2024, put into effect a generative AI policy for judges and staff in December 2025, which largely suggests that it should protect both the impartiality of the judiciary and confidential information in court documents.

Tuominen said the policy outlines that using ChatGPT to write correspondence drafts and summarize documents with public information is allowed, but any private information must be used with artificial intelligence in secure systems, which can include Microsoft services.

## 'A Fiscal Cliff'?

A topic that surfaced several times during the meeting concerned whether the state's budget for the judiciary.

Early in his testimony before the lawmakers, Dougherty began discussing so-called Act 49 fees, which the court uses to supplement its budget. Due to a lapse in the law, [declining collections](#) and the court's increased need to rely on the funding to supplement General Fund monies, Act 49 funding, which accounted for \$66 million for the court's budget last year, has declined. Dougherty

told lawmakers that the Act 49's account balance will stand at roughly \$8.2 million by the end of June.

"This continued use of Act 49 has a detrimental tumbling effect on our subsequent budgets," Dougherty said, "requiring higher state funding requests to address significant cost drivers, which could be our statutory COLAs [cost-of-living adjustments], increasing health care costs, budget deficits and a continued decrease of Act 49."

"If you do not get that additional \$18 million that you have requested, what are the consequences?" Rep. James Struzzi, R-Indiana, asked Brobson toward the end of the hearing.

Brobson echoed Dougherty, adding that without the help of Act 49 funds, the judiciary could hang on a "fiscal cliff," and the fallout could have ripple effects on those who are impacted by the justice system.

"There are programmatic consequences to that, there are real people consequences to that, there are access to justice consequences to that at our county levels in particular," Brobson said. "We will have to make some incredibly difficult decisions that we don't want to have to make. That's why our budget that we proposed represents what we believe the true costs are, being fiscal stewards and understanding that Act 49 has a \$60 million ceiling for which we can tap. We don't have any other funds we can get to supplement our General Fund appropriation."

Rep. Jordan Harris, D-Philadelphia, pushed back on the use of Act 49 funds, cautioning that it could be contradictory in nature to use money from fees to fund the courts.

"To me, it seems to incentivize the necessity of different fines in order to help," Harris said. "I think as a co-equal branch, we should go ahead and fund the court system as a co-equal branch and proceed from there so the access to justice is not a barrier for anyone."