

FDI Moot Generative AI Policy

“**Generative AI**” as used in this Policy means computer systems that perform tasks commonly associated with human cognition, such as understanding natural language, analysing complex data and semantic patterns, and generating human-like outputs. “Generative AI” output may be useful in legal practice; however, it may also create false outputs (e.g., “hallucination,” that is, incorrect but plausible-sounding responses when there is a lack of information to provide an accurate response) or reflect the biases of the material on which the Generative AI system has been trained. The use of Generative AI may also violate intellectual property rights or confidentiality obligations and privacy rights.

Balance: The educational goals of the FDI Moot, on the one hand, encourage moot counsel to refine their own (human) research, writing, and advocacy skills without the assistance of Generative AI tools; on the other hand, the ethical, efficient, and responsible use of Generative AI tools seems destined to become a desired if not necessary skillset for lawyers.

The FDI Moot reaffirms **each counsel’s duty** to observe applicable ethical rules or professional standards of competent and diligent representation also when using Generative AI tools in the context of the moot. Moot counsel must review the output of any Generative AI tool used to prepare any submission to make sure it:

1. is accurate, from a factual and legal standpoint and does not mislead the tribunal, the parties, or opposing counsel (e.g., avoid hallucination);
2. does not infringe copyright; submissions to courts and arbitral tribunals are not exempt from the laws of copyright; and
3. does not disclose confidential or private information.

Moreover, although moot proceedings rarely involve confidential materials, with a view to mootings’ educational goal to prepare moot counsel for real practice, a moot counsel should know not to submit confidential, private, or otherwise sensitive material to any Generative AI engine that is not within the counsel’s full control.

The FDI Moot will

- Not require teams to report how they have or have not used Generative AI. However, during moot rounds arbitral tribunal members may ask team members whether or how they have used Generative AI.
- Not excuse teams from being marked down and penalized for fabricating or misrepresenting authorities or failing to acknowledge the (verbatim or paraphrased) work of others irrespective of how this occurred, e.g., reliance on Generative AI tools.
- Not excuse teams from being penalized for using Generative AI to the detriment of the moot’s integrity or to otherwise disrupt the conduct of the proceedings.

The FDI Moot may submit memorials to technical tools designed to check for plagiarism.

Generative AI Use Examples

Proper use: Using Generative AI to identify or summarize relevant cases, vetting the accuracy of the summaries before incorporating them into pleadings; to generate indices or lists of dates, persons, procedural steps, and actions from the case file.

Improper use: Using Generative AI (i) to draft pleadings or written submissions without checking the accuracy of output from a factual and legal standpoint or (ii) to summarize cases and then “copy-paste” them into pleadings without verifying whether the Generative AI’s output may contain errors.

Approved by FDI Moot Directors Christopher Gibson and Christian Campbell