

**Advisory Committee on
Artificial Intelligence
and the Courts**

**Annual Report to the Chief Judge
and Chief Administrative Judge
of the State of New York**

December 2025

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ANNUAL REPORT OF THE ADVISORY COMMITTEE ON ARTIFICIAL INTELLIGENCE AND THE COURTS

I. Introduction

The rapid evolution of artificial intelligence (AI) has affected nearly every sector of society, including the legal system. Recognizing both the promise and the perils of this emerging technology, Chief Administrative Judge Joseph A. Zayas established the Advisory Committee on Artificial Intelligence and the Courts (Advisory Committee) to study the implications of AI for the judiciary and to develop thoughtful, forward-looking policies that ensure its responsible and equitable use.¹ The Advisory Committee has been tasked with examining the use of AI technology by judges, non-judicial staff, attorneys, and litigants in the New York State Unified Court System (UCS); identifying opportunities presented by AI technology to improve the administration of justice in the courts of New York; collecting information relevant to matters within its jurisdiction; and recommending appropriate protections, including but not limited to legislation, regulations, and best practices, that will promote the safe, responsible, and effective use of AI technology in the courts.

This inaugural Annual Report reflects the Advisory Committee's commitment to exploring the multifaceted impact of AI on court operations, legal practice, and access to justice. Drawing on the diverse expertise of its members, the Advisory Committee has examined the opportunities AI presents to improve efficiency, enhance legal services, and expand access to the courts, while also confronting the serious risks it poses, such as bias, misinformation, and threats to confidentiality and due process. Through extensive research, stakeholder engagement, and collaborative deliberation, the Advisory Committee has developed a series of findings, recommendations, and policy proposals. This report is intended to serve as both a record of progress and a roadmap for the continued integration of AI into New York's court system in a manner that upholds the principles of fairness, transparency, and public trust in the justice system.

II. Organizational Structure

Pursuant to Administrative Order # 179/24, the Advisory Committee consists of three Co-Chairs and a minimum of 25 members, all of whom are appointed by, and serve at the pleasure of, the Chief Administrative Judge. The term of each Co-Chair and member is two years, and upon the expiration of that term, the Co-Chair or member may be re-appointed for a subsequent term by the Chief Administrative Judge.

1. Artificial intelligence has been defined by a federal statute as “a machine-based system that can, for a given set of human-defined objectives, make predictions, recommendations or decisions influencing real or virtual environments.” 15 USC § 9401(3). The term “generative AI” refers to an AI program or system that is capable of generating text or other content in response to user prompts by being trained on material in large reference datasets.

The Advisory Committee currently consists of more than 40 members, including judges, court administrators, attorneys, academics, legislators, public officials, and other experts from around the State. The Advisory Committee's Co-Chairs are:

- Hon. Angela G. Iannacci, Associate Justice, Appellate Division, Second Department
- Stuart Levi, Partner, Skadden Arps Slate Meagher & Flom LLP
- Jason Schultz, Professor, New York University School of Law

Counsel to the Advisory Committee is Karl Pflanz, Senior Principal Law Clerk to Chief Administrative Judge Joseph A. Zayas. A full roster of the Advisory Committee's members appears in **Appendix 1**.

Developments in AI technology have been rapid and broad-ranging. To keep up with the pace of these innovations and their various manifestations in the judiciary and the legal profession, the Co-Chairs have divided the work of the Advisory Committee among six subcommittees, each of which focuses on a particular set of issues, opportunities, and challenges raised by advancements in AI technology. The subcommittees created by the Co-Chairs, and the Chairs designated by them to lead the subcommittees, are as follows:

Access to the Courts

Chair: William Silverman

Bias and Equity

Chair: Diana Colón

Court Administration and Management

Chair: Karl Pflanz

Evidence, Authenticity and Reliability

Chair: Hon. Stan L. Pritzker

Generative AI in Lawyering and Dispute Resolution

Chair: Paul Gupta

Knowledge, Proficiency and Professional Responsibility

Chair: Hon. Vito DeStefano

Every member of the Advisory Committee serves on a subcommittee, and the subcommittees are also assisted by special advisers from outside the Advisory Committee. A list of each subcommittee's members and special advisers appears in **Appendix 2**.

III. Overview of the Advisory Committee's Activities

The Advisory Committee has met on numerous occasions, with some members appearing in person and others attending via videoconference. Committee meetings have included discussions of a variety of subjects related to the Advisory Committee's mission, as well as updates by the subcommittee Chairs regarding the activities of their respective subcommittees. In addition, each subcommittee has held multiple meetings, addressing its specific areas of focus.

Some committee and subcommittee meetings have featured presentations by individuals with expertise in the area of artificial intelligence and its potential uses in the court system. The full Committee has heard presentations from Bridget M. McCormack, a former Chief Justice of the Michigan Supreme Court and the President and CEO of the American Arbitration Association; Diane Robinson, a Principal Court Research Associate at the National Center for State Courts; and Dorothy Auth, a partner at Davis Graham & Stubbs LLP. Committee and subcommittee meetings have also included demonstrations from various entities that have developed or implemented AI tools for use by lawyers, judges, and court personnel.

The Advisory Committee initially concentrated on conducting research and gathering relevant information. The wide-ranging experience, involvement, and expertise of its members enabled the Advisory Committee to assemble a wealth of information about available AI tools and the ways they are being used within the legal profession, and the courts in particular, to promote efficient operations and access to justice, as well as the AI-related guidance, best practices, rules, and guidelines that have been developed thus far in other jurisdictions in the United States and throughout the world. The Advisory Committee also assessed the ethical implications of the use of AI technology by attorneys, judges and court staff, as well as the biases that may surface in AI-generated outputs. In addition, the Advisory Committee studied the complex questions of authenticity and trustworthiness that often arise when AI technology is used to create or process evidence. The sources of the Advisory Committee's information included presentations at subcommittee meetings from, among others, experts in AI technology; law professors and other legal experts specializing in matters such as technology law, evidentiary issues, and ethical issues; and legal services providers who had developed AI systems that help them serve their clients more efficiently.²

Having assembled a comprehensive knowledge base, the Advisory Committee then focused its efforts on matters that presented the most pressing concerns. Although it continued to explore potential uses for AI technology that would benefit the court system and the litigants it serves, the Advisory Committee determined that certain matters required immediate attention. The Advisory Committee was acutely aware that a significant number of individuals, including judges, court staff, and employees of the Office of Court Administration (OCA), as well as attorneys and litigants appearing in our courts, were already using AI technology in one form or another. Indeed, software developers are increasingly building AI technology into common, everyday applications used routinely by such individuals. In view of the consequential and sensitive nature of the

2. In examining all of these issues, the Advisory Committee has found the AI-related materials produced by the National Center for State Courts (<https://www.ncsc.org/resources-courts/artificial-intelligence-ai>), including its AI Rapid Response Team and its AI Policy Consortium for Law and Courts (formed in conjunction with the Thomson Reuters Institute), to be an especially valuable set of resources.

materials filed with the courts and produced by the courts, the Advisory Committee assigned high priority to the development of proposed rules and policies that would erect guardrails to protect against the most prominent dangers posed by AI technology: inaccuracies and bias in AI-generated content, threats to the confidentiality of data entered into AI programs, and ethical issues arising from reliance on AI.

These concerns led the Advisory Committee to develop two proposals for AI-related rules and guidelines to be adopted by New York’s court system: an internal policy governing the use of AI technology within the UCS and a policy and model rule addressing the use of generative AI by attorneys and parties in preparing papers filed in courts.

A. Interim Policy on the Use of AI Within the UCS

Turning first to the use of AI technology by judges and court personnel, the Advisory Committee produced a draft of an Interim Policy on the Use of Artificial Intelligence within the UCS. This internal policy is designed to establish a uniform, system-wide set of standards and guardrails that will promote the responsible and ethical use of AI technology by judges and court system personnel. It provides necessary guidance, promotes awareness by requiring AI training, and imposes crucial restrictions on AI use. The policy is applicable to all judges and nonjudicial employees of the UCS, and applies to all functions performed on a UCS-owned device, and to all UCS-related work performed on any device. It is intended to operate on an interim basis, and remains subject to continual revision, based on changes in technology, public policy, and operational necessities.

In a section entitled “Understanding AI,” the policy explains in general terms how generative AI works, identifies some of its potential uses, and describes certain problems associated with AI: inaccurate or fabricated information, bias and other inappropriate output, and the vulnerability of confidential information entered into AI platforms operating on a public model. The policy explains that most generative AI programs rely on a large language model (LLM), an algorithm that is trained on an enormous quantity of data, and learn to produce written communications by continually predicting the word that is most likely to come next. Generative AI programs are designed to generate outputs that mimic human-generated content, not to locate information or provide authoritative answers to factual inquiries. Since the AI program merely produces content by predicting patterns based on its source information, any factual assertions or citations to legal authority included in the output may be inaccurate or unreliable. In fact, generative AI programs occasionally fill in gaps in their source material by simply fabricating facts or citations, an occurrence commonly referred to as a hallucination.³ Accordingly, generative AI tools should not be relied upon to provide accurate information or to draft communications about sensitive topics, and general-purpose AI programs are not suitable for legal writing and legal research, as they may produce incorrect or fabricated citations and analysis. Moreover, the datasets on which generative AI systems are trained include material that reflects cultural, economic, and

3. AI programs do not actually “hallucinate.” A more accurate word for this process would be “confabulation,” which the Merriam-Webster Dictionary defines as an instance of “fill[ing] in gaps in memory by fabrication.” Nonetheless, since the use of the term “hallucination” has become so widespread and consistent, this report will occasionally use this term despite its imprecision.

social biases and expressions of prejudice against protected classes of people. As a result, the content generated may promote stereotypes, reinforce prejudices, exhibit unfair biases, or contain otherwise undesirable, offensive, or harmful material.

Another section of the policy sets forth “Guiding Principles,” providing the rationale behind the specific mandates and prohibitions controlling the AI use within the UCS: AI must be treated as an assistive tool, and never as a substitute for human judgment, discretion, or decision-making; material reflecting harmful bias, stereotypes, or prejudice must never appear in any UCS work product; the rules governing the security and confidentiality of court records must be honored when using AI technology; and AI technology must be used in a manner that is consistent with the ethical obligations of judges and nonjudicial employees.

Finally, the Interim Policy imposes certain requirements and restrictions. Among other things, the policy provides that, when using a court-owned device or performing court-related work on any device, judges and nonjudicial personnel may use only those generative AI programs which have been approved by the UCS Division of Technology and Court Research (DoTCR), and the approved programs are listed in an accompanying Appendix. Like the Interim Policy itself, the Appendix is subject to continual updates. The approved generative AI tools listed in the initial version of the Appendix include ChatGPT, a publicly available generative AI tool that operates on an open training model, and Microsoft Copilot Chat, which was incorporated into the court system’s existing Microsoft package earlier this year. Copilot Chat functions like ChatGPT, but runs on a private, closed training model which does not learn from user inputs and carries virtually no risk of information being leaked to the public, thereby minimizing concerns about confidential information being entered into the program. A two-month pilot test of Copilot Chat conducted by the DoTCR, which involves more than 200 participants representing a cross-section of judges and employees from various courts and various divisions of the OCA, is nearing completion. The vast majority of the feedback received thus far has been positive. Once the pilot test is completed, and Copilot Chat becomes available to all UCS users, it is possible that the generative AI needs of the court system will be satisfied entirely by Copilot Chat, and the continued inclusion of ChatGPT on the list of approved AI programs can be reassessed.

The Interim Policy also requires anyone who uses a generative AI program to thoroughly review the content produced by the program to ensure that it is accurate and appropriate, and does not reflect any unfair bias, stereotypes, or prejudice. In addition, the policy mandates initial and ongoing training in the responsible use of AI for all judges and nonjudicial UCS employees with computer access. Significantly, the policy further provides that DoTCR approval of a generative AI product “signifies that the product is safe to use from a technological standpoint, but does not necessarily mean that, for a particular task, the use of that product is suitable or appropriate,” and such approval “does not preclude any judge or UCS supervisor from prohibiting the use of such a product for a particular task by a person under their supervision.”

After drafting the Interim Policy, the Advisory Committee presented it to judicial leadership and senior OCA staff, and incorporated suggested revisions. The policy was approved and took effect in October 2025.⁴ The Interim Policy appears in **Appendix 3**.

4. The UCS news release announcing the adoption of the policy appears here: https://www.nycourts.gov/LegacyPDFS/press/pdfs/PR25_23.pdf.

B. Policy and Model Rule Regarding Use of Generative AI in Preparing Court Papers

The second matter that was prioritized by the Advisory Committee was consideration of a rule or policy governing the use of generative AI tools by attorneys or parties in preparing papers submitted to a court. With increasing frequency, attorneys and unrepresented parties have been turning to generative AI tools for assistance in preparing briefs, memoranda, and other papers submitted to courts. As documented in numerous news reports, various courts have received submissions containing AI-generated hallucinations that were not remedied by the attorney or party who authored the document, and such reports remain surprisingly persistent. In light of such incidents, many members of the New York judiciary are in search of guidance on how to respond when confronted with a filing apparently containing fictitious information or citations generated by an AI program. A few New York judges have adopted individual Part rules imposing certain requirements on attorneys or parties who submit papers prepared with the assistance of AI technology.⁵ The Commercial Division Advisory Council proposed its own rule governing the use of generative AI by attorneys in preparing court papers, which would have applied only in the courts of the Commercial Division.⁶ Various rules and proposals have taken different approaches to regulating the use of generative AI tools in preparing papers to be submitted to a court. While rules completely prohibiting the use of AI technology in preparing court papers are rare, some rules require attorneys and parties who have used an AI tool in preparing papers to disclose that fact to the court, and others additionally require such an attorney or party to expressly certify that they have verified the accuracy of the output generated by the AI tool. Another type of rule informs attorneys and parties of the potential risks of using AI or the legal obligation to confirm the accuracy of AI-generated output, but does not require either disclosure of AI use or a special certification that AI-generated material was verified.

Against this backdrop, the Advisory Committee engaged in a careful review of the rules and guidelines on this subject that have been proposed and adopted in New York and elsewhere, as well as extensive discussions of the approach that should be recommended for the New York court system. An initial consideration was whether any rule governing the submission of papers drafted with the assistance of AI was necessary or appropriate in the first place. After all, the

5. See, e.g., Rules of Hon. Aaron D. Maslow, Supreme Court, Kings County, at Part II(B)(15), <https://ww2.nycourts.gov/courts/2jd/kings/civil/MaslowRules.shtml> ; Rules of Hon. Jeffrey H. Pearlman, Supreme Court, New York County, at General Rule 18, <https://www.nycourts.gov/legacypdfs/courts/1jd/supctmanh/Rules/part44-rules-matrimonial.pdf> ; Rules of Hon. Grace M. Hanlon, Supreme Court, Chautauqua County, at Page 2, https://www.nycourts.gov/LegacyPDFS/courts/8jd/pdfs/IAS_Rules/JudgeHanlon2025.pdf ; Rules of Hon. David S. Zuckerman, Supreme Court, Westchester County, at Section IV(L), https://www.nycourts.gov/LegacyPDFS/courts/9jd/PartRules/PR_DSZuckerman.pdf . See also Suffolk County Surrogate's Court Protocols, at Paragraph 17, <https://www.nycourts.gov/LegacyPDFS/courts/10jd/suffolk/PDF/protocols-suffolk-surrogate-next.pdf> .

6. The Advisory Committee recommended that this proposed rule not be adopted, mainly because it is preferable for any rule or policy focused on the use of AI in preparing court papers to apply universally throughout the Unified Court System.

submission to a New York court of a paper containing false or fictitious material is already governed by longstanding rules and requirements. Section 130-1.1 of the Rules of the Chief Administrator of the Courts authorizes the imposition of sanctions against an attorney or party who, among other things, asserts material factual statements that are false or frivolous legal arguments, and under Section 130-1.1a, by signing a paper submitted to a court, an attorney or party certifies that the paper does not contain any such statements or arguments. Furthermore, attorneys who submit papers to a court are bound by the Rules of Professional Conduct, including Rule 3.3(a)(1), which prohibits an attorney from either making a false statement of fact or law to a tribunal or failing to correct a false statement previously made to the tribunal. This well-established duty to review a paper before submitting it to a court to ensure the accuracy and reliability of all statements made therein is unquestionably applicable when an attorney or party submits papers prepared with the assistance of generative AI.⁷

Nonetheless, in view of the proliferation of AI tools and their increasingly common use by attorneys and unrepresented parties, the Advisory Committee deemed it appropriate to recommend a policy or rule that would provide clear and consistent guidance in applying the existing obligations — ensuring the truthfulness and accuracy of the content of all court submissions — in the specific context of papers created with the assistance of AI technology. Leaving a void in this area would likely result in an assortment of inconsistent Part rules governing the use of AI technology in the preparation of court papers. Such an array of inconsistent individual rules has already developed to some extent in the federal courts, a trend that has engendered some concern, not only because it is difficult for practitioners to keep track of and comply with the incongruent variety of requirements and prohibitions, but because many such rules are vague, ambiguous, and overly broad, and may unduly discourage the use of AI tools that could increase efficiency and access to justice.⁸ In the Advisory Committee’s view, these concerns are well founded.

Accordingly, the Advisory Committee set out to devise a policy or rule that would provide the guidance sought by the judiciary. For such guidance to be meaningful, certain constants would need to be established, and the Advisory Committee deemed it appropriate to set some outer limits to discourage the enactment of rules that would be unduly restrictive. The Advisory Committee concluded that an outright ban on the use of AI tools in preparing court papers would be inadvisable, both because it would be difficult to apply and comply with, since AI is becoming increasingly pervasive and can be used unknowingly, and because it would have the undesirable effect of precluding many legitimate and valuable uses of AI technology. At the same time, the Advisory Committee, recognizing the inherent authority of judges to regulate the conduct of attorneys and parties appearing before them, sought an approach that would respect judicial independence.

7. See *Ader v. Ader*, 87 Misc. 3d 1213(A) (Supreme Court, New York County, 2025); *Matter of Samuel*, 82 Misc. 3d 616 (Surrogate’s Court, Kings County, 2024).

8. See, e.g., Maura R. Grossman, Paul W. Grimm, and Daniel G. Brown, *Is Disclosure and Certification of the Use of Generative AI Really Necessary?*, *Judicature*, Vol. 107, No. 2, at 68-77 (2023), <https://judicature.duke.edu/articles/is-disclosure-and-certification-of-the-use-of-generative-ai-really-necessary/>.

The Advisory Committee settled upon a statement of statewide policy disapproving of any prohibition on the use of generative AI tools in preparing court papers, accompanied by a model rule that may be implemented by judges who wish to advise attorneys and litigants of their obligations with respect to documents created with the assistance of AI technology by applying the well-established requirements of 22 NYCRR Part 130 and the Rules of Professional Conduct in that particular context. As explained in the Advisory Committee’s memorandum in support of its proposal, the objective in proposing the model rule was to make available to judges a uniform standard, consistent throughout the Unified Court System, that would not prohibit the use of generative AI technology, but would firmly establish that any use of such technology by an attorney or litigant must be undertaken in a responsible, conscientious manner.

Specifically, the proposal consists of a new Part 161 of the Rules of the Chief Administrator of the Courts, which provides that it is the policy of the UCS that “the use by attorneys and parties of generative AI tools in preparing papers submitted to a court should not be prohibited, as long as such use is in accordance with the duties and responsibilities that apply to individuals who submit papers to a court.” The proposed new Part further provides that “[a] court may, in its discretion, implement a part rule governing the use by attorneys and parties of generative AI tools in preparing papers submitted to the court,” and then encourages courts that deem such a rule to be appropriate to adopt the model rule set forth in an Appendix to the new Part. The model rule provides that every attorney or party who uses a generative AI tool in preparing any paper submitted to the court “is expected to understand that tool’s capabilities and limitations.” The model rule restates the implicit certification requirement of 22 NYCRR 130-1.1a, and then provides that any attorney or party who uses a generative AI tool in preparing any paper filed in or submitted to the court or served on another party “is required to carefully review the paper and independently ensure that it contains no fabricated or fictitious cases, statutes, or other material. By signing such paper, an attorney or party certifies that such a review has been conducted and that the paper contains no such fabricated or fictitious content.”

While the model rule reminds attorneys and parties of their existing obligations when submitting papers to a court, the Advisory Committee does not expect that either attorneys or unrepresented parties will have difficulty understanding their responsibility to review such papers and ensure that they do not contain any false or fictitious material, or that they would consciously seek to avoid complying with that duty. The model rule, however, serves the vital, additional purpose of instilling an awareness that generative AI programs do, in fact, have a tendency to produce hallucinations, and careful review of their output is therefore essential. If such a review is conscientiously performed in each case, there is no reason to prohibit the use of generative AI in preparing court papers. Indeed, assuming that such a review has been conducted, there is no reason to require an attorney or party to disclose, at the time the paper is submitted, that a paper was drafted with the assistance of a generative AI tool. Thus, as explained in the Advisory Committee’s supporting memorandum, the proposed statewide policy provides not only that the use of generative AI in preparing court papers should not be prohibited, but also that disclosure of such use of AI should not be required.⁹

9. The supporting memorandum also clarifies that the policy against requiring disclosure would apply only at the time the papers are submitted, and that evidentiary materials have been excluded from the scope of the proposed policy and model rule.

In October 2025, the Advisory Committee finalized its proposed policy and model rule and submitted it to the Administrative Board of the Courts. In November 2025, the Administrative Board approved the proposal to be circulated for public comment, and comments are due by December 29, 2025. The Advisory Committee's proposal, together with its memorandum in support of the proposal, appears in **Appendix 4**.

IV. Findings, Recommendations, and Work Product of the Subcommittees

AI is not a monolithic subject. Rather, it presents a variety of potential uses, as well as a variety of questions and problems, arising in different contexts. Accordingly, the scope of the Advisory Committee's mission and its distinct areas of inquiry are reflected in the designation of its six subcommittees, and the Advisory Committee's work has been driven largely by the subcommittees. The findings, recommendations, and work product of each subcommittee are summarized below.

A. Access to the Courts

AI technology has vast potential to assist court users in negotiating the court system, thereby enhancing access to justice. The Subcommittee on Access to the Courts has focused its attention on ways in which AI can support unrepresented parties and individuals with limited English proficiency, who often face the steepest barriers in navigating our legal system, while recognizing that AI tools require careful implementation.

The subcommittee has identified two main categories of inquiry. First, after assessing various demonstrations and proposals, the subcommittee is developing recommendations for projects that will harness AI technology to advance access to the courts. In view of the challenges faced by those seeking legal services and those providing them as well as the court system itself, how can courts best use, or help facilitate the use of, AI technology to close the justice gap? AI technology is capable of revolutionizing self-help tools and creating enormous efficiencies for lawyers and law clerks. For example, with the help of AI, fillable forms can be made more user-friendly. Or an improved, AI-powered navigation tool on the court system's website could better guide the public to the right court or the right form.

The subcommittee is also considering more advanced AI tools that could help unrepresented litigants with documents such as pleadings and motion papers. Of course, that kind of assistance raises a number of questions. For example, what role should be played by the courts, as opposed to legal services organizations? And at what point might such assistance become unauthorized practice of law? Moreover, especially with more sophisticated tools, the subcommittee needs to be able to assess their effectiveness before endorsing them for general use.

The second category of inquiry involves preventing this new technology from becoming a vehicle of injustice. The subcommittee needs to consider necessary safeguards to prioritize data security, transparency, and accountability, and to guard against bias.

The subcommittee has explored opportunities for the court system to use AI to improve the experience of litigants and other court users and to promote access to justice, including the use of chatbots or other AI tools to provide information and assist people in navigating the courts and associated services, in filling out forms, and in assembling documents. This has entailed reviewing a number of AI tools already in use, including:

- SANDI, a multilingual chatbot developed in Florida, which helps users understand court procedures in their own language;
- iMMPATH AI, which assists asylum seekers with complex immigration processes;
- Rentervention, which provides automated legal help to tenants facing eviction;
- HHIRT, a Legal Aid tool, which uses retrieval-augmented generation to help attorneys quickly find relevant case law; and
- Roxanne, which helps tenants document housing code violations using AI-driven image analysis.

These tools are already making a difference in other jurisdictions. They show us what is possible when we combine legal expertise with smart, user-centered technology. Having a better sense for what is already in use, and considering how those efforts can be enhanced, will enable more fruitful discussions about what it will take for New York to be a leader in this space.

Here in New York, the subcommittee is working with the UCS toward the implementation of a pilot project in Nassau County Family Court. The goal is to use AI to help pro se litigants complete intake forms — something that seems simple, but often becomes a major bottleneck. If successful, this initiative could reduce administrative burdens and improve the intake experience for both litigants and court staff. But the subcommittee is also proceeding with caution. These tools must be culturally competent, linguistically accurate, and legally sound. The courts can't afford to automate confusion or misinformation. So any implementation must include rigorous testing, human oversight, and clear disclaimers about what the tool can — and cannot — do.

The subcommittee is also exploring the creation of educational material that would provide guidance to unrepresented parties on the responsible use of generative AI. Restricting the use of this technology in any meaningful way may be impossible, and if it were possible, it could run the risk of impeding access to the courts by discouraging the use of a potentially powerful tool. When such tools are used in preparing court papers, however, guidance is critically important, and when unrepresented parties use AI tools in this manner, there are additional challenges. An AI program's ability to generate a polished, well-written, seemingly authoritative legal brief within a few minutes, or even seconds, can be especially tempting for litigants without legal knowledge and training. Unrepresented litigants normally do not have the same opportunities as attorneys do to learn about the proper use of AI in performing legal work, through CLE courses or other sources. And while useful guidance on AI use can be provided to attorneys by simply reminding them that the existing rules of procedure and ethical canons are fully applicable to their use of AI,

unrepresented litigants may not be familiar with, and may not be governed by, all of those rules. It has been a struggle for courts to find the proper response when an unrepresented litigant submits a brief riddled with AI-generated hallucinations. It appears that in most cases, such litigants are let off with a warning.¹⁰ But in one case,¹¹ a Missouri court dismissed an unrepresented litigant's appeal and imposed a \$10,000 sanction.

It is therefore evident that promoting AI literacy and providing guidance for unrepresented litigants on the proper use of AI technology is just as important as it is for attorneys, if not more so, but it needs to be presented in a way that is more accessible and understandable. Accordingly, the subcommittee is exploring the development of educational materials geared toward unrepresented court users. For example, the written information about court procedures that is provided to unrepresented litigants at the outset of litigation could be amended to include guidance on the responsible use of AI technology. And AI-related educational materials, in the form of one or more video presentations, could be posted on the UCS's existing "Court Help" webpage, which contains a variety of information and resources to assist unrepresented litigants.¹²

The subcommittee has authored a memorandum highlighting its findings on current efforts throughout the nation to use AI technology to enhance access to justice, and assessing the various AI tools it has reviewed (noted above). This memorandum appears in **Appendix 5**.

B. Bias and Equity

New York's court system aims to serve the people of the State equitably and without bias. The emergence of AI technology provides an opportunity to further these objectives, but it also presents challenges. The Subcommittee on Bias and Equity recognizes that there is a risk of bias in existing AI tools, especially in those that employ generative AI systems. The subcommittee's mission is to provide recommendations on how to mitigate bias in AI systems and what to do when it is discovered, and to promote understanding of the ways in which the potential for bias affects the equitable use of AI technology in the court system. The subcommittee is committed to ensuring that AI tools are developed and implemented in a manner that promotes equity, prevents unfair bias, and supports the courts' ability to safeguard the rights of all individuals, particularly those from historically marginalized communities.

The subcommittee has studied the issue of access asymmetry. Wealthier litigants and large firms can afford proprietary AI tools that give them a strategic edge. Meanwhile, under-resourced parties are often left behind. This presents a fundamental fairness issue, and this access gap should factor into the decisions made by the court system in deploying AI technology. Some states are experimenting with AI-driven tools designed to narrow this gap. For example, the Alaska Court

10. See *Al-Hamim v. Star Hearthstone, LLC*, 564 P.3d 1117 (Colo. Ct. App. 2024); *id.* at 1125 (collecting cases).

11. *Kruse v Karlen*, 692 S.W.3d 43 (Mo. Ct. App. 2024).

12. See <https://nycourts.gov/courthelp/>.

System has implemented the Alaska Virtual Assistant (AVA), which responds to inquiries from unrepresented court users by employing retrieval-augmented generation to gather information from official self-help guides and then producing a specific, citation-linked answer based on that content. However, unrepresented parties are also resorting to AI chatbots that are not affiliated with any court system, which may provide unreliable information, and unrepresented parties are the most vulnerable when they receive faulty legal advice. Such AI-generated assistance also raises concerns about unauthorized practice of law. Thus, any court-sponsored AI tool that provides assistance to unrepresented parties must be carefully vetted and continually monitored to ensure that the information provided is accurate and appropriately narrow.

Another issue is presented by biased outcomes, a critical challenge faced by the courts in integrating AI technology into the justice system. The subcommittee has examined how AI might reinforce existing disparities, and how that can be prevented. One troubling tendency among AI tools is bias propagation. AI systems are trained on historical data, and if that data reflects systemic inequities — racial disparities in sentencing, for example — then the AI tool will likely replicate those patterns. And it sometimes does so under the guise of objectivity, by engaging in a process known as “bias laundering.” This occurs when biased inputs are processed through an algorithm and made to appear as purely statistical information, thereby producing outputs that appear neutral, but actually harbor built-in bias.

The subcommittee has also examined the problem of opaque decision-making. Tools like Correctional Offender Management Profiling for Alternative Sanctions (COMPAS), used in some jurisdictions for risk assessment, are essentially black boxes — that is, their inner workings have not been publicly disclosed, preventing anyone from knowing the “thought” process behind the algorithm’s conclusions. Judges may rely on such tools without fully understanding how they work, or what biases they may contain, which raises serious due process concerns.

This problem is especially pronounced in criminal matters, where a person’s liberty is at stake. There are large disparities between Black individuals and White individuals in matters including the rates of arrest, the amount of bail set, and the length of sentences imposed, all for identical offenses, and the likelihood of being investigated by the Administration for Children’s Services. Because of problems like bias propagation, bias laundering, and the use of metrics that create a self-confirming feedback loop, using an AI tool to assist with tasks such as setting bail or determining a sentence can exacerbate these entrenched biases.

An additional concern is “function creep,” which occurs when an AI tool designed and approved for a narrow administrative task quietly expands into unvalidated, substantive decision-making roles. This becomes especially problematic when the output of the AI tool is used as the sole or primary evidence in consequential contexts.

To address all of these concerns, the subcommittee has emphasized principles such as transparency and explainability. Judges and litigants must be able to understand how an AI tool reaches its conclusions, and there must be a way to test and challenge the system’s outputs.

Moreover, where an AI tool does succeed in achieving neutrality and eliminating bias from a decision-making process, users must ensure that human oversight does not itself introduce bias.

One possible remedy for this problem is a system of cross-validation, in which divergent outputs or overrides of AI-generated recommendations would trigger a structured review. In addition, the court system should not only guard against bias that is generated or propagated technologically, but also offer support for bias-free human decision making, such as training for UCS personnel on the subject of implicit bias.

The subcommittee has concluded that the use of AI technology presents the greatest risk in the context of criminal matters, and is less problematic when it is assisting with administrative tasks. AI has an important place in the courtroom, but it must be used in a transparent, equitable, and accountable fashion.

The subcommittee has produced a detailed report, addressing applications of AI in the justice system and immediate risks it poses, including a summary of how bias is introduced into various AI tools, as well as the broader foundational legal and ethical challenges presented by the use of AI technology in the courts. This report appears in **Appendix 6**.

C. Court Administration and Management

AI technology has the potential to improve the administration of justice by enhancing the ability of judges, court staff, and employees of the OCA to operate effectively and efficiently. The mission of the Subcommittee on Court Administration and Management is to identify opportunities to realize these benefits, and to develop guidelines and precautionary measures that will be necessary in deploying AI technology within the court system.

Because it is essential that any use of AI technology by UCS judges or employees in the course of their work be undertaken in a responsible, safe, and ethical manner, the subcommittee has devoted much of its attention to the task of drafting the Interim Policy on the Use of Artificial Intelligence within the UCS (discussed in Section III(A) above), which was adopted by the UCS in October 2025. *See Appendix 3*. Since the interim policy implicates judicial ethics issues, and involves training of judges and court employees, the subcommittee collaborated with the Subcommittee on Knowledge, Proficiency and Professional Responsibility.

In crafting the Interim Policy, the subcommittee drew upon certain concepts that have been articulated by the handful of other jurisdictions that have adopted internal AI use policies, and sought to incorporate the best aspects of such policies. An important objective guiding the subcommittee's work was enabling the reader to understand why the policy's restrictions on AI use are necessary. Thus, the subcommittee sought to express the reasoning behind the rules governing AI use and to explain the workings of generative AI, in a manner sufficient to convey a basic understanding without burdensome or distracting technological details.

One important requirement imposed by the policy is that all judges and court system employees must complete an initial training course, as well as continuing training, in the use of AI technology. After reviewing available educational materials, the subcommittee selected two training videos, which are currently being used throughout the court system for the mandatory introductory training. In the coming months, the subcommittee will assess and recommend

additional training materials to be implemented as continuing AI education for UCS personnel.

The subcommittee has been monitoring the pilot test of Microsoft Copilot Chat (discussed in Section III(A) above), and one question that has arisen is whether legal research and writing projects are appropriate uses for Copilot Chat. As noted in the Interim Policy, “general-purpose AI programs (whether operating on a public model or on a private model) are not suitable for legal writing and legal research, as they may produce incorrect or fabricated citations and analysis.” Non-specialized generative AI tools, including Copilot Chat, are designed to create content by emulating writings or other outputs created by humans. They do so by perceiving patterns in their source material, and, based on probability, continually predicting the next word, sentence, or other piece of data. AI programs do not know the difference between a true statement and a false one, or between a real case citation and a fictitious one. A fortiori, such programs lack the ability to form a meaningful understanding of the reasoning of judicial decisions that would allow them to engage in sophisticated legal analysis.¹³

A somewhat better prospect for AI-assisted legal research has been presented by several established legal research vendors who have integrated AI technology into their subscription-based research databases. In the summer of 2024, the OCA’s Office of Legal Information conducted trials of four AI-enhanced platforms offered by such vendors, including Westlaw Precision with CoCounsel (Thomson Reuters) and Lexis+ AI (LexisNexis), and the subcommittee reviewed the results of those trials. Nearly 100 individuals from across the State, including judges, court attorneys, law clerks, and law librarians, participated in the trials, and completed a survey upon its conclusion. A majority of participants expressed support for the UCS’s purchase of the AI-enhanced products offered by Lexis and Westlaw. The consensus was that, although these tools were clearly imperfect and occasionally produced incorrect results, the amount of time that could be saved by using the tools for preliminary research tasks (such as analyzing numerous documents simultaneously, finding on-point research sources, and generating first drafts of legal memos) would likely offset the time required to review the results and correct errors. After the trial was completed, the Lexis and Westlaw products were vetted from a security perspective by the DoTCR. The Lexis product was found to be compliant with UCS and New York State security standards, but the Westlaw product was found not to be in compliance, since it did not operate in a government cloud secure network and thus was exposed to various external threats. Thomson Reuters representatives predicted that this issue would be resolved in or about late 2025.

Although the AI-enhanced versions of Westlaw and Lexis are better suited for legal research tasks than general-purpose generative AI programs, they still fall well short of being fully trustworthy. Indeed, a Stanford University study conducted in 2024 tested Lexis+ AI and Westlaw AI-Assisted Research by posing queries to both platforms and measuring how many responses were accurate (meaning correct and properly grounded) and how many responses contained a hallucination (meaning that the response made a false statement or falsely asserted that a source supported a statement). The study found that the Lexis product hallucinated in 17% of its

13. See Grossman, Grimm, and Brown, *supra* note 8, at 72 (“These [generative AI] systems were not designed with accuracy as a goal, and they were not meant to engage in logical reasoning. . . . [W]hile there may be some bias toward truthful results — to the extent the truth is more common among the sources from which GenAI draws — the model itself is unable to separate fact from fiction.”).

responses, while responding accurately 65% of the time, and the Westlaw product hallucinated in 33% of its responses, while responding accurately 42% of the time.¹⁴ With these results in mind, the Interim Policy drafted by the subcommittee cautions that, “[e]ven when using the AI-enhanced features that have been incorporated into established legal research platforms, any content generated by AI should be independently verified for accuracy.”

The subcommittee has also conducted a broader inquiry into various uses of AI technology that can help our court system operate more efficiently. In doing so, the subcommittee has adopted the view that AI should not be a solution in search of a problem. Instead of using AI for the sake of using AI, the court system should identify its needs, and then inquire whether an AI tool can help fulfill those needs. Within these guideposts, the subcommittee has identified certain areas where AI innovations can solve problems and improve court operations, including the following:

- Assisting the OCA in maintaining, searching, classifying, summarizing, and analyzing court records and statistical data, and in conducting research projects;
- Enhancing the efficiency of tasks performed in court clerks’ offices, such as case inventory management, data entry and review, and calendar creation and control, and enabling case processing systems to communicate with each other, even across courts;
- Creating searchable databases for materials such as administrative orders, judicial ethics opinions, and information generated by the Division of Human Resources.
- Assisting the OCA with computer programming tasks; and
- Improving data security by detecting bots that are currently searching our court system’s data (for example, judicial disciplinary records).

Moreover, the subcommittee is examining certain AI tools that are already available to the court system, or can easily be acquired by it. For example, an AI tool readily available from an identified vendor could automate the process of redacting documents. Although the results would need to be checked by a human, this tool would likely result in the completion of many redactions that are currently being overlooked. Another readily available AI tool could summarize handwritten materials (for example, summonses), and then incorporate them into the courts’ electronic filing systems. And AI-powered transcription, as well as language translation, is already built into New York’s Virtual Court Appearance Platform (NY-VCAP).

Among the matters the subcommittee will consider and address during the coming year are: determining whether and to what extent the use of AI technology to assist the court system in the hiring process would be permissible and desirable; considering whether the court system can and should develop a system for monitoring and evaluating the use of AI technology by court

14. Varun Magesh, Faiz Surani, Matthew Dahl, Mirac Suzgun, Christopher D. Manning, and Daniel E. Ho, *Hallucination-Free? Assessing the Reliability of Leading AI Legal Research Tools*, *Journal of Empirical Legal Studies*, Vol. 22, Issue 2, at 216-242 (2025), https://dho.stanford.edu/wp-content/uploads/Legal_RAG_Hallucinations.pdf.

personnel; and investigating the costs of incorporating AI technology into court processes, and the staff training and skill development that would be required.

D. Evidence, Authenticity, and Reliability

AI technology has amazing capabilities in creating and altering digital materials, and this presents the courts with serious challenges when such materials are offered as evidence. The Subcommittee on Evidence, Authenticity, and Reliability has focused on the evidentiary implications of AI-generated and AI-enhanced content — especially around authentication, admissibility, and due process.

The subcommittee is divided into four research groups: 1) criminal case law development, 2) civil case law development, 3) statutory, regulatory and court rules, and 4) stakeholders' concerns and ideas. After conducting extensive research, the subcommittee prepared a detailed report, providing a comprehensive framework for addressing AI-generated and AI-enhanced evidence in judicial proceedings. The report is intended to guide judges, attorneys, and court administrators in identifying, authenticating, and evaluating AI-related evidence, while safeguarding due process, ensuring ethical compliance, and maintaining public trust in the legal system. This report appears in **Appendix 7**.

The subcommittee's report developed a taxonomy of AI-impacted evidence:

- Acknowledged AI-generated evidence (such as facial recognition or fingerprint analysis): Both parties agree the evidence was generated or processed by AI.
- Expert reports using AI (such as statistical modeling): An expert relies on an AI tool, such as ChatGPT or Copilot, in forming an opinion.
- AI-enhanced evidence (such as clarified or sharpened images or audio): The original evidence is modified using AI tools.
- Unacknowledged AI-generated evidence (such as suspected deepfakes): The parties disagree as to whether the evidence is the product of an AI tool.

Each type of AI-generated evidence can be disputed (even acknowledged AI-generated evidence), but the nature of the disputes will differ. With acknowledged AI-generated evidence, the disputes center around validity, reliability and bias, whereas for unacknowledged AI-generated evidence, the focus is authenticity.¹⁵ It is important for courts to distinguish between reliability (involving issues such as error rates and peer review) and authenticity (involving issues such as chain of custody and source verification). Authentication requires evaluating the algorithmic provenance of evidence, which entails an assessment of how the system was trained, what data it

¹⁵ The National Center for State Courts has published bench cards that provide judges with helpful guidance in evaluating acknowledged and unacknowledged AI-generated evidence, which are available on its website: <https://www.ncsc.org/resources-courts/ai-generated-evidence-guide-judges>.

used, and what its error rates are. AI-generated evidence is often difficult to authenticate due to the lack of transparency in AI systems (“black box” models), the absence of metadata or audit trails, and the potential for hallucinations, bias, or manipulation (e.g., deepfakes).

AI-generated evidence, regardless of which category it fits into, presents unique challenges under New York’s *Frye* standard for evaluating novel scientific techniques.¹⁶ The *Frye* test allows expert testimony on a new scientific principle or discovery only if it has gained general acceptance in the scientific community, and some have questioned the usefulness of this standard in assessing extremely fast-evolving AI technologies. Arguably, the more flexible *Daubert* standard,¹⁷ under which the judge acts as gatekeeper, deciding whether the proffered expert testimony is “the product of reliable principles and methods” that are being applied in a proper, fact-based manner,¹⁸ is better suited to the task. However, while the federal courts and most states have adopted the *Daubert* standard, New York has consistently declined to do so. The Advisory Committee, with this subcommittee taking the lead, may be examining whether it would be appropriate to recommend, not that the *Daubert* standard be adopted, but that the *Frye* standard be modified to allow New York courts to use other means to assess the admissibility and reliability of AI-generated evidence, to help them keep pace in the exceptionally fast-moving realm of AI technology.

The subcommittee has concluded that, to allow for full and orderly consideration of issues relating to the admissibility and assessment of AI-generated evidence, timely disclosure of the involvement of AI technology in the creation, processing, or enhancement of evidence should be required. In the subcommittee’s view, to avoid the risk of unreliable evidence being admitted at trial, and to prevent mid-trial surprises that unnecessarily delay proceedings, attorneys have an affirmative obligation under New York’s discovery laws to disclose to the court, and opposing counsel, their intention to introduce any evidence which is generated or enhanced by AI. Attorneys should also be required, in their expert disclosure filings, to reveal any use of AI tools by their expert witnesses in formulating their opinion. An attorney’s failure to comply with their disclosure obligations may constitute misconduct under the Rules of Professional Conduct, and may result in sanctions, a mistrial, or the exclusion of evidence.

Such disclosure should occur as early as practicable, to enable the court to consider and determine the complex admissibility issues that may arise, including, if necessary, conducting a *Frye* hearing or appointing a special master to hear and report on a *Frye* motion. In criminal cases, while prosecutors are subject to statutory time frames for disclosing evidence, defense counsel are not, and the subcommittee recommends requiring defense expert disclosure implicating *Frye* issues to be made 30 to 60 days before trial. In civil cases, it is the subcommittee’s view that parties should disclose their intended use of AI-generated evidence at the time of expert disclosure so that *Frye* issues can be timely raised. It is also the subcommittee’s view that the practice of making a motion in limine raising *Frye* issues contemporaneously with a summary judgment motion, which is typically filed within 120 days after the note of issue is filed, should be

16. See *Frye v. United States*, 293 F. 1013 (D.C. Cir. 1923).

17. See *Daubert v. Merrell Dow Pharmaceuticals., Inc.*, 509 U.S. 579 (1993).

18. Federal Rule of Evidence 702.

encouraged. At the latest, *Frye* issues should be raised 30 to 60 days before trial. The Advisory Committee, with this subcommittee taking the lead, may consider recommending a general rule, individual court rule, or discovery order directive which reflects best practices for timely disclosure of AI-generated evidence and for raising *Frye* issues.

The subcommittee has also assembled sample jury instructions for assessing evidence that has been generated or modified by AI. In addition to preliminary and general instructions about AI-generated evidence, these samples include instructions addressing acknowledged AI-generated evidence, unacknowledged AI-generated evidence, the jury's duty to assess authenticity, the equality of evidence (i.e., the fact that evidence was generated by AI does not, by itself, make it more or less reliable than other evidence), and potential manipulation and deepfakes.

In addition, the subcommittee has explored constitutional concerns arising from the introduction of AI-generated evidence — specifically, whether a defendant has a right under the Confrontation Clause or the Due Process Clause to transparency, explanation, or information in connection with the algorithm or other AI-related process involved in creating, processing, or modifying the evidence offered against them. This raises several questions. How can we assure that machine-generated evidence is properly vetted and tested in an adversarial setting? Is AI-generated output testimonial? Since it is not possible to cross-examine an AI program, how can the defendant's right to confront the witnesses against them be satisfied? Can the software developer be cross-examined? Will every criminal trial in which AI-generated evidence is presented require the appointment of experts to adequately test the evidence? Will there be multiple and complex hearings in every such case? Will judges and lawyers need technical training? Our courts will need to address these issues and grapple with the new and quickly evolving landscape to assure that parties are afforded due process.

In sum, the use of AI-generated evidence in litigation must be transparent, verifiable, and subject to adversarial testing. As AI tools become more sophisticated and pervasive, the courts must evolve in parallel — developing new evidentiary frameworks, ethical guidelines, and procedural safeguards. The subcommittee recommends continued monitoring of AI developments, collaboration with national judicial bodies, and periodic updates to court rules and training materials.

E. Generative AI in Lawyering and Dispute Resolution

As discussed in Section III(B) above, the courts are experiencing an increase in instances of AI-generated papers being submitted in the course of litigation. It is therefore important for courts, as well as neutrals engaged in alternative dispute resolution, to understand both the ways in which AI tools are being used by attorneys and unrepresented parties to improve their work and make them more efficient, and how to respond appropriately when a party's submission reflects a misuse of AI technology. The Subcommittee on Generative AI in Lawyering and Dispute Resolution has examined the use of generative AI technology in litigation, and has carefully considered the issue of whether and to what extent such use should be regulated.

The subcommittee has focused in particular on whether the courts should adopt a rule governing lawyers' use of generative AI tools in preparing papers that are filed in a court. Is such a specialized rule needed to protect against misuse of chatbots that can produce fictitious factual assertions and citations to nonexistent cases? Or should disciplinary codes or rules barring frivolous conduct be revised or updated to address the use of generative AI? Or do the existing rules, as written, provide a sufficient basis for responding to the misuse of AI technology?

These inquiries have led to further questions. Should attorneys who use generative AI tools in preparing court papers be required to disclose their use of AI to the court? What are appropriate penalties for the misuse of AI technology in preparing court submissions? Should such penalties be commensurate with the damage done by such misuse? Should penalties be imposed on clients as well as counsel? Should unrepresented litigants be subjected to the same penalties as attorneys? How, if at all, should the rules be adjusted for different practice areas — e.g., commercial, matrimonial, and probate? How, if at all, should the rules be adjusted for pro bono cases? Should the rules be different for mediation and arbitration?

Answers to some of these questions have begun to emerge, but they have not reflected a consistent attitude or approach toward the use of generative AI in litigation. As previously noted, in response to the repeated instances of attorneys or parties submitting papers to a court containing AI-generated fabrications, a number of judges, particularly in the federal courts, have adopted individual rules governing the use of generative AI. These rules vary significantly, ranging from rules that prohibit any use of generative AI in preparing papers submitted to the court to those that merely inform or remind attorneys and parties of their obligation to comply with existing requirements by verifying the accuracy of the content of any paper they submit. Other individual rules require attorneys and parties who have used generative AI in preparing court papers to disclose such use, with some rules further requiring an express certification that the AI-generated content has been checked for accuracy.

The subcommittee conducted a nationwide study of rules and standing orders governing the use of AI in preparing court filings. It found that these rules fall into four general categories:

- **Prohibition:** The rule prohibits the use of AI in the preparation of court filings, sometimes with exceptions.
- **Certification:** The rule requires parties using AI to include a special certification that they have verified the output of the AI (apart from any general certification requirement that already exists).
- **Disclosure:** The rule requires disclosure that a party has used AI in preparing court filings, but does not require a special certification.
- **Informational:** The rule informs the parties of the potential risks of using AI and/or the obligation to confirm its accuracy, but does not prohibit its use or require special disclosure or certification.

The subcommittee prepared a detailed spreadsheet setting forth, for each relevant rule, the name of the issuing court, the type and jurisdiction of the court, the type of rule or standing order, a summary of the rule, the text of the AI-related portion of the rule, and the category or categories (listed above) the rule falls into. This spreadsheet appears in **Appendix 8**.

Having studied the varying approaches to rule-making that have been adopted, the subcommittee participated in conceptualizing and drafting the Advisory Committee’s proposed policy and model rule relating to the use of generative AI tools by attorneys or parties in preparing papers submitted to a court. This proposal is discussed in detail in Section III(B) above. The proposed model rule falls mainly within the Informational category. Although it contemplates a certification that a careful review of the filed paper has been conducted and that the paper contains no fabricated or fictitious content, that certification is not express, but implicit in the act of signing the paper, and no disclosure of generative AI use is required. See **Appendix 4**.

The subcommittee is also considering the promulgation of a set of guidelines for attorneys on the responsible use of AI in the practice of law, particularly with respect to documents submitted to courts. In the subcommittee’s view, the submission of papers containing AI-generated fabrications can best be prevented by providing guidance and education that helps attorneys develop a basic understanding of how generative AI works and the tasks for which it is, and is not, suited. This would enable attorneys to make informed decisions about AI use and avoid misuse of, or overreliance on, AI technology in preparing court submissions.

Such guidelines have been published in other states, including California, Illinois, and New Jersey.¹⁹ Those documents focus to a large extent on the ethical implications of attorneys’ use of generative AI.²⁰ While it may be useful to emulate that kind of guidance here in New York, the subcommittee believes that attorneys would also benefit from a very basic primer on what generative AI is and how it functions. Armed with this fundamental understanding of the capabilities and limitations of generative AI, attorneys would be in a good position to make their own common-sense decisions about whether and how to use generative AI tools in preparing court papers. This educational approach seems more promising than enacting rules banning or restricting the use of generative AI or requiring disclosure when it is used.

Finally, the subcommittee, in consultation with the Subcommittee on Bias and Equity and the Subcommittee on Knowledge, Proficiency, and Professional Responsibility, is exploring the possibility of working with bar associations and other Continuing Legal Education providers to

19. See State Bar of California, Standing Committee on Professional Responsibility and Conduct, *Practical Guidance For The Use Of Generative Artificial Intelligence In The Practice Of Law*, <https://www.calbar.ca.gov/Portals/0/documents/ethics/Generative-AI-Practical-Guidance.pdf> ; Illinois Attorney Registration and Disciplinary Commission, *The Illinois Attorney's Guide to Implementing AI*, <https://iadc.org/Files/Implementing-AI-Guide/?page=1> ; New Jersey Supreme Court Committee on Artificial Intelligence and the Courts, *Preliminary Guidelines on New Jersey Lawyers’ Use of Artificial Intelligence*, <https://www.njcourts.gov/sites/default/files/notices/2024/01/n240125a.pdf> .

20. The New Jersey document contains an especially helpful subheading: “Artificial Intelligence Does Not Change Lawyers’ Duties.”

develop CLE programs and educational materials that would focus on AI literacy and the responsible and ethical use of AI technology by attorneys. The subcommittee is also considering the possibility of recommending changes in New York's CLE requirements that would result in required AI-related training.

F. Knowledge, Proficiency, and Professional Responsibility

In furtherance of the Advisory Committee's mission to facilitate the responsible integration of AI into New York's court system, the Subcommittee on Knowledge, Proficiency, and Professional Responsibility has concentrated on educating the judiciary and the legal profession regarding AI and its possible ethical implications. As described in more detail below, the subcommittee has focused its efforts on various educational initiatives, a set of suggested ethical considerations and recommendations for judicial use of AI, and the integration of training and policy development.

Since January 2025, the subcommittee has collaborated with the Advisory Committee on Judicial Ethics (ACJE) on several training programs designed to address some of the legal, practical, and ethical dimensions of AI:

- **Judicial Institute Training (January 2025):** A joint educational session for new judges was conducted at the Judicial Institute, focusing on AI and its intersection with the Rules Governing Judicial Conduct.
- **Nassau County Bar Association CLE (January 2025):** Hon. Vito DeStefano, the Chair of the subcommittee, co-presented a CLE program on attorney ethics and AI, emphasizing the implications of AI misuse and opportunities for responsible innovation.
- **Judicial Institute Program (May 14, 2025):** A second training session for new judges was recorded for use in ongoing judicial education.
- **Summer Trainings:** Two ethics-focused AI programs were presented at the June and July 2025 Summer Seminars for Judges. The June and July 2025 programs led off the summer seminars and were very successful and well received.

The first of these presentations, for new judges, was developed by the subcommittee jointly with the ACJE, and included analysis of the Rules of Professional Conduct, the Rules Governing the Conduct of Judges, and attorney AI misuse cases. The ethics focus of the first presentation was on the judicial obligation to take appropriate action when confronted with attorney misconduct in connection with the use of AI. The second presentation, also an in-depth ethics lecture, and again prepared in conjunction with the ACJE, provided both practical and theoretical considerations for judges navigating emerging AI applications. The focus of this presentation was to educate judges on AI, and its potential uses, and the ethical considerations that arise therefrom. The summer programs were designed to be thought-provoking and issue-identifying, rather than

giving formalized guidelines for the use of AI, which, at this point, is somewhat premature. Further educational programs are being planned and will be conducted on a regular basis.

In parallel with our educational mission, the subcommittee has reviewed the Interim Policy on the Use of Artificial Intelligence within the UCS (*see Appendix 3*), and has developed a document entitled *Ethical Considerations and Recommendations for the Use of Artificial Intelligence by Judges and Judicial Staff*. This document presents a statement of ethical principles rooted in the Rules Governing Judicial Conduct, adapted to the use of AI. It incorporates the recommendations of the Interim Policy, and sets forth considerations and recommendations that could serve as the foundation for future judicial guidance. The subcommittee recognizes that the growing use of AI technology, and its ever-increasing adaptability and advances, make it difficult to develop a strict set of rules to govern every use. Moreover, inasmuch as the Rules Governing Judicial Conduct (22 NYCRR Part 100) do not specifically address the use of AI, and the ACJE has not formally opined on any AI-related questions, only limited ethical guidance can be given to judges at the present time. The considerations discussed in the document include the following:

- **Judicial Independence and Integrity:** AI must never replace the personal discretion or reasoning of a judge. Judges must maintain authorship and control over all judicial work products.
- **Competency and Diligence:** Judges and their staff must have a functional understanding of AI and be capable of verifying the accuracy of AI-generated content.
- **Confidentiality and Security:** No confidential, sealed, or privileged information may be input into a public-model AI system. Only UCS-approved AI platforms operating on a private model may be used for sensitive tasks.
- **Maintaining sensitivity to biases in outcomes and the need to diligently avoid biases.**
- **Compliance with all applicable laws, including those regarding copyrights, that might be implicated by the use of AI.**
- **Appropriate Use Cases:** Drafting, citation checking, and administrative communication may benefit from AI assistance, but adjudicative decisions and legal findings must remain solely the responsibility of the judge.
- **Prohibited Uses:** The use of unvetted AI tools, inputting confidential or privileged material into a public-model generative AI program, and installation of unapproved software on UCS equipment are expressly disallowed.

Consistent with our educational programs, the Ethical Considerations document takes the form of general considerations and recommendations, and deliberately stops short of declaring these principles as formal “guidelines,” acknowledging that only UCS leadership, or the ACJE, through its opinions, will promulgate ethical standards. Nevertheless, the ethical parameters set forth in the document are useful in balancing the inevitability and benefits of the use of AI with

the need to uphold the highest ethical standards when using it. The Ethical Considerations document appears in **Appendix 9**.

The content and structure of the subcommittee’s training presentations and the Ethical Considerations document are mutually reinforcing. The topics addressed in the training sessions include:

- The evolving use of generative and predictive AI in legal proceedings.
- Attorney responsibilities under the Rules of Professional Conduct (particularly Rules 1.1, 1.6, 3.3, and 8.4).
- Judicial obligations concerning confidentiality, impartiality, and diligence under Rules 100.1–100.3.
- Judicial responsibility to respond appropriately to attorney misconduct, a topic that is central to all materials. Hypothetical scenarios and real-world examples serve to concretize the dangers of uncritical reliance on AI. They also illustrate how misconduct implicates both attorney ethics and judicial oversight responsibilities.
- The limits of permissible delegation under existing ACJE opinions (e.g., Opinions 18-04(B), 15-127) and the circumstances under which AI-assisted decision-making might be ethically comparable to unauthorized reliance on non-judicial personnel.
- Consideration of possible disclosure requirements when judges use AI.

Going forward, the subcommittee is exploring collaboration with the Committee on Standards of Attorney Conduct (COSAC), with preliminary discussions underway. The subcommittee’s goals for the coming year include:

- Finalizing and proposing more formal judicial ethics guidelines relating to AI technology;
- Advising on implementation strategies for UCS-approved AI tools;
- Continuing cross-disciplinary education for judges and staff; and
- Identifying and evaluating technologies most appropriate for ethical use in court settings.

The subcommittee remains committed to ensuring that the adoption of AI tools in the judiciary enhances — not diminishes — the values of independence, fairness, and public trust. Judges must retain responsibility and discretion in every aspect of adjudication, and must be fully informed of both the capabilities and the limits of AI technologies. Through collaboration with the ACJE and other stakeholders, the subcommittee aims to continue and further its educational programs and to deliver a clear and principled ethical framework to guide judges navigating this rapidly evolving landscape.

V. Conclusion

The Advisory Committee has undertaken a comprehensive examination of the opportunities and challenges presented by the integration of AI technologies into New York’s court system. Through the collaborative efforts of its subcommittees, the Advisory Committee has developed a broad foundation of knowledge, policy proposals, and practical recommendations to guide the implementation of AI technology in the judicial context. With the understanding that AI is not a singular issue, but a multifaceted and evolving field that touches nearly every aspect of court operations, legal practice, and access to justice, the subcommittees have laid the groundwork for continued progress and thoughtful governance.

The Advisory Committee’s work has emphasized the importance of responsible innovation — embracing the efficiencies and improvements AI can offer, while remaining vigilant about the risks of bias, inaccuracy, and ethical compromise and proposing appropriate guardrails. The Advisory Committee recognizes that, like all technology that came before it, AI is merely a set of tools. But these are powerful tools, and it is reckless to use them without having a basic understanding of how they work. Thus, if we are to realize the benefits AI technology offers for the courts, and minimize the risks it poses, it is critically important to promote AI literacy. Users of AI tools, both inside and outside the court system, must be educated sufficiently to have a basic understanding of how those tools work and what they are, and are not, designed to do.

Looking ahead, the Advisory Committee remains committed to ongoing education, stakeholder engagement, and policy refinement. As AI technologies continue to develop, the Advisory Committee will monitor their impact, assess new opportunities and risks, and update its recommendations accordingly.

APPENDIX 1

Members of the Advisory Committee on Artificial Intelligence and the Courts

(Unless otherwise indicated, all members were appointed in April 2024.)

Hon. Angela Iannacci (Co-Chair)

Associate Justice, Appellate Division, Second Department; Co-Chair, Second Department Task Force on Artificial Intelligence; Member, Data Science and Artificial Intelligence Strategic Initiative Jurisdiction Team, National Courts and Sciences Institute

Stuart Levi (Co-Chair)

Partner, Skadden Arps Slate Meagher & Flom LLP; Co-Chair, Subcommittee on Artificial Intelligence, New York City Bar Association Task Force on Digital Technologies

Jason Schultz (Co-Chair)

Professor, New York University School of Law; Director, NYU Technology & Law Clinic

Karl Pflanz (Counsel)

Senior Principal Law Clerk to Chief Administrative Judge Joseph A. Zayas

Brian Balmes

Deputy Chief of Staff to Hon. Adam Silvera, Deputy Chief Administrative Judge for New York City Courts

Hon. Tracy Bannister

Associate Justice, Appellate Division, Fourth Department

Alvin Bragg

District Attorney, New York County

Hon. Fernando Camacho

Acting Justice, Supreme Court, Suffolk County

Hon. Margaret Chan

Associate Justice, Appellate Division, First Department

Hon. Zainab Chaudhry

Judge, Court of Claims; Member, Data Science and Artificial Intelligence Strategic Initiative Jurisdiction Team, National Courts and Sciences Institute

Diana Colón

Special Counsel for Guardianship Matters and Elder Justice, Office of Deputy Chief Administrative Judge for Justices Initiatives

Hon. Kathie Davidson

Dean, New York State Judicial Institute

Hon. Vito DeStefano

Administrative Judge, 10th Judicial District

Hon. Craig Doran

Justice Supreme Court, Ontario County; Chair, UCS Court Modernization Action Committee; Member, Data Science and Artificial Intelligence Strategic Initiative Jurisdiction Team, National Courts and Sciences Institute

Hon. Jordan Dressler (Appointed September 2024)

Judge, New York City Civil Court, Housing Part, Queens County; Former Counsel to Advisory Committee on Artificial Intelligence and the Courts

Hon. Patria Frias-Colón

Justice, Supreme Court, Kings County, Civil Term; Co-Chair, UCS Court Modernization Action Committee

Kristen Gonzalez

Senator, New York State Senate, District 59; Chair, Internet and Technology Committee

Sheng Guo

Director, OCA Division of Court Modernization

Maura Grossman

Research Professor, University of Waterloo; Principal, Maura Grossman Law, Buffalo, NY; Member, ABA Task Force on Law and Artificial Intelligence

Paul Gupta

Co-Chair, New York State Bar Association Technology Committee—Dispute Resolution Section

Hon. Denise Hartman

Judge, Court of Claims; Member, Data Science and Artificial Intelligence Strategic Initiative Jurisdiction Team, National Courts and Sciences Institute

Jason Hill

Senior Technical Manager, OCA Division of Technology and Court Research

Hon. Kenneth Holder

Justice, Supreme Court, Queens County, Criminal Term; Member, Data Science and Artificial Intelligence Strategic Initiative Jurisdiction Team, National Courts and Sciences Institute

Bruce Jackson

Associate General Counsel & Managing Director of Strategic Partnerships, Microsoft Corporation

Letitia James

Attorney General, State of New York

Karen Kane

Director of Court Research, OCA Division of Technology and Court Research

Sherry Levin Wallach

Deputy Executive Director, Legal Aid Society of Westchester County; Former President, New York State Bar Association

Hon. Sallie Manzanet-Daniels

Associate Justice, Appellate Division, First Department; Member, Data Science and Artificial Intelligence Strategic Initiative Jurisdiction Team, National Courts and Sciences Institute

Luca Melchionna (Appointed April 2025)

Founder and Managing Member, Melchionna PLLC; Counselor of Legal Affairs, European Public Law Organization Permanent Delegation to the United Nations

Hon. Stan L. Pritzker

Associate Justice, Appellate Division, Third Department; Member, Data Science and Artificial Intelligence Strategic Initiative Jurisdiction Team, National Courts and Sciences Institute

Scott Reents

Of Counsel, Cravath Swaine & Moore LLP; Co-Chair, UCS Court Modernization Action Committee

Hon. Richard Rivera

Statewide Coordinating Judge for Family Court Matters

David Scher

Partner, Block O'Toole & Murphy; President, New York State Trial Lawyers Association

Lauren Seiter

Supervising Court Attorney to Hon. James Murphy, Deputy Chief Administrative Judge for Courts Outside New York City

Hon. Toko Serita (Resigned April 2025)

Acting Justice, Supreme Court, Queens County

William Silverman

Partner, Proskauer Rose LLP; Co-Chair, UCS Court Modernization Action Committee

Christine Sisario

Director of Technology, OCA Division of Technology and Court Research

Michelle Smith

Chief of Staff to Hon. Edwina Richardson, Deputy Chief Administrative Judge for Justice Initiatives

Hon. Jeffrey Sunshine

Statewide Coordination Judge for Matrimonial Matters

Josh Tucker

Partner, Pillsbury Winthrop Shaw Pittman LLP

Clyde Vanel

Member, New York State Assembly, District 33; Chair, Subcommittee on Internet and New Technology

Jeneen Wunder (Appointed October 2024)

Chief of Staff to First Deputy Chief Administrative Judge Norman St. George

APPENDIX 2

**Advisory Committee on Artificial Intelligence and the Courts
Subcommittees (8/15/2025)**

Subcommittee	First Name	Last Name	Title/Affiliation
Access to the Courts	William	Silverman (*)	Partner, Proskauer Rose LLP; Co-Chair, UCS Court Modernization Action Committee
	Hon. Zainab	Chaudhry	Judge, Court of Claims; Member, Data Science and Artificial Intelligence Strategic Initiative Jurisdiction Team, National Courts and Sciences Institute
	Hon. Craig	Doran	Justice, Supreme Court, Ontario County; Chair, UCS Court Modernization Action Committee; Member, Data Science and Artificial Intelligence Strategic Initiative Jurisdiction Team, National Courts and Sciences Institute
	Hon. Jordan	Dressler	Judge, New York City Civil Court, Housing Part, Queens County; former Counsel to Advisory Committee on AI and the Courts
	Letitia	James	Attorney General, State of New York
	Michelle	Smith	Chief of Staff to Hon. Edwina Richardson, Deputy Chief Administrative Judge for Justice Initiatives
	Abbe	Gluck (**)	Professor, Yale Law School
	Surya	Sayed-Ganguly (**)	Chief Information Officer, The Legal Aid Society
Bias and Equity	Diana	Colon (*)	Special Counsel for Guardianship Matters and Elder Justice, Office of Deputy Chief Administrative Judge for Justice Initiatives
	Kristen	Gonzalez	Senator, New York State Senate, District 59; Chair, Internet and Technology Committee
	Bruce	Jackson	Associate General Counsel and Managing Director of Strategic Partnerships, Microsoft Corporation
	Sherry	Levin Wallach	Deputy Executive Director, Legal Aid Society of Westchester County and Former President, New York State Bar Association
	Hon. Richard	Rivera	Statewide Coordinating Judge for Family Court Matters
Court Administration and Management	Karl	Pflanz (*)	Senior Principal Law Clerk to Chief Administrative Judge Joseph A. Zayas; Counsel to Advisory Committee on Artificial Intelligence and the Courts
	Brian	Balmes	Deputy Chief of Staff to Hon. Adam Silvera, Deputy Chief Administrative Judge for New York City Courts
	Jason	Hill	Senior Technical Manager, OCA Division of Technology and Court Research
	Hon. Kenneth	Holder	Justice, Supreme Court, Queens County, Criminal Term; Member, Data Science and Artificial Intelligence Strategic Initiative Jurisdiction Team, National Courts and Sciences Institute
	Karen	Kane	Director of Court Research, OCA Division of Technology and Court Research
	David	Scher	Partner, Block O'Toole & Murphy; President, New York State Trial Lawyers Association
	Lauren	Seiter	Supervising Court Attorney to Hon. James Murphy, Deputy Chief Administrative Judge for Courts Outside New York City
	Christine	Sisario	Director of Technology, OCA Division of Technology and Court Research
	Jeneen	Wunder	Chief of Staff to First Deputy Chief Administrative Judge Norman St. George
	Lindsey	Anziano (**)	Senior Budget Analyst, OCA Division of Financial Management

Evidence, Authenticity, and Reliability	Hon. Stan L.	Pritzker (*)	Associate Justice, Appellate Division, Third Department; Member, Data Science and Artificial Intelligence Strategic Initiative Jurisdiction Team, National Courts and Sciences Institute
	Hon. Tracy	Bannister	Associate Justice, Appellate Division, Fourth Department
	Hon. Fernando	Camacho	Acting Justice, Supreme Court, Suffolk County
	Hon. Margaret	Chan	Associate Justice, Appellate Division, First Department
	Maura	Grossman	Research Professor, University of Waterloo; Principal, Maura Grossman Law, Buffalo, NY; Member, ABA Task Force on Law and Artificial Intelligence
	Sheng	Guo	Director, OCA Division of Court Modernization
	Hon. Denise	Hartman	Judge, Court of Claims; Member, Data Science and Artificial Intelligence Strategic Initiative Jurisdiction Team, National Courts and Sciences Institute
	Clyde	Vanel	Member, New York State Assembly, District 33; Chair, Subcommittee on Internet and New Technology
	Hon. John	Leventhal (**)	Associate Justice, Appellate Division, Second Department (Ret.); Partner, Aidala Bertuna & Kamins; President Elect, National Courts and Sciences Institute
Generative AI in Lawyering and Dispute Resolution	Paul	Gupta (*)	Co-Chair, New York State Bar Association Technology Committee - Dispute Resolution Section
	Hon. Sallie	Manzanet-Daniels	Associate Justice, Appellate Division, First Department; Member, Data Science and Artificial Intelligence Strategic Initiative Jurisdiction Team, National Courts and Sciences Institute
	Luca	Melchionna	Founder and Managing Member, Melchionna PLLC; Counselor of Legal Affairs, European Public Law Organization Permanent Delegation to the United Nations
	Scott	Reents	Of Counsel, Cravath Swaine & Moore LLP; Co-Chair, UCS Court Modernization Action Committee
	Hon. Jeffrey	Sunshine	Statewide Coordinating Judge for Matrimonial Matters
	Jeffrey	Zaino (**)	Vice President of Commercial Division, American Arbitration Association
Knowledge, Proficiency, and Professional Responsibility	Hon. Vito	DeStefano (*)	Administrative Judge, 10th Judicial District
	Alvin	Bragg	District Attorney, New York County
	Hon. Kathie	Davidson	Dean, New York State Judicial Institute
	Hon. Patria	Frias-Colon	Justice, Supreme Court, Kings County, Civil Term; Co-Chair, UCS Court Modernization Action Committee
	Josh	Tucker	Partner, Pillsbury Winthrop Shaw Pittman LLP
	Rosemary	Garland-Scott (**)	Statewide Special Counsel for Ethics
	Hon. Francis	Ricigliano (**)	Justice, Supreme Court, Nassau County; Member, Advisory Committee on Judicial Ethics

(*) Subcommittee Chair

(**) Member of Subcommittee from outside the Advisory Committee, serving as special adviser

APPENDIX 3

NEW YORK STATE UNIFIED COURT SYSTEM

INTERIM POLICY ON THE USE OF ARTIFICIAL INTELLIGENCE

I. Purpose

This interim policy on the use of artificial intelligence (AI) is designed to promote the responsible and ethical use of AI technology in the New York State Unified Court System (UCS). This document outlines important guardrails to ensure fairness, accountability, and security in the use of AI, particularly generative AI, by our workforce. Mandatory requirements and restrictions governing the use of AI are set forth below, in Section V. This interim policy is intended to evolve with technological advancements, operational necessities, and future iterations of relevant legislation, regulation, and public policy.

II. Scope

This interim policy is applicable to all judges and nonjudicial employees of the UCS. It applies to all functions performed on a UCS-owned device, and to all UCS-related work performed on any device.

III. Understanding AI

A. How Generative AI Works

The term “AI” means “a machine-based system that can, for a given set of human-defined objectives, make predictions, recommendations or decisions influencing real or virtual environments” (15 USC § 9401[3]). The term “generative AI” refers to an AI program or system that is capable of generating human-like text or other content in response to user prompts by learning from material in large reference datasets.

Generative AI tools have the potential to enhance productivity by assisting with tasks such as producing first drafts of documents, editing text, summarizing data, drafting correspondence, and developing software. Such tools may take the form of a chatbot, a computer program which simulates an online human conversation.

Most generative AI programs utilize a large language model (LLM), an algorithm that is trained on an enormous quantity of data, derived from various sources such as the internet, books, and articles, and learns to produce written communications by continually predicting the word that is most likely

to come next. Generative AI programs do not operate like traditional search engines. Although they draw upon information contained in large datasets, they are designed to generate content, not to locate information or provide authoritative answers to factual inquiries.

Rather than conducting traditional research or verifying facts, the AI program produces a document or other output, in the format and style requested in the user's prompts, by predicting patterns based on its source information. As a result, any factual assertions or citations to legal authority included in the output may be inaccurate or unreliable. In fact, generative AI programs occasionally fill in gaps in their source material by simply fabricating facts or citations. In AI terminology, such an insertion of fictitious information is referred to as a hallucination.

B. Potential Uses of AI

Generative AI tools can be used to help draft documents such as policy memos, letters, speeches, or job descriptions. AI can be useful in generating ideas, getting a document started, and suggesting suitable wording. Generative AI can also be utilized in communicating with the public. AI platforms can help users write clearly and in plain, accessible language. A user can upload content, such as text for a proposed webpage or a draft of a policy statement, and direct the AI program to modify the language to make it simpler, more concise, and easier to understand. The AI program can be prompted to write for a specific audience or at a designated reading level. Like all content produced by generative AI, the output should be carefully reviewed, and the user should ensure that the language is inclusive, respectful, and accurate.

Generative AI can also be used to summarize lengthy documents or large datasets in preparation for administrative reports or analytical legal writing. Since one of AI's most impressive features is its ability to scan and process vast amounts of data in just a few minutes, or even seconds, summarizing information may be among its most valuable uses. An AI tool can quickly generate an overview of material such as a large document, a group of documents, or a set of statistical data, providing the user with a basic understanding, or at least the highlights, of the material, where the user's own review of the material would have consumed an enormous amount of time. The AI tool can be prompted to produce the summary in a variety of formats, such as a single paragraph, a brief memo with a specified word count, an outline containing a specified degree of detail, or a bullet-point list. The AI tool could also be prompted to condense the contents of a document for clarity or brevity. However, if such a condensed version is to be submitted to and relied upon by other UCS personnel, or released to the public, the contents of the AI-generated product must be checked against the original material to ensure accuracy. Moreover, the use of an AI tool to summarize legal documents is subject to the guidance and limitations relating to confidentiality, set forth below.

C. Problems Associated with AI

Despite its potential benefits, generative AI can produce inaccurate, wholly fabricated, or biased outputs, and can jeopardize the security of data entered into the program.

1. Inaccurate or Fabricated Information

As noted above, the output produced by generative AI tools will sometimes contain hallucinations. Accordingly, the content generated by an AI program should not be used without careful editing. It is

the responsibility of every user to thoroughly review such content and to independently confirm that it contains no fabricated or fictitious material.

In view of their limitations, generative AI tools should not be relied upon to provide accurate information or to draft communications about sensitive topics. Moreover, general-purpose AI programs (whether operating on a public model or on a private model) are not suitable for legal writing and legal research, as they may produce incorrect or fabricated citations and analysis. Even when using the AI-enhanced features that have been incorporated into established legal research platforms, any content generated by AI should be independently verified for accuracy.

2. Bias and Other Inappropriate Output

The vast datasets on which generative AI systems are trained include material that reflects cultural, economic, and social biases and expressions of prejudice against protected classes of people. As a result, the content generated may promote stereotypes, reinforce prejudices, exhibit unfair biases, or contain otherwise undesirable, offensive, or harmful material. Accordingly, it is the responsibility of every user to thoroughly review any AI-generated content, to ensure that it does not reflect any unfair bias, stereotypes, or prejudice or contain any other inappropriate material, and to make any necessary revisions.

3. Vulnerability of Confidential Information

Many publicly available generative AI platforms (ChatGPT, for example) operate on an open training model, which means, among other things, that the input received from user prompts is collected and used as further training material for their LLMs. Since the LLM can reproduce that material for anyone using an AI program connected to it, that input is potentially accessible by the public at large. Accordingly, once a UCS user inputs information into such a platform as part of a prompt or in an uploaded document, that information is no longer under UCS control, and may become publicly available.

In contrast to AI platforms that operate on these public models, which can be accessed by anyone and may store data for use in future training, some AI platforms operate on a private model. Platforms using private models are hosted or managed by an organization, and their use is typically restricted to members of that organization or individuals who have been granted access. They may be tailored to the organization's specific needs, and they include additional security, compliance, and privacy measures.

Furthermore, users should be careful to avoid uploading copyrighted content into a generative AI program.

IV. Guiding Principles

AI is a type of tool designed to assist the user in performing certain tasks. It must not be treated as a substitute for human judgment, discretion, or decision-making. All UCS users remain accountable for their final work product.

It is critical to ensure that material that reflects harmful bias, stereotypes, or prejudice does not appear in any UCS work product.

The rules governing the security and confidentiality of court records apply fully to the use of AI technology. It should be assumed that all information entered into a public model generative AI platform, such as ChatGPT, will immediately become public. AI technology must be used in a manner that prevents the public disclosure of information of a confidential, private, or sensitive nature.

- Examples of such information include, but are not limited to, docket numbers, party names, addresses, and dates of birth.
- Documents that have been filed or submitted for filing in any court are also considered confidential, even if they are classified as public at the time of filing, since it is possible that the record of the case will be sealed in the future, or that the documents have not been adequately redacted to conceal sensitive information. Although, in these scenarios, the confidential information has already been revealed to the public, entering the information into the public model AI program makes the exposure of the information permanent.
- Intellectual property of the UCS is another type of information that should not be publicly disclosed. An example of such disclosure is internally written source code being entered into a public model AI system by software developers working either within or outside of the UCS.

AI technology must be used in a manner that is consistent with the ethical obligations of judges and nonjudicial employees. The Rules Governing Judicial Conduct (22 NYCRR Part 100), the Rules Governing Conduct of Nonjudicial Court Employees (22 NYCRR Part 50), and the Rules of Professional Conduct remain fully applicable when AI tools are being used.

- For example, judges bear the ultimate responsibility for the content of their opinions, orders, and other written materials, and may not delegate their judicial decision-making responsibilities to any other person or entity. See 22 NYCRR 100.2(A) (a judge must “act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary”); 22 NYCRR 100.3(B)(7) (a judge must “dispose of all judicial matters promptly, efficiently and fairly”). Thus, while AI tools can be used to assist with a judge’s work, judges and court staff must ensure that such tools are never actually engaged in the decision-making tasks a judge is ethically obligated to perform.
- Nonjudicial employees must avoid using AI in any way that violates their own ethical responsibilities, such as the duty not to manifest bias or prejudice on the basis of any protected status, and the duty not to disclose any confidential information received in the course of their official duties. See 22 NYCRR 50.1(II)(C), (D).
- Any questions about potential ethical concerns arising from particular uses of AI technology by judicial officers should be directed to the Advisory Committee on Judicial Ethics.

V. Requirements and Restrictions

1. UCS users may use only those generative AI products that have been approved by the UCS Division of Technology and Court Research (DoTCR), which are identified in the attached Appendix.
2. All judges and nonjudicial UCS employees with computer access shall be required to complete an initial training course, as well as continuing training, in the use of AI technology. No generative AI product may be used on any UCS-owned device or for any UCS-related work until the user has completed the initial training course.
3. No user may input into any generative AI program that does not operate on a private model — by writing a prompt, uploading a document or file, or otherwise — any information that is confidential, private, or privileged, or includes personally identifiable information or protected health information, or is otherwise inappropriate for public release. A private model is a model that is under UCS control and does not share data with any public LLM.
4. No user may upload into any generative AI program that does not operate on a private model any document that has been filed or submitted for filing in any court, even if the document is classified as public.
5. Any user who uses a generative AI program to produce a document or any other content must thoroughly review the content produced by the program and make necessary revisions to ensure that it is accurate and appropriate, and does not reflect any unfair bias, stereotypes, or prejudice.
6. No user may install on a UCS-owned device any software that is required for the use of a generative AI program, or use a UCS-owned device to access any such program that requires payment, a subscription, or agreement to terms of use, unless access to that program has been provided to the user by the UCS.
7. AI tools may not be used on a UCS-owned device for personal purposes unrelated to UCS work.
8. The approval of a generative AI product by the DoTCR signifies that the product is safe to use from a technological standpoint, but does not necessarily mean that, for a particular task, the use of that product is suitable or appropriate. Such approval by the DoTCR does not preclude any judge or UCS supervisor from prohibiting the use of such a product for a particular task by a person under their supervision.

APPENDIX

Approved Generative Artificial Intelligence Products for New York State Unified Court System Users

Effective October 2025

Please Note: It is important that you check the following list of approved generative artificial intelligence (AI) products on a regular basis. New AI tools are released daily, and AI components are regularly added to existing products. Moreover, some AI tools that currently appear on this list may become unavailable at a later date. Therefore, the contents of this list will change and grow over time.

Approved Private Enterprise Generative AI Tools

Procured and Managed by the Unified Court System

PRODUCT	DESCRIPTION	HOSTING*	AVAILABILITY
Microsoft Azure AI Services	Azure AI services are a suite of cloud-based AI services and tools offered by Microsoft Azure. These services allow developers and data scientists to build, deploy, and manage AI solutions within the Azure cloud platform. They provide pre-built APIs and models for various AI capabilities, including speech, vision, language, and decision-making.	New York State Unified Court System Azure Government Tenant	Currently available Costs are based upon utilization and subject to DoTCR approval
Microsoft 365 CoPilot Chat	Microsoft 365 Copilot Chat is a fully private, AI-powered chat feature within Microsoft 365 designed to boost user productivity. This free, secure generative AI chat is powered by GPT-4o.	New York State Unified Court System O365 Tenant	Currently available
Microsoft 365 CoPilot	Includes a chat interface that is grounded on users' meetings, emails, chats, and documents hosted in the Azure cloud environment. It integrates into Microsoft 365 applications including Outlook, Teams, Word, Excel, PowerPoint, OneDrive, and more.	New York State Unified Court System O365 Tenant	Currently unavailable Requires paid license per account

GitHub CoPilot for Business or Enterprise	Assists developers with real-time code suggestions, auto-completion, and code explanation within development environments. Trained on a wide range of code, it helps developers write code more efficiently, saving time and reducing errors.	New York State Unified Court System O365 Tenant	Currently available to developers and data scientists Requires paid license per account, subject to DoTCR approval
Trados Studio	Trados Studio is a computer-assisted translation software tool which provides a comprehensive platform for translation tasks, including editing, reviewing, and project management.	AWS Cloud	OCA Office of Language Access

**The tools listed above are only to be used within the indicated hosting environments*

Approved Public Generative AI Tools

PRODUCT	DESCRIPTION	HOSTING	AVAILABILITY
OpenAI ChatGPT Free Version**	ChatGPT is a conversational AI chatbot developed by OpenAI. It uses large language models, like GPT-4o, to generate human-like text in response to user prompts. Essentially, it is a program that can hold conversations, answer questions, and perform various tasks like drafting text, summarizing information, and more.	Publicly available	Currently available

***Paid subscriptions are prohibited*

APPENDIX 4

RULES OF THE CHIEF ADMINISTRATOR OF THE COURTS

PART 161. USE OF GENERATIVE ARTIFICIAL INTELLIGENCE TECHNOLOGY

§ 161.1 Application

The policy set forth in this Part shall apply to all courts of the Unified Court System.

§ 161.2 Definitions

For purposes of this Part:

(a) The term “artificial intelligence” or “AI” shall mean a machine-based system that can, for a given set of human-defined objectives, make predictions, recommendations or decisions influencing real or virtual environments, or generate content.

(b) The term “generative AI” shall mean an AI program or system that is capable of generating text or other content in response to user prompts by being trained on material in large reference datasets.

(c) The term “paper” shall mean a brief, memorandum, affidavit, affirmation, pleading, or other document prepared by an attorney or party for submission to a court. This definition does not include materials constituting or proffered as evidence in the case, as such materials, and the use of AI technology in relation thereto, are subject to separate considerations and requirements.

§ 161.3 Policy

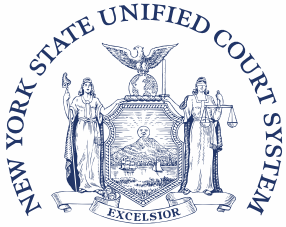
It is the policy of the Unified Court System that the use by attorneys and parties of generative AI tools in preparing papers submitted to a court should not be prohibited, as long as such use is in accordance with the duties and responsibilities that apply to individuals who submit papers to a court. Since those duties and responsibilities already apply to all submissions, regardless of whether generative AI tools were used, attorneys and parties should not be required, upon submitting papers, to disclose to the court that they have used generative AI in the preparation of such papers.

§ 161.4 Model Rule

A court may, in its discretion, implement a part rule governing the use by attorneys and parties of generative AI tools in preparing papers submitted to the court. If a court determines that such a rule is appropriate, the court is encouraged to adopt the model rule set forth in Appendix A of this Part.

APPENDIX A. MODEL RULE REGARDING USE OF GENERATIVE ARTIFICIAL INTELLIGENCE TECHNOLOGY IN PREPARING COURT PAPERS

Every attorney or party who uses a generative artificial intelligence (AI) tool in preparing any paper submitted to this court is expected to understand that tool's capabilities and limitations. Attorneys and parties need to be aware that generative AI tools, among other risks and limitations, can generate fabricated information or fictitious citations to authority (commonly known as hallucinations). Under existing rules, by signing a paper and submitting it to this court, an attorney or party certifies that the paper does not contain any false material factual statement or any frivolous legal argument (see 22 NYCRR 130-1.1, 130-1.1a), and an attorney who submits any paper to this court is additionally bound by the Rules of Professional Conduct. Accordingly, any attorney or party who uses a generative AI tool, as defined in 22 NYCRR 161.2(b), in preparing any paper, as defined in 22 NYCRR 161.2(c), filed in or submitted to this court or served on another party in a case before this court is required to carefully review the paper and independently ensure that it contains no fabricated or fictitious cases, statutes, or other material. By signing such paper, an attorney or party certifies that such a review has been conducted and that the paper contains no such fabricated or fictitious content. If this court determines that this requirement has not been satisfied, such attorney or party may be subject to sanction or other remedial action.



Advisory Committee on Artificial Intelligence and the Courts

Co-Chairs: Hon. Angela Iannacci • Stuart Levi • Jason Schultz

MEMORANDUM

To: Administrative Board of the Courts

From: Hon. Angela Iannacci, Co-Chair
Stuart Levi, Co-Chair
Jason Schultz, Co-Chair

Date: October 24, 2025

Re: Proposed Policy and Model Rule Regarding Use of Generative Artificial Intelligence Tools in Preparing Papers Submitted to a Court

On behalf of the Advisory Committee on Artificial Intelligence and the Courts (AI Advisory Committee), we submit this memorandum in support of our proposal to add a new Part 161 to the Rules of the Chief Administrator of the Courts (RCAC), setting forth a statewide policy on the use of generative artificial intelligence (AI) tools by attorneys and parties in preparing papers to be submitted to a court, as well as an Appendix A of the new Part, containing a model rule on that subject that may be adopted by individual judges.

It has become increasingly common for attorneys and unrepresented parties to use generative AI tools in preparing briefs, memoranda, and other papers submitted to a court. While such tools can improve efficiency and save vast amounts of time, and can be of great value, generative AI programs are not designed to locate information or provide authoritative answers to factual inquiries, but only to generate content by predicting patterns based on their source information. As a result, factual assertions or citations to legal authority included in their output may be inaccurate or unreliable. Generative AI programs occasionally fill in gaps in their source material by fabricating facts or citations, resulting in the insertion of fictitious information, commonly referred to as a hallucination. Various courts have received AI-generated submissions containing hallucinations that were not remedied by the attorney or party who authored the document.

The AI Advisory Committee understands that judges are seeking guidance on the subject of artificial intelligence, including how to handle submissions that may contain AI-generated fabrications or errors. We begin with the proposition that it has never been permissible for an attorney or party to submit to a court a paper containing false or fictitious material, and such conduct is governed by longstanding rules and requirements. Specifically, RCAC § 130-1.1 authorizes the imposition of sanctions against an attorney or party who, among other things, asserts material factual statements that are false or frivolous legal arguments. Under RCAC § 130-1.1a, by signing a paper submitted to a court, an attorney or party certifies that the paper does not contain any such statements or arguments. Furthermore, attorneys who submit papers to a court are bound by the Rules of Professional Conduct, including Rule 3.3(a)(1), which prohibits an attorney from either making a false statement of fact or law to a tribunal or failing to correct a false statement previously made to the tribunal.

These existing duties and responsibilities — effectively requiring attorneys and parties to review a paper before submitting it to a court, to ensure the accuracy and reliability of all statements made therein — are manifestly applicable in the context of papers prepared with the assistance of generative AI. *See Ader v. Ader*, 87 Misc. 3d 1213(A) (Supreme Court, New York County, 2025) (imposing sanctions under RCAC § 130-1.1 based on attorney’s failure to correct fictional, AI-generated citations and quotations, both in his brief opposing summary judgment and in his brief opposing plaintiff’s motion for sanctions); *Will of Samuel*, 82 Misc. 3d 616 (Surrogate’s Court, Kings County, 2024) (attorney’s submission of AI-generated motion papers containing fictional citations and his failure to correct the false information was sanctionable under RCAC § 130-1.1); *cf., e.g., Kaur v. Desso*, 2025 WL 1895859 (NDNY, July 9, 2025) (attorney’s submission of AI-generated supplemental brief containing fabricated quotations and his failure to correct those errors was sanctionable under Rule 11 of the Federal Rules of Civil Procedure).

Thus, in the AI Advisory Committee’s view, it is not necessary to create a novel rule imposing a new duty or requirement on attorneys or litigants relating to the use of generative AI in preparing court papers. Attorneys and parties need only be aware of their existing responsibility to review the document being submitted and correct any false and fictitious material appearing therein. As a Justice of the Supreme Court observed in a recent decision: “Use of AI is not the problem per se. The problem arises when attorneys abdicate their responsibility to ensure their factual and legal representations to the Court — even if originally sourced from AI — are *accurate*.” *Ader v. Ader*, 87 Misc. 3d 1213(A) (emphasis in original); *see also Will of Samuel*, 82 Misc. 3d at 620 (“Although the court is dubious about using AI to prepare legal documents, it is not necessarily the use of AI in and of itself that causes such offense and concern, but rather the attorney's failure to review the sources produced by AI without proper examination and scrutiny”).

The AI Advisory Committee appreciates that individual judges may find it useful to adopt a rule that applies the well-established requirements of RCAC Part 130 and the Rules of Professional Conduct in the context of documents created with the assistance of AI technology and reminds attorneys and litigants of their obligations in this specific area. Such a rule would serve to alert attorneys and unrepresented parties to the risks associated with the use of generative AI, and to ensure that they are on notice as to the possible consequences of misusing it. Accordingly, we are proposing the accompanying model rule.

Our objective in proposing this model rule is to establish a uniform standard, consistent throughout the Unified Court System, that would not prohibit the use of generative AI technology, but would firmly establish that any use of such technology by an attorney or litigant must be undertaken in a responsible, conscientious manner. Our proposed model rule is appended to a proposed new provision in the RCAC, setting forth a statement of statewide policy on the use of generative AI tools in preparing papers submitted to a court. The purpose of this policy statement is to promote uniformity and consistency and avoid a hodgepodge of conflicting part rules, while at the same time respecting judicial independence. The statement is not intended to impose any detailed rules or restrictions regarding the permissible use of generative AI by attorneys and parties, but only to assist judges by articulating broad precepts placing some outer limits on the regulation of generative AI use.

The policy statement reflects our committee's view that it would not be advisable for any court to impose an outright ban on the use of any AI technology, or generative AI in particular. As a practical matter, such a ban would be difficult to apply and comply with, since software vendors are increasingly building AI technology into common, everyday applications, such that a person who prepares a document for submission to a court may be using AI technology while being excusably unaware that they are doing so. Furthermore, our committee has found that AI technology, and generative AI in particular, has many uses in the legal arena that are not only legitimate, but highly beneficial. As such, assuming that AI technology is used in responsible manner and all risks associated with its use are duly mitigated, a complete prohibition on the use of AI, or generative AI, would serve no valid purpose, and would, in fact, be counterproductive.

In addition, the policy statement adopts the position that attorneys and parties should not be required, at the time they submit papers, to disclose to the court that they have used generative AI in preparing the papers. After careful consideration, the AI Advisory Committee has concluded that no useful purpose is served by requiring such disclosure. Every attorney or party is already required to ensure that every paper they sign is reviewed for accuracy, and that any false or fictitious content is corrected. If the attorney or party has failed to fulfill that responsibility, and has submitted a paper containing false or fictitious matter, they will be subject to sanctions or discipline, regardless of whether AI technology was used in the preparation of the paper. On the other hand, if the attorney or party has acted in accordance with their responsibilities, the fact that AI technology was used in drafting the paper is irrelevant. If the rationale for requiring disclosure is that the court will take a skeptical view of a paper drafted with the assistance of generative AI, such skepticism is simply not warranted if the attorney or party has complied with their obligation to review the paper carefully and eliminate any inaccuracies.

In our committee's view, the best way to combat AI-generated hallucinations in court filings is not through the imposition of a ban on AI use or a disclosure requirement, but rather through a certification, implicit in the act of signing the paper, that the paper does not contain any false or fictitious material, which is already provided for in RCAC § 130-1.1a. We believe that this approach, combined with the development of educational guidelines for attorneys, and separate guidelines for unrepresented parties, that promote AI literacy and clearly describe the risks of using generative AI and the obligations of individuals who file papers in the courts, would be the most effective means of preventing the submission of documents containing AI-generated fabrications.

We note that the proposed policy against requiring disclosure would apply only “upon submitting papers,” and thus would not prevent a court from asking an attorney or party at a later point to disclose whether they used generative AI, as part of an inquiry regarding a possible AI-generated hallucination discovered by the court. Additionally, through the definition of the term “paper” in proposed RCAC § 161.2(c), evidentiary materials have been excluded from the scope of the policy statement and model rule. The use of AI technology to create, alter, or enhance evidentiary material presents a set of issues different from those arising from the use of generative AI in drafting briefs, memoranda, and similar papers. For example, the authenticity of evidence may depend on whether AI technology was used in creating it, or the use of AI might otherwise affect its admissibility, and it may be appropriate to require attorneys or parties to disclose their use of AI in creating or altering evidence, or even to prohibit the use of AI for certain purposes (such as creating falsified evidence).

For the foregoing reasons, the Advisory Committee on Artificial Intelligence and the Courts recommends the adoption of the accompanying proposal for a new Part 161 of the Rules of the Chief Administrator of the Courts, setting forth a statewide policy on the use of generative AI tools by attorneys and parties in preparing papers to be submitted to a court, as well as an appendix containing a model rule on that subject.

APPENDIX 5

Re: Use of AI in Court Systems – An Overview
To: Advisory Committee on Artificial Intelligence and the Courts (“Committee”)
Date: June 26, 2025

Memo

I. Introduction

The Subcommittee on Access to the Courts (the “subcommittee”) conducted, in late 2024 and early 2025, an assessment of artificial intelligence (“AI”) initiatives employed by court systems nationwide and abroad. This review revealed several key findings. First, across various court systems in select regions across the United States – Northeast, South, West, and Central – court systems have been researching AI and beginning to draft and implement AI use policies, often in consultation with regional bar associations. Second, some court systems have begun using select AI tools on a limited basis. For example, in Florida, the Eleventh Judicial Circuit (located in Miami-Dade County) launched an AI-powered chatbot called SANDI, which greets website users and assists them with navigating the court website.¹ Additionally, our initial assessment revealed that while many international jurisdictions have begun considering AI implementation in their respective court systems – including forming committees tasked with examining the issue – there is limited use of AI products by international court systems to date.²

This memo builds upon our previous macro-assessment and evaluates several AI products that have been implemented by court systems across the country. Additionally, this memo provides insights from conversations between the Subcommittee and the developers of these AI tools, as well as other stakeholders such as the National Center for State Courts (NCSC). Such recent discussions and subsequent research reveal important lessons for moving forward with AI products in the context of judicial systems. Finally, we propose implementing an AI pilot project in the Nassau County Family Court to assist the Court’s substantial number of pro se litigants.

Our product evaluations and related discussions are found in Part IV of this memo. In an effort to provide a helpful reference point, Parts II and III of this memorandum contain our high-level findings from our initial assessment.

¹ See Section II(D).

² See Section III.

II. Regional Initiatives

A. United States – Northeast

Based upon our review, Court Systems in the Northeast have yet to deploy AI in any external-facing use cases. However, and similar to this Committee, a number of state court systems are exploring and evaluating the use of AI through various committees.

In Connecticut, the Judicial Branch adopted a policy establishing a framework for the responsible use of AI.³ The purpose of the policy is to establish procedures concerning the development, implementation, and assessment of AI systems within the Judicial Branch. The policy was the product of Public Act 23-16, which required the Judicial System to adopt such policies and procedures.⁴ In addition, the Judicial Branch’s Committee on Artificial Intelligence met, for the first time, on September 24, 2024.⁵

In New Jersey, the state court system has adopted, on its website, a landing page that contains various policies and guidance concerning AI.⁶ The content and guidance contained on the page is geared towards practicing lawyers.

In Washington D.C., the District’s court system launched a task force earlier this year that is tasked with evaluating AI. The task force is charged, in part, with evaluating AI for: (i) improving the court system’s operational efficiency, (ii) making court processes more accessible to the public, and (iii) assisting judicial officers in the development of orders, opinions, and court pleadings.⁷ The foregoing is notable because the task force will focus and provide recommendations on practical uses for AI, both for internal use by the court system and for the general public.

B. United States – West

Nevada courts are beginning to use AI for case management and document processing, speeding up administrative workflows.⁸ In this case, AI helps organize case files, set court dates,

³ State of Connecticut, Judicial Branch, *JBAPPM Policy 1013: Artificial Intelligence Responsible Use Framework* (Feb. 1, 2024), available at: <https://www.jud.ct.gov/faq/CTJBRResponsibleAIPolicyFramework2.1.24.pdf>.

⁴ *Id.* at 4.

⁵ State of Connecticut, Judicial Branch, *Committee on Artificial Intelligence in the Connecticut Legal System*, available at: https://jud.ct.gov/committees/artificial_intelligence_CLS/default.htm.

⁶ New Jersey Courts, *Artificial Intelligence – Use in the Courts*, available at: <https://www.njcourts.gov/attorneys/artificial-intelligence-use-courts>.

⁷ District of Columbia Courts Administrative Order, *Artificial Intelligence Task Force* (March 5, 2024) at 2, available at: https://www.dccourts.gov/sites/default/files/Artificial_Intelligence_Task_Force_Administrative_Order_Final.pdf.

⁸ Clark County Bar Association, *Embracing AI: Shaping the Future of Law Practice in Nevada* (September 28, 2023), available at: [Embracing AI: Shaping the Future of Law Practice in Nevada – Clark County Bar Association](https://www.clarkcountybar.org/Embracing-AI-Shaping-the-Future-of-Law-Practice-in-Nevada)

and manage evidence more efficiently. No other Western states have implemented AI in courts, however Oregon, Washington, Arizona, and California have created task forces on the use of AI in court systems.

C. United States – Central

In August 2024, the Minnesota State Bar Association formed a new committee tasked with creating a generative AI regulatory sandbox program to improve access to justice in the state. If implemented, the sandbox would use generative AI, specifically large language model-based algorithms, to help self-represented litigants.⁹

In Nebraska, the Judicial Branch worked with ScaleCapacity to leverage Amazon Bedrock and Amazon OpenSearch Service to build semantic search capabilities and allow users to search content across documents. With a generative AI-based semantic search, users can ask case-related questions and receive answers within seconds. This removes the need to review all case documents.¹⁰

D. United States – South

In Florida, the Eleventh Judicial Circuit (located in Miami-Dade County) launched an AI-powered chatbot called SANDI.¹¹ SANDI greets all users to the court system’s website and is available to use in English and Spanish. According to the court system, SANDI answers frequently asked questions about the self-help program, points users to the information and forms, and can connect website visitors real-time to a live chat with a staff member when needed (more information on SANDI below.) In addition, the Florida Bar’s Special Committee on AI Tools & Resources has developed ethical guidelines to ensure informed consent and client confidentiality when attorneys use AI, particularly for drafting pleadings and evaluating evidence.¹²

Texas courts use AI for pretrial risk assessments, a practice that is now common across the country.¹³ In addition, testifying before the U.S. Senate’s Judiciary Committee, Texas Supreme

⁹ See Legal Tech News, Minnesota State Bar Takes Big Step Toward Launching Gen AI Regulatory Sandbox (Aug 19, 2024), available at: <https://www.law.com/legaltechnews/2024/08/19/minnesota-state-bar-takes-big-step-towards-launching-gen-ai-regulatory-sandbox/>.

¹⁰ Amazon Web Services, Public Sector Blog, *Nebraska Judicial Branch modernizes its Electronic Exhibits System using AWS* (Nov. 27, 2023), available at: <https://aws.amazon.com/blogs/publicsector/nebraska-judicial-branch-modernizes-its-electronic-exhibits-system-using-aws/>.

¹¹ Florida Courts, Court News, *SANDI: Improving Court Access and Service in Miami with an Advanced Artificial Intelligence Chatbot* (June 28, 2023), available at: <https://news.flcourts.gov/All-Court-News/SANDI-Improving-Court-Access-and-Service-in-Miami-with-an-Advanced-Artificial-Intelligence-Chatbot>.

¹² Florida Bar, Ethics Opinion 24-1 (Jan. 19, 2024), available at: <https://www.floridabar.org/etopinions/opinion-24-1/>.

¹³ For a summary of what risk assessment tools are utilized at different decision points (i.e., pretrial, prison, release, parole, probation), see U.S. Department of Justice, Office for Justice Programs, *Risk Assessment Landscape: Public Safety Risk Assessment Clearinghouse*, available at: <https://bja.ojp.gov/program/psrac/selection/risk-assessment-landscape>. For an analysis of how judges utilize these systems, and why certain judges deviate from the risk assessments, see RAND Corporation, *What Happens When Judges Follow the Recommendations of Pretrial Detention Risk Assessment*

Court Chief Justice Nathan Hecht described AI as having the potential to improve processes and workflows with respect to legal aid.¹⁴ At this time, however, and similar to other states identified herein, Texas courts do not appear to leverage AI in any public-facing use cases.

In Georgia, the Supreme Court launched the Ad Hoc Committee on AI and the Courts, which held its first meeting on October 23, 2024.¹⁵ The Committee’s purpose is to assess the risks and benefits associated with the use of Generative AI in the courts. The Committee will also make recommendations on maintaining public trust and confidence in the judicial system in the context of AI.

III. International Initiatives

A. United Kingdom

The United Kingdom has issued AI guidelines for judicial office holders, which describe the key risks and issues associated with AI and suggestions for minimizing them.¹⁶ The UK also provided guidance on problematic work product created with the help of AI. Lastly, the guidelines provide that AI may be used to summarize large bodies of text, create presentations, and perform administrative tasks. However, the guidelines do not recommend AI for conducting legal research or legal analysis.

B. Australia

In its guidelines for litigants, the Supreme Court of Victoria notes that the use of AI cannot indirectly or directly mislead another participant in the litigation process (including the Court) as to the nature of any work product.¹⁷ Furthermore, the Supreme Court of Victoria further notes that if parties choose to employ AI, this should be disclosed to the Court. The use of AI programs to assist in litigation is subject to the obligations of legal practitioners, including obligations imposed by Australia’s Civil Procedure Act 2010. For instance, practitioners and litigants must represent that all documents and submissions – including those prepared by generative AI – have a proper basis. Pro se litigants (and witnesses) who use generative AI to prepare documents are encouraged to identify this by including a statement as to the AI tool used in the document filed. Parties

Instruments More Often? (Sep. 5, 2024), available at:
https://www.rand.org/pubs/research_reports/RRA3299-1.html.

¹⁴ See U.S. Senate, Committee on the Judiciary, *Closing the Justice Gap: How to Make the Civil Justice System Accessible to All Americans*, Testimony of Hon. Nathan Hecht (July 9, 2024), available at: <https://www.judiciary.senate.gov/committee-activity/hearings/closing-the-justice-gap-how-to-make-the-civil-justice-system-accessible-to-all-americans>.

¹⁵ Georgia Supreme Court, *Chief Justice Establishes Committee to Examine Impacts of Artificial Intelligence on the Judiciary* (Oct. 22, 2024), available at: <https://www.gasupreme.us/10-22-2024-chief-justice-establishes-committee-to-examine-impacts-of-artificial-intelligence-on-the-judiciary/>.

¹⁶ Courts and Tribunals Judiciary, *Artificial Intelligence – Guidance for Judicial Office Holders* (Dec. 12, 2023), available at: <https://www.judiciary.uk/wp-content/uploads/2023/12/AI-Judicial-Guidance.pdf>.

¹⁷ Supreme Court of Victoria, *Guidelines for Litigants: Responsible Use of Artificial Intelligence in Litigation* (May, 2024), available at: <https://www.supremecourt.vic.gov.au/sites/default/files/2024-05/AI%20Guidelines%20SCV.pdf>.

certifying a document or relying on its contents in a proceeding still remain responsible for the accuracy of the content. In their guidelines entitled, “Use of Generative Artificial Intelligence by Non-Lawyers,” Queensland Courts have added that generative AI is not a valid source of legal advice.¹⁸ However, chatbots can help pro se litigants identify and explain laws and legal principles that may be helpful to their situation or help prepare basic legal documents.

The New South Wales Bar Association provided guidance for barristers with respect to their legal profession duties.¹⁹ These guidelines note that generative AI answers/outputs must be verified before a solicitor may rely on them for their work product. During the verification process, the guidance notes that solicitors should avoid using AI to verify sources produced by AI. Barristers also need to ensure they do not input confidential information into generative AI software, as such software often discloses information inputted elsewhere (i.e., to those falling outside of privilege). This has the potential to result in a breach of confidentiality. Barristers using AI also need to ensure that they are not violating Rule 8 of the Australian Barristers Rules (i.e., not engaging in conduct which is “dishonest or otherwise discreditable to a barrister; prejudicial to the administration of justice; or likely to diminish public confidence in the legal profession”). Barristers must also confirm responses provided by generative AI are not discriminatory or biased (per Rule 123 of the Australian Barristers Rules).

C. European Union (“EU”)

The EU is developing regulations to ensure AI systems in court and/or legal contexts are fair and accountable. The European Commission’s guidelines on AI in justice highlight the importance of ethical standards for AI use in court systems. Currently, AI-assisted translation services in European courts enhance accessibility for multilingual populations. Furthermore, AI-driven translation tools help bridge language gaps in legal documents.

IV. AI Products and Related Discussions

A. iMMPATH AI

iMMPATH AI is an AI powered multilingual immigration assistant for asylum seekers and new arrivals. The product, is developed by Justicia Lab, an organization that empowers immigrants by providing them with up-to-date information on immigration procedures and guidance on how to submit their asylum applications.²⁰

When an individual opens iMMPATH AI, they are prompted to answer a series of questions or take a picture of a government form (for example, a notice to appear). Using this information,

¹⁸ Queensland Courts, *The Use of Generative AI – Guidelines for Responsible Use by Non-Lawyers* (May, 2024), available at: https://www.courts.qld.gov.au/__data/assets/pdf_file/0012/798375/artificial-intelligence-guidelines-for-non-lawyers.pdf.

¹⁹ New South Wales Bar Association, *Issues Arising from the Use of AI Language Models in Legal Practice* (July 12, 2023), available at: <https://inbrief.nswbar.asn.au/posts/9e292ee2fc90581f795ff1df0105692d/attachment/NSW%20Bar%20Association%20GPT%20AI%20Language%20Models%20Guidelines.pdf>.

²⁰ Justicia Lab AI, <https://www.justicialab.org/ai>.

iMMPATH AI provides a customized checklist with next steps in the migrant's native language. iMMPATH AI may also send push notifications to remind the user of key deadlines and any next steps. The AI assistant provides this information in manageable portions using best practices in behavioral science, while also considering the emotional wellbeing of the user.

To date, iMMPATH AI's Alpha has assisted over 150,000 immigrants. Justicia Lab is in the process of raising \$500,000 to fuel its generative AI work. They have partnered with Google and are now leveraging recent advances in AI to expand its user base. Justicia Lab has piloted this tool in New York and Texas with the goal of expanding it nationwide.

The Subcommittee held a demonstration with Rodrigo Camarena, the interim Director of Pro Bono Net and Director of Justicia Lab, and his staff. They presented a walk-through of iMMPATH AI. In the demonstration, Camarena took a photograph of a notice to appear on his cell phone, and iMMPATH AI provided an explanation of the notice and educated the user on what it meant, why they received it, the consequences of not attending the appearance, and the next steps required.

Camarena also noted that iMMPATH AI is capable of receiving handwritten responses. Camarena further explained that when iMMPATH AI is given a prompt, the user's information is only cached temporarily to populate the fields, and then the data is scrubbed shortly thereafter. Justicia Lab uses a commercially available Google large language model that uses data to retrain the model, and they have cloud-based servers that encrypt data on both ends. While the current prototype is focused on notices to appear, Justicia Lab plans to expand the tool to evaluate additional legal forms in the future.

B. SANDI

The Subcommittee held an informational call with Robert Adelardi (Chief Information Officer) and Michele Zukovich (Project Manager) of the Eleventh Judicial Circuit of Florida. Adelardi and Zukovich shared insights on the SANDI project, which they explained was developed with the aim of improving access to justice, particularly for self-represented litigants. The goal was to make court interactions more accessible and user-friendly, especially for non-English speakers in a diverse jurisdiction that includes English, Spanish, Haitian, and Creole speakers.

To initiate the project, the team adopted a proven model from a similar initiative, securing funding through a grant and collaborating with an established vendor, Advanced Robot Solutions ("ARS"). By following an existing framework, they were able to streamline the launch and bypass a complex procurement process. The initial implementation focused on the family court self-help office, but user data revealed high interest in probate and other areas, prompting an expansion of the knowledge base.

Adelardi and Zukovich noted that the project, and sourcing an accurate and up to date knowledgebase, required significant upfront effort, particularly in translating content into both English and Spanish. As a general matter, the Court's website was not recently updated, and as such, significant effort was expended in updating content and ensuring its accuracy. In the view of Adelardi and Zukovich, they emphasized the project was more operations-focused rather than an IT initiative, given the need to ensure the accuracy of the knowledgebase. A phased rollout was recommended, starting with one area and using analytics to guide expansion. They also stressed

the importance of updating the website before implementing AI and recommended manual translation for high-traffic pages due to the limitations of automated translation.

One key challenge they highlighted is the separation between the clerk’s office and the courts, which can cause confusion for users. Common queries include judge assignments, Zoom links, and procedures for name changes or divorces. Adelardi and Zukovich also advised the use of legal disclaimers to clarify that only general information—not legal advice—is being provided.

A new version of SANDI (Version 2) is currently being tested, featuring an upgraded AI engine and dashboard. Adelardi and Zukovich expressed their willingness to provide a formal demonstration of SANDI and to help advise the Committee as needed.

C. Rentervention

The Subcommittee held a call with the Law Center for Better Housing (“LCBH”), which assists Illinois tenants facing housing issues. LCBH provides information and resources about housing rights to help tenants better understand their rights and, if necessary, steps that tenants can take to assert their rights.

Rentervention²¹ is a free online chat bot that provides tenants with customizable letter templates or samples that can be used to communicate with landlords. It also offers easy-to-understand explanations about tenant rights, helping renters understand what protections they may have under applicable law, based on the user’s zip code, especially when tenants are facing housing issues such as eviction, landlord disputes, or unsafe living conditions. It provides a step-by-step guide for renters facing legal issues with their landlords. For example, the tool helps users understand the type(s) of notices they may have received and the eviction process, and the tool provides guidance as to how to communicate effectively.

If a situation is too complex for Rentervention to fully resolve, or if users ask, Rentervention will provide resources or referrals to legal professionals or organizations who can assist renters in more complicated matters.

D. Discussion with National Center for State Courts (“NCSC”)

The Subcommittee held a series of calls with personnel from NCSC. We spoke with Grace Spulak (Principal Court Management Consultant) and other specialists including Aubrie Souza, Andy Wirkus and Zach Zarnow. We discussed major themes in AI as it relates to the justice system and state courts.

First, we discussed complications related to implementing chatbots, and how those chatbots are trained. Generally, chatbots can be thought of as operating using “open” or “closed” knowledgebases. Open systems (e.g., Open AI’s ChatGPT) are trained based off of total access to the internet and pull information from nearly infinite sources. This poses an issue for court systems because manually verifying all of this information is not practically possible. Closed systems utilize specified pools of information, and require the development of a knowledgebase from

²¹ Rentervention can be accessed at <https://rentervention.com/>.

which the chatbot accesses information. Closed systems lend themselves to courts more favorably than open systems because the pool of information can be controlled and validated. This explains why, thus far, use cases have been largely restricted to particular areas of the law (in NCSC’s experience, this has included housing and traffic cases). For example, NCSC has seen success in Philadelphia’s municipal court where they are using chat bots for housing-related cases with a focus on providing information about the court process. In Salt Lake City, a court is utilizing a chat bot within its Traffic Resolution Information Platform to provide information on how to deal with traffic citations and diversion programs.

Second, we discussed the balancing act between providing information and giving advice. Court systems face a dilemma of maintaining a balance between providing enough information as to be helpful to users, while avoiding providing information that can be construed to be legal advice. There is a challenge in ensuring end users recognize that they are merely procuring information, as opposed to advice that would be the product of legal representation. Thus, the tone of the AI responses is critical – it is imperative that information received by the user is neutral and focuses on facts, rather than articulating a preferred or “best” option.

Third, NCSC noted that while AI may be an attractive option in many respects and is widely talked about, this does not necessarily mean every court system should use it. NCSC reiterated that courts should first diagnose what their issues or areas of vulnerability are before using AI. For example, NCSC noted a handful of examples of state courts that tried using an AI chatbot when resources would have been more efficiently allocated towards updating website content and making it more user friendly. For example, a chat bot that draws on website information is not useful if the website itself is not updated.

NCSC emphasized that the best use of AI they have seen is that of the Consumer Credit Card Diversion Program in Lancaster, PA. They utilize an inward facing AI tool that the staff uses to help facilitate information flows and expedite processes related to debt collection services. NCSC highlighted this because they believe the efficacy of this is directly tied to the fact that it is inward facing with a human loop – namely, the system flags issues for specific human review. In this case, there is one staff member reviewing the flagged issues, which enhances efficiency.

E. Housing Helpline Information Retrieval Tool – The Legal Aid Society

The Housing Helpline Information Retrieval Tool (HHIRT) was developed by The Legal Aid Society in partnership with Columbia Law School’s Lawyering in the Digital Age Clinic to enhance the quality and efficiency of legal information delivery on its Housing Justice telephone helpline. The helpline was created in response to the COVID-19 pandemic to address the urgent legal needs of tenants at risk of eviction—many of whom were already in Housing Court but unable to obtain legal representation. The HHIRT, a custom generative pre-trained transformer (GPT) using OpenAI, supports Legal Aid housing paralegals who provide advice to thousands of tenants each year. Built on a closed, retrieval augmented generation (RAG) system, the tool sources knowledge solely from an internal, attorney-vetted knowledge base specific to New York City housing law. It enables staff to quickly retrieve relevant legal information, identify potential legal issues, and draft follow-up messages in plain language. Multi-language support and curated online referrals and Know Your Rights resources that can be promptly shared with callers via text or email are built into the tool.

HHIRT is designed for internal use by trained staff, rather than by end users. Strong safeguards are in place to ensure reliability and confidentiality, including weekly attorney review of the tool’s content, a feedback loop for staff to flag issues, and routine oversight by supervising attorneys. The goal is to support, not replace, professional judgment—helping staff respond quickly and clearly, especially during high-volume or time-sensitive situations. Since its launch, HHIRT has significantly reduced call times and improved the consistency of legal information shared with tenants. The project was recognized as a winner of Robin Hood’s 2025 AI Poverty Challenge for its potential to expand access to justice in high-stakes housing matters. Legal Aid is now adapting the tool for other practice areas, including potentially access to benefits and immigration helplines.

F. Roxanne

Roxanne²² is an AI-powered legal assistant designed to support New York City tenants with housing repair issues. Developed by Housing Court Answers²³ in collaboration with NYU School of Law and legal automation firm Josef Q, Roxanne helps tenants understand their rights, document repair problems, and take action. Specifically, Roxanne assists with drafting letters to landlords or filing complaints with New York City Department of Housing Preservation & Development (the city’s housing agency). Roxanne uses RAG to translate complex housing laws into clear, actionable guidance, making legal support more accessible to underserved communities. Housing Court Answers’ Housing Court Hotline has traditionally been overwhelmed with callers seeking assistance, however Roxanne has been instrumental in reducing hotline traffic to a more manageable level.

The Subcommittee participated in a live demonstration of Roxanne and had the opportunity to engage with its developers. The developers noted that one ongoing challenge is the significant time required to produce content for the tool—a common theme among the AI products we have reviewed. The developers estimate that it would take approximately three months to develop Roxanne for another legal area—developing the knowledge base and moderating/editing the data would require the most time and resources. Notwithstanding such ubiquitous barriers, Roxanne remains a useful tool that helps bridge the access-to-justice gap, especially for low-income renters who may not have legal representation.

V. Conclusion

The use of AI in court systems is rapidly evolving, with jurisdictions experimenting with various applications to enhance efficiency and access to justice. The several use cases described above reveal that early adoption of AI products in court systems has provided some limited benefits to users, particularly lay users accessing court websites and users seeking direction in defining a legal issue and identifying relevant resources. Conversations with AI developers in this space reveal several challenges that must be acknowledged before AI implementation should be attempted within a court system. The developers we engaged with are open to continuing conversations with the Committee and expressed interest in offering support as the New York State Unified Court System continues to explore AI products. This includes, as next steps, setting up

²² Roxanne AI Tool, <https://housingcourtanswers.org/roxanne/>.

²³ Housing Court Answers, <https://housingcourtanswers.org/>.

live product demonstrations with these developers so that the Committee can interact with the products and ask questions in real time.

Additionally, we recommend exploring the implementation of a chatbot on the New York State Unified Court System’s website (nycourts.gov). The chatbot should have a discrete use case (i.e., the chatbot improves one single function on the website) so that issues related to open systems are avoided and resources are allocated efficiently. For example, the chatbot could be designed specifically to assist users in navigating the court calendar or locating the appropriate forms for common legal tasks related to small claims or landlord-tenant disputes. By focusing on a narrowly defined task, the chatbot can deliver accurate, timely, and user-friendly assistance, reducing the burden on court staff and improving the overall user experience. Over time, usage data and user feedback can inform potential expansions of the chatbot’s capabilities in a controlled and scalable manner. Several AI tools we evaluated – particularly iMMPATH AI and SANDI – serve as especially helpful benchmarks for the New York State Unified Court System, as these tools have been proven to competently assist high volumes of court website users in numerous languages.

It should be noted that any AI product adopted by the Court would require significant upfront effort by Court staff followed by ongoing maintenance to ensure that the tool is accurate, reliable, and effective.

VI. Proposed Pilot – Nassau County Family Court

We believe Nassau County Family Court provides an excellent opportunity for a pilot project employing AI technology. Many pro se litigants require assistance in filling out the Court’s Information Sheet (required before a case can be assigned), which captures basic pedigree information. Given the substantial number of pro se litigants, some of whom have limited English proficiency, and the Court’s staffing constraints, the use of AI, in our view, could make a meaningful difference in streamlining the intake process. This opportunity was brought to our attention by Judge Iannacci and we would be happy to help spearhead the effort.

VII. Resources

- [Artificial Intelligence: Guidance for Use of AI and Generative AI in Courts \(ncsc.org\)](https://www.ncsc.org/Artificial-Intelligence-Guidance-for-Use-of-AI-and-Generative-AI-in-Courts)
- [Access to Courts | NCSC](https://www.ncsc.org/Access-to-Courts)
- [AI & Access to Justice Initiative – Justice Innovation \(stanford.edu\)](https://www.stanford.edu/ai-access-to-justice)

APPENDIX 6

Bias and Equity Subcommittee Report¹

Part 1: AI in the Justice System: Applications and Immediate Risks

Artificial Intelligence (AI) is already woven into some court systems, easing docket backlogs and case-management needs while introducing novel and unresolved concerns about justice, equity, and systemic bias. Harmonious integration requires navigating tension among three goals: ensuring equitable processes, expanding public access to justice, and reaching final judgments that are both legally sound and tailored to the unique facts and circumstances of each individual case. These objectives are not always aligned; a tool that accelerates case processing to improve access, for example, may do so by eroding individualized equity considerations. Consequently, balancing these potential trade-offs necessitates a thorough understanding and careful evaluation of AI-powered solutions under consideration.

1.1 AI Case-Management: Efficiency vs Equity

Efficiency Gains

Heavy administrative workloads can delay case resolution and reduce the amount of time that judges and attorneys have for substantive work on cases.² AI-enabled platforms promise to relieve that strain. For example, commercial legal research tools like CARA AI surface relevant precedent and statutory authority, allowing lawyers and judges to research and draft rulings at faster rates than the use of manual methods.³ Concurrently, Harvey’s “Deep Research for Legal” promises end-to-end research engines that blend large-language models with dedicated legal-reasoning frameworks.⁴ Similarly, e-discovery platforms like Everlaw enhance document review by leveraging AI and visual-search tools to flag highly relevant documents first and assemble

¹ Any of the AI tools mentioned in this report have been identified because they are being used, but this subcommittee is not endorsing any specific AI tools.

² See, e.g., László Örkényi, *A New Method for an Objective Measurement of the Judicial Workload – the Application of a Prediction Model Based on an Algorithm Formed by Multiple Linear Regression in Court Administration*, 13 Int’l J. for Ct. Admin. 2, 4 (2022) (showing that “the timeliness of judgments is mostly influenced by the workload of judges” and that heavier workloads lengthen proceedings); Clio, *2023 Legal Trends Report* 19 (2023) (reporting that 48 percent of lawyers’ non-billable time is consumed by administrative tasks such as office administration, billing, and collections, limiting time for client work); Independent Commission on New York City Criminal Justice & Incarceration Reform, *A More Just New York City* 56 (2017) (finding that “every unproductive court appearance — e.g., plea negotiations not held in advance, parties not ready, motions pending, discovery incomplete ... — tacks on more than a month before the next chance to resolve the case,” underscoring how administrative burdens prolong dispositions).

³ See National Legal Research Group, Inc., *The Real Impact of Using Artificial Intelligence in Legal Research* 1 (Sept. 2018) (reporting that attorneys using Casetext’s CARA A.I. finished research projects 24.5 percent faster, and with more relevant results, than when using traditional platforms).

⁴ Harvey Launches Deep Research for Legal, Artificial Lawyer (June 27, 2025) (announcing that “Deep Research for Legal” combines OpenAI’s new Deep Research API with Harvey’s proprietary legal-reasoning systems to create end-to-end research agents for law-firm and enterprise use).

coherent narratives.⁵ Clio Duo, a conversational practice-management assistant, retrieves matter details in seconds and automates routine follow-ups.⁶ Clio recently acquired vLex to unite its practice-management suite with vLex’s global research library and AI assistant.⁷ In criminal practice, JusticeText minimizes video-review time for public defenders by nearly 50 percent, which provides vital relief for offices managing overwhelming caseloads.⁸ Those reclaimed hours can potentially provide more time for client counseling, sharper legal analysis, and more time to draft opinions, altogether improving both the speed and quality of justice.

These lawyer-side gains have inspired parallel, court-run projects. In Germany, the Stuttgart Higher Regional Court tackles a backlog of more than 10,000 cases with IBM’s OLGA (Higher Regional Court Assistant), which clusters matters for streamlined scheduling.⁹ The Frankfurt District Court pairs this effort with FRAUKE (Frankfurt Judgment Configurator Electronic), an AI system that assembles judgment letters from modular text in minutes. Together, OLGA and FRAUKE illustrate how targeted AI can clear dockets and draft template rulings, an approach that could likewise ease case backlogs in New York, from NYC Housing Court to state administrative tribunals. Some U.S. courts are already testing these use cases with tools like the NCSC’s AI Sandbox, which allows judges and court staff to explore the use of AI to automate tasks such as document summaries or routine orders using large-language-model tools inside a secure, private cloud.¹⁰

⁵ See Everlaw, *Developments in Intelligent Search* (Apr. 28, 2020) (describing the platform’s “visual search builder” that “can ... help people discover relevant information faster”); Everlaw, *Predictive Coding in the World of E-discovery* (May 29, 2021) (explaining that predictive-coding “expedites the review process by leveraging artificial intelligence ... to surface relevant documents”); *Everlaw Storybuilder – Narrative Building & Trial Preparation Tool* (showing how Storybuilder lets teams “craft case narratives throughout the ediscovery workflow,” organizing key documents into a coherent timeline).

⁶ See, e.g., Clio, “Clio Duo Unlocks a New Era of Legal Platform Intelligence” (press release, Oct. 7, 2024) (Clio Duo “instantly access[es] client and matter details, retrieving key information ... within seconds”); Megan Bennett, “Meet Clio Duo: Your Firm’s New AI-Powered Partner,” Clio Blog (posted 2025) (“Clio Duo lightens your workload by automating time-consuming tasks, from retrieving case or client information ... to creating tasks, scheduling calendar events, adding time entries, and drafting responses”).

⁷ Press Release, Clio, “Clio Signs Definitive Agreement to Acquire vLex for US \$1 Billion, Defining a New Era for AI-Powered Legal Technology” (June 30, 2025), <https://www.clio.com/uk/about/press/clio-signs-definitive-agreement-to-acquire-vlex/> (announcing Clio’s US \$1 billion acquisition of vLex to integrate its practice-management platform with vLex’s global legal research database and AI assistant).

⁸ Kristen Sunday, JusticeText: Bringing AI Audiovisual Analysis to the Public Defender’s Office, Thomson Reuters Institute (May 6, 2025) (“...has allowed users to free up nearly 50 percent of their time to focus on other essential aspects of the case.”).

⁹ Eckard Schindler, *Judicial Systems Are Turning to AI to Help Manage Vast Quantities of Data and Expedite Case Resolution*, IBM Blog (Feb. 4, 2025), <https://www.ibm.com/case-studies/blog/judicial-systems-are-turning-to-ai-to-help-manage-its-vast-quantities-of-data-and-expedite-case-resolution> (“At the Stuttgart Higher Regional Court in Frankfurt, judges ... were soon faced with a backlog of more than 10,000 cases,” and “IBM created an AI assistant named OLGA that offered case categorization, extracted metadata and could help bring cases to faster resolution.”)

¹⁰ Stephanie, Tool Aims to Help Courts Utilize AI Systems, *Grand Rapids Legal News* (Mar. 5, 2025) (reporting that NCSC’s “AI Sandbox, a secure and private cloud environment exclusively for judges and court staff,” can

(cont’d)

Although AI-driven efficiencies could make courts more responsive and equitable, they introduce three interrelated risks associated with bias and equity: (1) widening resource disparities, (2) dehumanizing adjudication, and (3) enabling the submission of fabricated evidence and citations.

Resource Gaps

First, resource gaps create a two-fold problem. The initial disparity is in access to the tools themselves. Leading multipurpose legal AI platforms charge steep fees, allowing well-funded litigants to accelerate research and drafting tasks, leaving public defenders, legal-aid lawyers, and pro se parties without sufficient resources to access these tools.¹¹ This access gap is then compounded by a second disparity in expertise. Beyond the direct cost of tool procurement, well-funded litigants can afford to hire experts to customize workflows, validate AI-generated outputs, and train legal staff to leverage these platforms most effectively.¹² The result is a dual disparity in both the acquisition of a tool and the human capacity to fully use it. The gap will only continue to widen as major firms replace off-the-shelf tools with proprietary AI trained on their exclusive data.¹³

Process Dehumanization

Second, high-volume judgment engines such as FRAUKE has been criticized for optimizing speed at the expense of case-specific equity and nuance.¹⁴ A survey of 279 judges across all levels of the Portuguese judicial system confirms the danger: most judges refuse to recast their writing into a “structured and objective” format for algorithmic parsing and view automation as

“summarize ... uploaded documents” and “draft[] court orders,” letting users test large-language-model tools for routine judicial tasks).

¹¹ See e.g., Rankings.io, *Legal AI Tools: The 12 Best Options for Lawyers* (listing Casetext’s CoCounsel at \$400 per month, billed annually); LexisNexis, *Price Schedule—Large Legal Markets* (Dec. 5, 2023) (showing Lexis+ AI “Generative AI Summarize” and “Generative AI Drafting” each priced at \$250 per use); Lawyerist, *Westlaw Review: Legal Research Software* (2025) (noting Westlaw Edge with AI-enhanced capabilities starts at \$194.40 per user per month).

¹² See Drew Simshaw, *Access to A.I. Justice: Avoiding an Inequitable Two-Tiered System of Legal Services*, 24 Yale J.L. & Tech. 151, 174–75 & nn.107–08 (2022) (observing that large, well-resourced law firms “tend to have greater capital and funds to pursue new technologies, including by hiring in-house information-technology personnel or outside consultants”).

¹³ Robert J. Couture, *The Impact of Artificial Intelligence on Law Firms’ Business Models*, Harv. L. Sch. Ctr. On The Legal Profession (Feb. 25, 2025), <https://clp.law.harvard.edu/knowledge-hub/insights/the-impact-of-artificial-intelligence-on-law-law-firms-business-models/> (noting that large law firms are deploying AI systems trained on proprietary firm and client data—resources “not available in the public domain”—and that the scale of these investments poses a “competitive threat” to less-resourced peers).

¹⁴ See Dr. Martin Fries, “Urteilsroboter Frauke – Gesetzgeber muss den Code freigeben,” *ZKM-Report* (14 July 2022) (arguing that once a judge is issuing “the hundredth verdict,” careful individual review inevitably slips, illustrating how FRAUKE’s mass-production speed can erode case-specific scrutiny and fairness).

suitable only for mundane tasks, not dispositive rulings.¹⁵ Parallel research shows that while human judges may temper outcomes with discretionary mercy, large-language models apply rules rigidly and ignore extralegal context.¹⁶

Fabrications & Risks for Non-Public Information

Finally, the same generative tools that promise efficiency can fabricate citations and pleadings. While some judges have reportedly used public tools like ChatGPT to help justify reasoning or explore legal questions, as one Indian judge did for rendering a decision, this adoption is fraught with peril.¹⁷ The very act of using a public LLM in litigation can expose non-public information, like discovery, to AI vendors and raises questions of judicial process.¹⁸ Section 2.3 will detail recent sanctions arising from related phantom filings and assess their threat to the judiciary’s truth-seeking mission.

1.2 Legal Analytics: Strategic Insights and the Peril of “Bias Laundering”

Turning Data into Strategy

Beyond back-office automation, AI is also recasting how lawyers and judges read the legal landscape. A core value of legal AI is its ability to turn raw docket data into actionable intelligence. Lex Machina harvests such data from federal and state dockets, cleans and tags them with its proprietary “Attorney Data Engine,” and delivers dashboards that surface litigation trends, motion-specific success rates, and judge-by-judge outcomes.¹⁹ Counsel can learn more about opponents, price settlement offers more precisely, and refine trial strategy; judges with access, meanwhile, gain a data-driven view of their own rulings. Darrow’s Justice Intelligence Platform pushes analytics even earlier in the litigation timeline. New anomaly-detection

¹⁵ Andreia Martinho, “Surveying Judges about Artificial Intelligence: Profession, Judicial Adjudication, and Legal Principles,” *AI & Society* 40: 569–584 (2025).

¹⁶ Eric A. Posner & Shivam Saran, *Judge AI: Assessing Large Language Models in Judicial Decision-Making*, Coase-Sandor Inst. for Law & Econ. Research Paper No. 25-03, at 1–2 (Univ. of Chicago Law Sch., Jan. 17, 2025) (reporting that GPT-4o “is strongly affected by precedent but not by sympathy,” the opposite of professional judges, who were swayed by sympathetic facts).

¹⁷ See *In a first, Punjab and Haryana High Court uses ChatGPT to decide bail plea*, *Times of India* (Mar. 28, 2023) (reporting Justice Anoop Chitkara’s reliance on ChatGPT in a bail ruling).

¹⁸ *Artificial Intelligence (AI): Guidance for Judicial Office Holders*, *Courts & Tribunals Judiciary*, at 3 (Dec. 12, 2023) (cautioning judges never to enter confidential or non-public information into public chatbots because anything “could become publicly known”).

¹⁹ Bob Ambrogi, *With Latest Additions, Lex Machina’s Legal Analytics Now Cover Every Federal District Civil Case*, *LawNext* (Nov. 14, 2024) (reporting that Lex Machina “processes the raw case data after collection — cleaning, tagging, coding and enhancing the data” so users can drill into “motion metrics”); Lex Machina Legal Analytics Software, LexisNexis, <https://www.lexisnexis.com/> (last visited June 22, 2025) (promising “insights into the past behavior of . . . judges” and dashboards that reveal “judge’s specific findings, awarded damages [and] case resolutions”); *Feature Spotlight: Lexis+ Litigation Analytics Gives Small & Mid-sized Firms an Edge in the Courtroom*, LexisNexis (Feb. 9, 2021) (noting analytics show “how apt [opposing counsel] are to settle or push for a trial,” helping lawyers refine strategy).

algorithms released in 2024 scan public data for patterns that signal large-scale harm, filter out noise (e.g., an off-hand social-media gripe), and flag leads for class actions and mass torts.²⁰ Giving small firms, nonprofits, and reporters sophisticated analytics long reserved for mega-firms helps level the field and boost accountability. For all their promise, however, the analytics are only as reliable as the data that drive them.

When Analytics Entrench Inequity

Decades of empirical research confirm that docket and sentencing records embed racial and socioeconomic disparities in policing and punishment.²¹ When an AI system mines these records, it can perform “bias laundering”: it hides historical inequities behind statistics and turns them into risk scores, sentencing estimates, or judge-assignment forecasts.²² For example, a lawyer using an analytics tool may see that a particular judge consistently imposes longer sentences on minority defendants for a given offense. Armed with this data, the lawyer might advise a minority client to accept a plea deal that a similarly situated white client would be advised to contest. In this way, the algorithm turns description into prescription.²³ It translates yesterday’s disparities into today’s recommendations, steering real-world decisions toward the same, or worse, inequitable outcomes. A model’s reported “judicial tendencies,” in short, may simply be a regression trace of systemic bias re-expressed in code. Worse, models can invent fresh distortions: a recent study showed that leading LLMs displayed novel biases not found in people.²⁴

As discussed above, models often rely on ostensibly neutral variables that still mirror racial lines, allowing bias to persist. In New York City, for example, an ACS audit found its child-welfare model carried “implicit biases” that entrenched preexisting racial inequities (see § 1.4 for ACS

²⁰ Evya Ben Artzi, Concluding 2024: A New Era for Legal Intelligence, *Darrow Blog* (Feb. 4, 2025) (reporting that “in 2024, we scaled our Justice Intelligence Platform by introducing new anomaly-detection algorithms that crawl vast public-data repositories (consumer complaints, product reviews, court dockets, and more) to uncover early signs of misconduct and potential legal violations”).

²¹ See U.S. Sentencing Comm’n, *Demographic Differences in Sentencing: An Update to the 2012 Booker Report 2* (Nov. 2017) (finding that Black male offenders received sentences on average 19.1 percent longer than similarly situated White male offenders) and N.Y. Civil Liberties Union, *Stop-and-Frisk Data* (showing that in 2022, Black New Yorkers accounted for 59 percent of stops while White New Yorkers accounted for only 7 percent).

²² Ben Hutchinson et al., *Towards Accountability for Machine-Learning Datasets: Practices from Software Engineering and Infrastructure*, Proc. ACM Conf. on Fairness, Accountability & Transparency (FAccT 2021) 2 (“Data is frequently identified as a key source of these failures through its role in ‘bias-laundering’... historical patterns of social injustices ... can subsequently be reproduced by ML systems built from the data.”)

²³ See Owen D. Jones, *Law, Evolution, and the Brain: Applications and Open Questions*, 359 Phil. Trans. R. Soc. B 1697, 1703 (2004) (“description into prescription”), warning, in the biological context, that empirical observations alone cannot justify normative decisions.

²⁴ Vanessa Cheung et al., *Large Language Models Show Amplified Cognitive Biases in Moral Decision-Making*, 122 Proc. Nat’l Acad. Sci. e2412015122 (2025) (finding that four leading LLMs exhibited novel biases absent in humans).

audit data on racial investigation gaps).²⁵ Comparable dynamics appear elsewhere: a 2021 study by The Markup found mortgage-underwriting algorithms were up to 80 percent more likely to reject Black applicants than white applicants.²⁶

1.3 AI for Pro Se Litigants: Democratizing Access

The Promise of AI-Powered Guidance

While the analytical AI tools discussed in Section 1.2 chiefly serve institutional customers, a new wave of AI products target pro se litigants who struggle to navigate courts alone. These tools aim to ease that burden: DoNotPay contests parking tickets; Hello Divorce guides users through uncontested divorces; People Clerk drafts small-claims pleadings; CourtBot, piloted in Tulsa, cut FTA warrants by 30 % with SMS reminders.²⁷ More advanced tools like Beagle+ tackle broader civil questions, pairing vetted resources with step-by-step guidance and claiming 99 % accuracy.²⁸ Courts are experimenting as well: the Alaska Court System’s Alaska Virtual Assistant (AVA) employs retrieval-augmented generation, a process where the AI first retrieves information from official self-help guides and then generates a specific, citation-linked answer based on that content.²⁹

The Vulnerability of Pro Se Users to AI Errors

²⁵ Colin Lecher, *The NYC Algorithm Deciding Which Families Are Under Watch for Child Abuse*, The Markup (May 20, 2025) (quoting an internal ACS “technical audit” that found the model’s training data contained “at least ‘some implicit and systemic biases’ baked in”)

²⁶ Emmanuel Martinez & Lauren Kirchner, *The Secret Bias Hidden in Mortgage-Approval Algorithms*, *The Markup* (Aug. 25, 2021), <https://themarkup.org/denied/2021/08/25/the-secret-bias-hidden-in-mortgage-approval-algorithms> (finding that “lenders were 80 percent more likely to reject Black applicants than similar White applicants”).

²⁷ See Josh Browder, “DoNotPay Bot Is Here to Save You From Parking Tickets,” *Wired* (Aug. 2015) (describing DoNotPay’s parking-ticket appeals chatbot); Hello Divorce, “Online Divorce Without Expensive Divorce Lawyers,” <https://hellodivorce.com> (last visited June 22, 2025); JusticeDirect Law (formerly People Clerk), “Small Claims Lawsuit — We prepare and file your small-claims court forms,” <https://justicedirect.com> (last visited June 22, 2025); Glen Blake, “Mobile App Launches to Reduce Failure to Appear and Connect Individuals with Social Services,” *Safety & Justice Challenge Blog* (May 15, 2019) (reporting that Tulsa County’s CourtBot text-reminder pilot lowered the failure-to-appear rate from 15 % to 10.1 %, a ≈33 % reduction in FTA warrants).

²⁸ People’s Law School, “Beagle+ fetches access to justice,” News post (Feb. 1 2025) (describing Beagle+’s use of vetted People’s Law School content to guide users through legal problems and noting developers achieved and now maintain 99 % legal-accuracy in lawyer reviews).

²⁹ Natalie Runyon, *Chatbots for Justice: The Impact of AI-Driven Tech Tools for Pro Se Litigants*, Thomson Reuters Institute (Feb. 12, 2025) (reporting that “AVA uses enhanced retrieval-augmented generation ... [and] provides citations to verifiable sources” drawn from the Alaska Court System’s self-help materials).

While chatbots like Beagle+ can expand access to justice for pro se users, those users are also the most vulnerable to errors.³⁰ A single “hallucinated” answer, plausible but false, can derail a case. Given these risks, pro se tools need rigorous, ongoing validation; Beagle+’s own multi-phase testing regimen shows just how exacting that process needs to be.

These tools also operate in a legal gray area, raising concerns about the unauthorized practice of law (UPL) that could leave users without recourse. AI systems now draft legal documents, interpret fact patterns, and recommend strategies. ChatGPT, for example, scored in the 90th percentile on the Uniform Bar Exam, while Westlaw Precision and Lexis+ AI promote models that commoditize legal expertise.³¹ Strict UPL enforcement risks suppressing such affordable legal aid, echoing earlier battles over platforms like LegalZoom.³² Yet lax oversight presents its own dangers, as seen when a New York judge reprimanded a pro se litigant for using an AI avatar at oral argument.³³

One solution is judiciary-led rulemaking that holds attorneys accountable for AI-assisted work, consistent with ethics guidance from the Pennsylvania and Philadelphia Bar Associations.³⁴ This guidance requires lawyers to verify AI outputs, protect client confidentiality, and remain professionally accountable.³⁵ Others propose a structural shift: narrowing UPL rules to apply only to in-court representation and using tort and consumer protection laws to regulate AI legal tools.³⁶

³⁰ See Mia Bonardi & L. Karl Branting, *Certifying Legal AI Assistants for Unrepresented Litigants: A Global Survey of Access to Civil Justice, Unauthorized Practice of Law, and AI*, 26 Colum. Sci. & Tech. L. Rev. 34, 38 (2024) (“Unrepresented litigants are already using AI chatbots for help in legal proceedings, sometimes to their detriment ... Unrepresented litigants are most vulnerable when they receive faulty legal advice.”).

³¹ Karen Sloan, *Stellar or so-so? ChatGPT bar exam performance sparks differing opinions*, Reuters (May 31 2023); see Thomson Reuters, *Introducing AI-Assisted Research: Legal research meets generative AI* (Nov. 15 2023); LexisNexis, *Lexis+ AI Legal Research Platform & AI Assistant* (accessed Jun. 28 2025); Alex Niehenke, *Building TurboTax in a weekend: How LLMs are automating America’s tax code*, Scale VP Blog (May 14 2025).

³² *Janson v. LegalZoom.com, Inc.*, 939 F. Supp. 2d 1033, 1042–43 (W.D. Mo. 2013) (holding that LegalZoom’s online document-preparation service constituted the unauthorized practice of law under Missouri law, illustrating how strict UPL enforcement can restrict low-cost legal-technology options).

³³ Natalie Musumeci, *Don’t Get Used to Seeing AI Lawyers in the Courtroom*, BUS. INSIDER (Apr. 11, 2025), <https://www.businessinsider.com/artificial-intelligence-generated-avatar-courtroom-ai-lawyers-2025-4> (reporting that New York appellate judges halted a pro se litigant’s video and chastised him for deploying an undisclosed AI-generated avatar to deliver oral argument, underscoring judicial insistence on human accountability).

³⁴ Standing Order, *Mandatory Certification Regarding Generative Artificial Intelligence*, No. 3:23-mc-00099-X (N.D. Tex. May 30, 2023) (Starr, J.); Pa. Bar Ass’n Comm. on Legal Ethics & Prof’l Responsibility & Phila. Bar Ass’n Prof’l Guidance Comm., *Joint Formal Opinion 2024-200: Ethical Issues Regarding the Use of Artificial Intelligence* (May 22, 2024).

³⁵ Pa. Bar Ass’n Comm. on Legal Ethics & Prof’l Responsibility & Phila. Bar Ass’n Prof’l Guidance Comm., *Joint Formal Opinion 2024-200*, *supra* note 1, at 2–4 (listing duties of competence, verification, and confidentiality).

³⁶ Ed Walters, *Re-Regulating UPL in an Age of AI*, 8 Geo. L. Tech. Rev. 317, 330–36 (2024) (arguing UPL should be limited to courtroom representation and that negligence, fraud, and consumer-protection law can govern AI tools).

1.4 AI in Criminal Justice

The Baseline of Human Bias

Some of the highest stakes of AI use emerge in the criminal courts, where liberty is on the line. Human decision-making in criminal justice is measurably biased: Black individuals are arrested for marijuana possession at $3.6 \times$ the rate of White individuals despite comparable usage rates;³⁷ in New York City, Black families are investigated by the Administration for Children’s Services at $7 \times$ the rate of White families;³⁸ judges set materially higher bail for Black and Hispanic defendants than for White defendants charged with identical offenses;³⁹ and Black male offenders receive sentences about 19.1 % longer than comparable White males.⁴⁰

Two Paths to Bias

Against this backdrop, an AI mistake in bail or sentencing can unjustly cost someone their freedom. Therefore, for AI to be ethically deployed in the criminal context, it must demonstrably reduce these entrenched disparities. Evidence points to at least three ways that AI systems can fail: (1) models can replicate bias already present in training data, (2) biased models can generate disparate impact with neutral training data, and (3) biased human overrides can nullify even a model’s unbiased output.

The same bias-laundering dynamic discussed in Section 1.2 resurfaces in inscrutable criminal justice tools. The COMPAS risk-assessment system is emblematic: as a proprietary statistical model, its inner workings have not been publicly disclosed, preventing independent validation.⁴¹ Nonetheless, ProPublica (2016) found it mislabeled Black defendants as high-risk nearly twice as often as White defendants, and its violent-recidivism forecast was correct only 20 percent of the time.⁴² Even so, in *State v. Loomis* the Wisconsin Supreme Court allowed COMPAS to guide

³⁷ American Civil Liberties Union, *A Tale of Two Countries: Racially Targeted Arrests in the Era of Marijuana Reform* 8 (2020) (finding that, nationwide, Black people were 3.64 times more likely than White people to be arrested for marijuana possession despite similar usage rates).

³⁸ New York Civil Liberties Union, *Racism at Every Stage: Data Shows How NYC’s Administration for Children’s Services Discriminates Against Black and Brown Families* (2023) (reporting that Black families are seven times more likely than White families to be reported to, and investigated by, ACS).

³⁹ David Arnold, Will Dobbie & Crystal S. Yang, *Racial Bias in Bail Decisions*, 133 Q. J. ECON. 1885, 1889–90 (2018) (using Miami and Philadelphia data to show Black defendants were >11 percentage points more likely to receive monetary bail and faced bail amounts \approx \$14,000 higher than similarly situated White defendants).

⁴⁰ U.S. Sentencing Commission, *Demographic Differences in Federal Sentencing* 24 (2017) (finding that, after controlling for legal factors, Black male offenders received sentences 19.1 percent longer than similarly situated White male offenders).

⁴¹ *State v. Loomis*, 2016 WI 68, ¶ 6, 881 N.W.2d 749 (Wis.) (observing that “the proprietary nature of COMPAS prevents defendants from challenging the scientific validity of the risk assessment”).

⁴² Julia Angwin, Jeff Larson, Surya Mattu & Lauren Kirchner, *Machine Bias: There’s Software Used Across the Country to Predict Future Criminals. And It’s Biased Against Blacks*, ProPublica (May 23, 2016),

(cont’d)

sentencing.⁴³ Neither judge nor defendant could inspect the proprietary algorithm.⁴⁴ That commercially enforced opacity, whether through contract or IP law, creates an acute due-process fault line. This issue is not abstract for the New York judiciary. State law and Department of Corrections and Community Supervision (DOCCS) policy mandate the use of the COMPAS assessment for individuals eligible for parole and for case management planning.⁴⁵ This makes the tool’s documented biases and opacity a direct and unavoidable challenge within New York’s own justice system. Nor is this problem limited to COMPAS. The Public Safety Assessment (PSA), an algorithmic tool used to inform decisions about jailing defendants before trial, has been shown to widen racial gaps, prompting its onetime champion, the Pretrial Justice Institute, to denounce such instruments as “tools of harm.”⁴⁶ Studies of Virginia’s Pretrial Risk Assessment Instrument and Ohio’s ORAS-PAT similarly report larger disparities or weaker accuracy for Black defendants.⁴⁷

Even the chosen metric can embed bias. “Recidivism,” for example, is usually defined by re-arrest, not re-conviction, so a model learns to predict whom police arrest.⁴⁸ In doing so, these models encode policing bias and are therefore misleading as true predictors of recidivism. The feedback loop is visible in Chicago’s “Strategic Subject List,” which disproportionately labeled Black men under twenty as “high risk,” leading to increased patrols in their neighborhoods. A

<https://www.propublica.org/article/machine-bias-risk-assessments-in-criminal-sentencing>; Jeff Larson, Surya Mattu, Lauren Kirchner & Julia Angwin, *How We Analyzed the COMPAS Recidivism Algorithm*, ProPublica (May 23, 2016), <https://www.propublica.org/article/how-we-analyzed-the-compas-recidivism-algorithm> (reporting that COMPAS mislabeled Black defendants as high-risk nearly twice as often as White defendants and that its violent-recidivism predictions were correct only 20 percent of the time).

⁴³ *State v. Loomis*, 2016 WI 68, ¶¶ 8–10, 881 N.W.2d 749 (Wis. 2016) (holding that, with appropriate cautions, a circuit court may rely on a COMPAS risk-assessment report at sentencing).

⁴⁴ *State v. Loomis*, ¶¶ 51–53 (noting that COMPAS is a proprietary, trade-secret instrument whose inner workings are not disclosed, preventing either the judge or the defendant from examining how the algorithm generates risk scores).

⁴⁵ N.Y. Exec. Law § 259-c(4) (McKinney 2024); N.Y. State Dep’t of Corr. & Cmty. Supervision, Directive No. 8500, *COMPAS Assessments/Case Plan* (Oct. 11, 2023), <https://doccs.ny.gov/Directives/8500.pdf>; *Matter of Montane v. Evans*, 116 A.D.3d 197, 202, 981 N.Y.S.2d 866, 870 (3d Dep’t 2014).

⁴⁶ Tom Simonite, *Algorithms Were Supposed to Fix the Bail System. They Haven’t*, WIRED (Feb. 19, 2020) (“We heard people in these communities saying these are tools of harm” (describing how the Public Safety Assessment failed to narrow, and in some places widened, racial disparities that prompted the Pretrial Justice Institute to repudiate the tool)).

⁴⁷ Andrew Van Dam, *Algorithms were supposed to make Virginia judges fairer. What happened was far more complicated*, Washington Post (Nov. 19, 2019) (study of the Virginia Pretrial Risk Assessment Instrument finding Black defendants 4 percentage points more likely to be incarcerated and receiving sentences 17 percent longer after the tool’s adoption); Spencer G. Lawson & Evan M. Lowder, *Differential Prediction by Race in IRAS-PAT Assessments: An Application of Debiasing Strategies*, Justice Quarterly 40(4) (2022) (showing the IRAS-PAT, derived from Ohio’s ORAS-PAT, produced significantly weaker predictive accuracy for Black defendants).

⁴⁸ Julia Angwin, Jeff Larson, Surya Mattu & Lauren Kirchner, *How We Analyzed the COMPAS Recidivism Algorithm*, PROPUBLICA (May 23, 2016) (“For most of our analysis, we defined recidivism as a new arrest within two years.”).

2025 study found no measurable crime reduction, yet the rise in arrests were misinterpreted by the system as confirmation of its accuracy.⁴⁹ More patrols led to more arrests, which the system misread as validation.⁵⁰ Comparable cycles surface in biometric tools: leading facial-recognition systems misidentify darker-skinned women as suspects in up to 34 percent of tests, creating a high risk of wrongful identification that feeds back into the system.⁵¹

This same dangerous feedback loop, where biased inputs create discriminatory outputs, arises in the use of commercial, non-consensual facial recognition databases. The NYPD's reliance on Clearview AI illustrates the risk: the company has scraped more than 50 billion images from social media and other public sites without permission, offering "surveillance-as-a-service" to agencies including the NYPD, FBI, DHS, and ICE.⁵² Courts in several countries have deemed Clearview's practices unlawful, and in the United States the firm settled a Biometric Information Privacy Act suit in Illinois that now bars it from selling to private buyers.⁵³ Nevertheless, some cities outsource surveillance to skirt local bans. In New Orleans, the nonprofit Project NOLA runs a real-time facial-recognition camera network and sends mobile alerts straight to the New

⁴⁹ Ahmed S. Almasoud & Jamiu A. Idowu, "Algorithmic Fairness in Predictive Policing," *AI and Ethics* 5 (2025): 2323-33 (reporting that individuals in the SSL dataset who were younger than 20 were assigned "high-risk" scores and that the list is heavily skewed toward Black arrestees).

⁵⁰ Lydia X. Z. Brown & Ridhi Shetty, *Critical Scrutiny of Predictive Policing Is a Step to Reducing Disability Discrimination*, Center for Democracy & Technology (July 23, 2020) (explains that predictive-policing programs like Chicago's SSL create "vicious, self-perpetuating cycles" in which intensified policing yields more arrests, which departments then use to claim the system is working); Jessica Saunders, Priscillia Hunt & John S. Hollywood, "Predictions Put into Practice: A Quasi-Experimental Evaluation of Chicago's Predictive Policing Pilot," *Journal of Experimental Criminology* 12 no. 3 (2016): 347-71 (finding no statistically significant drop in gun-violence victimization or homicides for neighborhoods using the Strategic Subject List, while SSL subjects experienced higher arrest rates, evidence of a patrol-driven feedback loop).

⁵¹ Joy Buolamwini & Timnit Gebru, *Gender Shades: Intersectional Accuracy Disparities in Commercial Gender Classification*, Proc. Conf. on Fairness, Accountability & Transparency (2018) (reporting misclassification rates of up to 34.7 % for darker-skinned women in three leading facial-recognition systems).

⁵² Clearview facial recognition searches double, database reaches 50B images, *Biometric Update* (June 13, 2024), <https://www.biometricupdate.com/202406/clearview-facial-recognition-searches-double-database-reaches-50b-images> (reporting Clearview's database had grown to "50 billion" images); Paresh Dave & Jeffrey Dastin, Exclusive: Facial recognition company Clearview AI seeks first big deals, *Reuters* (Feb. 22, 2022), <https://www.reuters.com/technology/exclusive-facial-recognition-company-clearview-ai-seeks-first-big-deals-2022-02-22/> (noting Clearview's use by the FBI and Immigration & Customs Enforcement, a component of DHS, and confirming its marketing to U.S. law-enforcement agencies); Hundreds of New Yorkers Demand a Ban on NYPD Face Surveillance, *Electronic Frontier Foundation* (Mar. 2, 2020), <https://www.eff.org/deeplinks/2020/03/hundreds-new-yorkers-demand-ban-nypd-face-surveillance> (stating NYPD officers had run "more than 11,000 searches" through Clearview's system).

⁵³ Lauren Feiner, Dutch regulator slaps Clearview AI with €33 million fine and threatens executive liability, *The Verge* (Sept. 3, 2024), <https://www.theverge.com/2024/9/3/24234879/dutch-regulator-gdpr-clearview-ai-fine> (noting Clearview had previously been fined or ordered to delete data in the U.K., Australia, France, and Italy); Sara Merken, Clearview AI strikes "unique" deal to end privacy class action, *Reuters* (June 13, 2024), <https://www.reuters.com/legal/litigation/clearview-ai-strikes-unique-deal-end-privacy-class-action-2024-06-13/> (describing Clearview's May 2022 Illinois-ACLU settlement prohibiting the company from providing its database to most private entities).

Orleans Police Department.⁵⁴ At the federal level, biometric surveillance is converging into a single, expansive network. Homeland Advanced Recognition Technology (HART), the Department of Homeland Security's new platform, fuses fingerprints, facial and iris scans, voiceprints, and DNA from roughly 270 million people, preserving each "digital subject" record for 75 years.⁵⁵ DHS admits it cannot verify data supplied by partners such as Clearview AI and offers no meaningful way for individuals to review or correct their files.⁵⁶ ICE has already implemented HART into its Mobile Fortify app that lets agents identify someone with a quick face scan or contact-free fingerprint, pulling results straight from the federal database.⁵⁷ The ACLU has called the rollout a "recipe for disaster," arguing that unreliable matches will trigger wrongful arrests and fuel warrantless, profile-driven surveillance. In a direct inversion of law-enforcement deployments, community advocates are using facial-recognition to hold police accountable.⁵⁸

Beyond criminal justice, similar feedback loops surface in lending and IRS audit algorithms that disproportionately single out Black applicants and taxpayers.⁵⁹

While algorithmic bias dominates the debate, the other failure path is purely human and undercuts the promise of techno-solutionism. A Tulane University study of Virginia sentencing showed that judges disproportionately withheld alternative sanctions from defendants of color

⁵⁴ Drew Harwell, Police secretly monitored New Orleans with facial-recognition cameras, *Wash. Post* (May 19, 2025), <https://www.washingtonpost.com/business/2025/05/19/live-facial-recognition-police-new-orleans/> (reporting Project NOLA's 200-camera network that sent automatic alerts with suspect identities and locations directly to officers' phones, despite a 2022 city ordinance).

⁵⁵ Surveillance Resistance Lab, *Hart Attack: How DHS's Massive Biometrics Database Will Supercharge Surveillance and Threaten Rights* 2 & 13 (2025), <https://surveillanceresistancelab.org/featured-work/hart-attack-how-dhss-massive-biometrics-database-will-supercharge-surveillance-and-threaten-rights> (stating HART will hold data on "over 270 million people" and that DHS will "retain and use this data for at least 75 years").

⁵⁶ *Id.* at 13 (quoting DHS that it "cannot ensure accuracy" of partner-supplied data and describing the system's "effectively non-existent" redress process).

⁵⁷ Joseph Cox, ICE Is Using a New Facial Recognition App to Identify People, Leaked Emails Show, *404 Media* (June 26, 2025), <https://www.404media.co/ice-is-using-a-new-facial-recognition-app-to-identify-people-leaked-emails-show> (describing Mobile Fortify's live field queries to HART).

⁵⁸ The website FuckLAPD.com (launched June 2025) hosts more than 9,000 lawfully obtained officer headshots and lets the public match protest footage to individual LAPD officers who conceal their badges. Emanuel Maiberg, 'FuckLAPD.com' Lets Anyone Use Facial Recognition to Instantly Identify Cops, *404 Media* (June 24, 2025), <https://www.404media.co/fucklapd-com-lets-anyone-use-facial-recognition-to-instantly-identify-cops/> (reporting the June 2025 launch of FuckLAPD.com with "over 9,000 LAPD headshots" and its goal of identifying badge-concealing officers).

⁵⁹ Emmanuel Martinez & Lauren Kirchner, *The Secret Bias Hidden in Mortgage-Approval Algorithms*, The Markup (Aug. 25, 2021), <https://themarkup.org/denied/2021/08/25/the-secret-bias-hidden-in-mortgage-approval-algorithms>; Krysten Crawford, *IRS confirms Stanford study of racial bias in audits*, Stanford Institute for Economic Policy Research (May 15, 2023), <https://siepr.stanford.edu/news/irs-confirms-stanford-study-racial-bias-audits>.

even when a validated risk-assessment tool recommended leniency.⁶⁰ In other words, a fair algorithm is no panacea: the human decision-maker can re-inject the very inequities the tool aims to remove. Any courtroom-AI initiative must therefore address both algorithmic bias and the behavioral changes needed to keep human bias from overruling fair recommendations.

Part 2: Foundational Legal and Ethical Challenges

Beyond the risks inherent in specific applications, the use of AI in courts presents a series of foundational challenges to legal principles and ethical standards. These issues of due process, evidence integrity, and governance must be settled to ensure technology augments rather than undermines the administration of justice.

2.1 Due Process & the Black-Box Problem

The due process risk posed by an AI tool is not uniform; it depends on the model's inherent interpretability. Many, but not all AI tools are impenetrable "black boxes." Instead, they exist on a spectrum of transparency.

A Spectrum of Transparency

At one end are fully interpretable models whose logic follows a comprehensible sequence of human-readable rules (e.g., if X, then Y).⁶¹ Their transparency presents limited due process challenges because their reasoning can be directly examined. At the other end are highly opaque models, like deep-learning neural networks or large language models, whose decisions emerge from the complex interaction of millions of parameters, making it nearly impossible to trace a specific outcome to its cause.⁶² A third category includes proprietary models of any type, like the COMPAS risk-assessment tool, that are shielded as trade secrets, creating opacity by legal restriction rather than just technical design.⁶³ Tools with low levels of transparency, whether by design or through legal operation, pose the greatest due process risks.

⁶⁰ See Yi-Jen (Ian) Ho, Wael Jabr & Yifan Zhang, *AI Enforcement: Examining the Impact of AI on Judicial Fairness and Public Safety* (Tulane Univ. A.B. Freeman Sch. of Bus., Working Paper, last rev. Dec. 4, 2024), <https://ssrn.com/abstract=4533047> (analyzing 27,357 non-violent drug-related cases in Virginia and reporting that when an AI tool recommended alternative punishments, judges offered them to Black defendants 5.4 percentage points less often than to similarly situated White defendants, thereby introducing racial bias where judges had otherwise been sentencing Black and White offenders fairly).

⁶¹ See Jenna Burrell, *How the Machine "Thinks": Understanding Opacity in Machine Learning Algorithms*, 3 *Big Data & Soc'y* 1, 10 (2016) ("a machine learning algorithm can be implemented simply in such a way that its logic is almost fully comprehensible").

⁶² See Jenna Burrell, *How the Machine "Thinks": Understanding Opacity in Machine Learning Algorithms*, 3 *Big Data & Soc'y* 1, 8 (2016) ("When a computer learns and consequently builds its own representation of a classification decision, it does so without regard for human comprehension").

⁶³ See Jenna Burrell, *How the Machine "Thinks": Understanding Opacity in Machine Learning Algorithms*, 3 *Big Data & Soc'y* 1, 5 (2016) ("algorithmic opacity is a largely intentional form of self-protection by corporations intent on maintaining their trade secrets and competitive advantage").

The Constitutional Challenge of Inscrutable Evidence

The constitutional fault line appears when opaque or proprietary models are used in high-stakes decisions, such as in criminal matters. As detailed in Section 1.4, *State v. Loomis* shows that defendants cannot meaningfully challenge evidence they cannot examine. The problem extends beyond sentencing. New York City’s Administration for Children’s Services employs a complex predictive algorithm whose methodology is not disclosed to the public, blocking families from understanding or contesting adverse findings and jeopardizing their New York-constitutional right to a meaningful appeal.⁶⁴

Evidentiary Gatekeeping in New York Courts

Against this backdrop, New York courts must tailor their evidentiary gatekeeping to the model in question. Under the *Frye* test, which admits only science that has gained “general acceptance,” an AI model’s opacity is a critical factor. In *People v. Wakefield*, the Court of Appeals admitted results from a complex DNA-analysis program, but only after an extensive hearing established its reliability.⁶⁵ By contrast, *Matter of Accounting by Weber* excluded Microsoft Copilot outputs precisely because the large-language model’s methodology could not be explained or validated.⁶⁶ These recent rulings, alongside proposals like Assembly A7172 deeming AI-generated evidence inadmissible, highlight the need for a framework that differentiates AI models by their transparency and promotes the adoption of explainable AI to preserve due-process rights.⁶⁷

2.2 Governance: Guarding Against Function Creep

A significant AI-related vulnerability for the Judiciary is “function creep,” where a tool approved for narrow administrative tasks quietly expands into unvalidated, substantive decision-making

⁶⁴ Colin Lecher, *The NYC Algorithm Deciding Which Families Are Under Watch for Child Abuse*, The Markup (May 20, 2025) (reporting that ACS “tells neither families, their attorneys nor its caseworkers when the algorithm flags a case,” and that few people outside the agency even know the tool exists).

⁶⁵ See *People v. Williams*, 35 N.Y.3d 24, 40–42 (N.Y. 2020) (explaining that the “black-box” nature of the Office of Chief Medical Examiner’s proprietary Forensic Statistical Tool, whose source code was unavailable for independent review, was “an invitation to bias” and therefore inconsistent with the “thoughtful exchange of ideas ... envisioned by Frye,” showing that transparency is essential to a finding of “general acceptance”).

⁶⁶ See *In re Accounting by Weber*, 2024 N.Y. Slip Op. 24258, at *12–13 (Sur. Ct. Saratoga Cty. Oct. 10, 2024) (excluding Microsoft Copilot-generated calculations where the expert could not explain the tool’s methodology or verify its reliability).

⁶⁷ N.Y. State Assembly, Assemb. B. A7172, 2025-26 Reg. Sess., § 60.77(1) (introduced Mar. 21, 2025) (“Artificial intelligence-generated outputs, including facial-recognition results, shall not be admissible as evidence in any criminal or civil court proceeding.”); Electronic Frontier Foundation, *Recommendations & Operational Framework: Human Rights Standards for Government Use of AI in Latin America* § 5.3 (n.d.), <https://www EFF.org/pages/recommendations-operational-framework> (distinguishing three transparency levels, implementation, specification, and interpretability/explainability, and stressing that only models adopting “explainability-by-design” can satisfy due-process guarantees).

roles.⁶⁸ A powerful real-world example of this occurred in healthcare, where an algorithm used health costs, an administrative proxy, to assign patient risk scores.⁶⁹ Because less money was historically spent on Black patients, the tool incorrectly assigned them lower risk scores than equally sick white patients, thus making a critical, substantive decision based on a flawed and unvalidated administrative metric. The same danger exists in the courts, where a tool designed for a simple task could produce outputs that steer substantive decisions despite never having been designed or tested for that purpose. For instance, a keyword-based system cleared merely to help clerks sort incoming case files could, absent rigorous oversight, start producing “complexity scores” that steer case-assignment decisions despite never having been designed or tested for that purpose. Such function creep undermines transparency and creates a governance gap that courts must close through validation, audit, and scope-control protocols.

2.3 Evidence Integrity: Fabricated Content Risks

Generative AI presents a direct threat to evidentiary integrity. This risk manifests in multiple ways, from the introduction of fabricated material to new challenges against authentic evidence.

The first and most immediate threat is fabricated content, such as “hallucinations” (unprompted fabricated text) and “deepfakes” (prompted and realistic but false images or audio). The risk of fabricated material entering the record has already prompted judicial sanctions. Recent examples include *Mata v. Avianca, Inc.*; *United States v. Michael Cohen*; and sanctions against the Dennis P. Block Law Offices, where lawyers filed briefs laced with AI-invented citations.⁷⁰ Similar misuse surfaced in *Ex Parte Lee, People v. Crabill*, and an ineffective-assistance claim in *United States v. Pras Michel*, where counsel relied on AI to draft a closing argument.⁷¹ This threat has

⁶⁸ See Bert-Jaap Koops, *The Concept of Function Creep*, 13 *Law, Innovation & Technology* 1, 4 (2021) (“Function creep – the expansion of a system or technology beyond its original purposes ...”).

⁶⁹ Ziad Obermeyer, Brian Powers, Christine Vogeli & Sendhil Mullainathan, *Dissecting Racial Bias in an Algorithm Used to Manage the Health of Populations*, 366 *Science* 447, 447–48 (2019).

⁷⁰ See *Mata v. Avianca, Inc.*, No. 22-cv-1461 (PKC), 2023 WL 4138427, at *1–3 (S.D.N.Y. June 22, 2023) (imposing a \$5,000 Rule 11 sanction after counsel submitted ChatGPT-generated, non-existent cases); *United States v. Cohen*, No. 18-cr-602 (JMF), 2024 WL 1193604, at *2–6 (S.D.N.Y. Mar. 20, 2024) (detailing counsel’s inclusion of three AI-hallucinated cases and the court’s admonition); David Wagner, *This Prolific L.A. Eviction Law Firm Was Caught Faking Cases in Court. Did They Misuse AI?*, LAist (Oct. 12, 2023) (reporting a \$999 sanction against Dennis P. Block & Associates for a filing “rife with inaccurate and false statements” attributed to AI misuse).

⁷¹ See *Ex parte Lee*, 673 S.W.3d 755, 757 n.2 (Tex. App. — Waco 2023) (court observing that “at least the ‘Argument’ portion of the brief may have been prepared by artificial intelligence” and that the brief cited authorities that “do not actually exist”); Stipulation to Discipline, *People v. Crabill*, No. 23PDJ067, at 1–2 (Colo. Presiding Disc. J. Nov. 22, 2023) (suspending attorney who admitted relying on ChatGPT-generated, fictitious case law); Motion for New Trial at 8 & 10, *United States v. Michel*, No. 1:19-cr-00148 (TJK) (D.D.C. Oct. 16, 2023) (asserting prior counsel “used an experimental AI program to draft the closing argument,” amounting to prejudicial ineffective assistance), available at Josh Gerstein, “Pras Michel of Fugees seeks new trial, contends former attorney used AI for closing argument,” *Politico* (Oct. 16, 2023).

escalated beyond erroneous filings to flawed adjudications, as a trial court in *Shahid v. Esaam* recently issued an order citing AI-fabricated cases, forcing the appellate court to step in.⁷²

Beyond hallucinated citations, AI is now fabricating a subtler threat: speculative evidence. Parabon NanoLabs' Snapshot DNA phenotyping service, already used in U.S. cold-case investigations, converts crime-scene DNA into a photo-realistic composite sketch of a suspect.⁷³ Critics brand the technique investigative “junk science” because it relies on unverified machine-learning models that infer ancestry and facial structure from limited genetic markers.⁷⁴ Likewise, AI-powered behavioral analysis, which purports to detect deception or agitation from body language and micro-expressions, rely on contested science and ignore cultural variation in non-verbal cues.⁷⁵ The core danger is an algorithm-generated face or assessment that investigators may treat as certain fact, expanding racial bias and driving “tunnel vision.”⁷⁶

AI also flips the evidentiary equation through the “deepfake defense.”⁷⁷ Defendants now argue that authentic biometric video or audio is an AI-forged fake, forcing courts to question media

⁷² Joe Patrice, *Trial Court Decides Case Based on AI-Hallucinated Caselaw*, Above The Law (July 1, 2025, 12:48 PM), <https://abovethelaw.com/2025/07/trial-court-decides-case-based-on-ai-hallucinated-caselaw/> (reporting that the Georgia Court of Appeals vacated and remanded a trial court order in *Shahid v. Esaam* after discovering the order relied on AI-fabricated case law).

⁷³ Carrie Arnold, *The controversial company using DNA to sketch the faces of criminals*, 585 Nature 178 (Sept. 9, 2020) (explaining that Parabon's goal was to provide a “composite facial sketch from a DNA sample”).

⁷⁴ Dhruv Mehrotra, *Cops Used DNA to Predict a Suspect's Face—and Tried to Run Facial Recognition on It*, *Wired* (Jan. 22, 2024) (reporting that Parabon's method “has not been peer-reviewed” and quoting an expert from the Electronic Frontier Foundation who calls the practice of using such images with facial recognition “really just junk science”); Anthony Kimery, *Use of DNA phenotyping to solve crimes fraught with problems, critics say*, *Biometric Update* (Feb. 3, 2025), <https://www.biometricupdate.com/202502/use-of-dna-phenotyping-to-solve-crimes-fraught-with-problems-critics-say> (reporting that Snapshot's methods remain un-peer-reviewed and that legal scholars question whether U.S. courts will admit phenotyping composites absent demonstrable reliability).

⁷⁵ Kristina Suchotzki & Matthias Gamer, *Detecting Deception with Artificial Intelligence: Promises and Perils*, 28 Trends in Cognitive Sciences 481 (2024) (arguing that current AI deception detection lacks a solid theoretical and methodological foundation, as there are no proven behavioral cues for deceit, and criticizing systems for being developed as non-transparent “black boxes” using small, non-diverse, and potentially biased training data without proper independent cross-validation).

⁷⁶ Allison Durkin, *Estimating a Face: What Predicting Appearance from DNA Reveals About the Need to Regulate Genetic Investigations*, Wash. U. L. Rev. (Apr. 18, 2024), <https://wustllawreview.org/2024/04/18/estimating-a-face-what-predicting-appearance-from-dna-reveals-about-the-need-to-regulate-genetic-investigations/> (describing how a biogeographic ancestry prediction in a 2016 NYPD murder case “shifted the entire course of an investigation,” causing the NYPD to stop seeking two white male suspects and instead conduct a “DNA dragnet” that collected, compared, and stored DNA from over 360 Black and Latinx community members, illustrating the risks of cognitive biases like “tunnel vision” and the potential for such predictions to justify the “mass surveillance of communities”).

⁷⁷ Herbert B. Dixon Jr., *The “Deepfake Defense”: An Evidentiary Conundrum*, *Judges' J.* (June 11, 2024), <https://www.americanbar.org/groups/judicial/resources/judges-journal/2024-spring/deepfake-defense-evidentiary-conundrum/> (discussing the emergence of the “deepfake defense” and its use by January 6 defendants to argue that prosecution videos were untrustworthy).

once deemed unimpeachable.⁷⁸ The very plausibility of such forgeries creates an epistemic breach that allows culpable parties to paint genuine proof as doubtful and evade accountability.⁷⁹ Even the bench is experimenting: during oral argument in a recent D.C. Court of Appeals matter, the panel acknowledged querying ChatGPT to test the contours of “common knowledge.”⁸⁰

The threat does not stop at the courthouse door. In June 2025, during the Sean “Diddy” Combs trial, 26 YouTube channels uploaded more than 900 AI-generated videos, replete with fake quotations and doctored images, linking uninvolved celebrities to the case and amassing nearly 70 million views.⁸¹ Mainstream outlets are not immune: the Los Angeles Times had to disable an AI feature that glossed over the Ku Klux Klan’s racist history.⁸² Taken together, unrestrained AI-driven distortions in public discourse can make their way into litigation through myriad channels including amicus briefs, expert testimony, or media-influenced juries.

2.4 Human Oversight

Meaningful human oversight is widely touted as a safeguard for AI in the justice system, yet evidence shows it can also perpetuate bias (see Tulane study, § 1.4). Oversight must curb such reversals and can be as much a failure point as a failsafe.

Because oversight itself can reintroduce bias, public perceptions of equity matter. Some research suggests that historically marginalized communities perceive AI differently; one study reported that Black participants expressed more trust in AI-assisted judicial decisions than other participants.⁸³ Such confidence is warranted only if the human-machine system is both fully

⁷⁸ Shannon Bond, *People Are Trying to Claim Real Videos Are Deepfakes. The Courts Are Not Amused*, NPR (May 8, 2023), <https://www.npr.org/2023/05/08/1174483814/people-are-trying-to-claim-real-videos-are-deepfakes-the-courts-are-not-amused> (reporting multiple litigants, including January 6 defendants and Elon Musk, who argued that authentic video or audio was AI-forged, prompting judges to scrutinize evidence once taken for granted).

⁷⁹ Robert Chesney & Danielle Keats Citron, *Deep Fakes: A Looming Challenge for Privacy, Democracy, and National Security*, 107 Cal. L. Rev. 1753, 1785 (2019) (describing the “liar’s dividend,” where the existence of convincing forgeries makes it easier for culpable parties to “escape accountability for their actions by denouncing authentic video and audio as deep fakes”).

⁸⁰ *Ross v. United States*, --- A.3d ----, 2025 WL 561432, at *14–15 (D.C. Ct. App. Feb. 20, 2025) (Deahl, J., dissenting) (quoting the judge’s prompt “I asked ChatGPT, ‘Is it harmful to leave a German shepherd outside in 25 degree temperature for five hours?’” to test whether the point was truly “common knowledge”).

⁸¹ Craig Silverman, Fake, AI-generated videos about the Diddy trial are raking in millions of views on YouTube, *The Guardian* (June 29, 2025), <https://www.theguardian.com/technology/2025/jun/29/fake-diddy-ai-videos-youtube> (reporting that 26 YouTube channels uploaded roughly 900 AI-generated videos about the Sean “Diddy” Combs trial, amassing nearly 70 million views and falsely linking uninvolved celebrities to the case).

⁸² Anna Betts, *LA Times Reportedly Removes New AI Tool from Story after It Downplayed KKK*, *The Guardian* (Mar. 5, 2025).

⁸³ See Anna Fine, Emily R. Berthelot & Shawn Marsh, *Public Perceptions of Judges’ Use of AI Tools in Courtroom Decision-Making: An Examination of Legitimacy, Fairness, Trust, and Procedural Justice*, 15 Behav. Sci. 476, Abstract (2025) (reporting that “Black participants showed greater trust and perceived fairness in AI-augmented judicial decisions than did White and Hispanic participants”).

understood and demonstrably fairer than human judgment alone, a preference that may reflect a deep skepticism toward a human-run system with a documented history of racial bias.⁸⁴ Turning that trust into practice demands clear procedures. Oversight must therefore do more than give the human reviewer a veto; it needs guidance and protocols that curb biased overrides.⁸⁵ One possible remedy deserving further evaluation is cross-validation: run independent models and, when outputs diverge sharply or a judge overrides a lenient recommendation, trigger a mandatory, structured review.⁸⁶

2.5 Patchwork Regulation and the Global Context

As New York’s judiciary evaluates AI, it should recognize that the EU and the U.S. employ distinct regulatory models that serve as valuable guideposts for designing its own framework.

The EU has adopted a proactive legal framework for AI. In September 2024, it joined the United States and other nations in signing the Council of Europe Framework Convention on AI, which is the first binding treaty requiring AI to comply with human rights and the rule of law.⁸⁷ Complementing the treaty, the EU AI Act, effective since August 2024, uses a tiered, risk-based regime that expressly covers AI in the administration of justice.⁸⁸ It mandates bias testing, human oversight, and public transparency for “high-risk” systems, while banning “unacceptable-risk”

⁸⁴ John Gramlich, *From Police to Parole, Black and White Americans Differ Widely in Their Views of Criminal Justice System*, Pew Research Center (May 21, 2019), <https://www.pewresearch.org/short-reads/2019/05/21/from-police-to-parole-black-and-white-americans-differ-widely-in-their-views-of-criminal-justice-system/> (reporting that 87% of black and 61% of white adults believe blacks are treated less fairly by the criminal-justice system).

⁸⁵ ABA Comm. on Ethics & Prof’l Responsibility, *Formal Op. 512*, at 9 (2024) (explaining that managerial lawyers “must establish clear policies” for generative-AI use and ensure subordinates are “trained ... in the ethical and practical use of the [tools]” and associated risks).

⁸⁶ Partnership on AI, *Report on Algorithmic Risk Assessment Tools in the U.S. Criminal Justice System* 31 (2019) (stating that to ensure accountability, “[j]urisdictions must take responsibility for the post-deployment evaluation, monitoring, and auditing of these tools” and recommending that “data on individual judges’ decisions before and after an intervention should be collected and analyzed”).

⁸⁷ Council of Europe, Press Release, *Council of Europe Opens First Ever Global Treaty on AI for Signature* (Sept. 5, 2024), <https://www.coe.int/en/web/portal/-/council-of-europe-opens-first-ever-global-treaty-on-ai-for-signature> (reporting that the European Union, United States, and other parties signed the Framework Convention on Artificial Intelligence, the first binding treaty requiring AI to comply with human rights, democracy, and the rule of law).

⁸⁸ European Commission, News Article, *AI Act Enters into Force* (Aug. 1, 2024), https://commission.europa.eu/news-and-media/news/ai-act-enters-force-2024-08-01_en (announcing that the AI Act took effect on Aug. 1, 2024); European Commission, Policy Page, *AI Act — Shaping Europe’s Digital Future*, <https://digital-strategy.ec.europa.eu/en/policies/regulatory-framework-ai> (last visited July 4, 2025) (explaining the Act’s tiered, risk-based framework and listing AI used in the administration of justice as a high-risk category).

uses such as social scoring.⁸⁹ This ex-ante approach prioritizes safety and public trust before deployment.

The United States still lacks a comprehensive federal AI statute. Oversight is fragmented and reactive: agencies rely on existing anti-discrimination and consumer-protection laws after harm occurs, and no binding judiciary-specific standards exist.⁹⁰ The Senate's 99–1 vote to scrap a proposed 10-year moratorium signals an overwhelming bipartisan preference for state-led regulation.⁹¹ Texas has now joined Colorado, Utah, and California in passing an omnibus AI law, and New York is poised to adopt the nation's first AI-safety bill.⁹² This growing patchwork prioritizes litigation over prevention. New York must decide whether to follow this minimalist U.S. model or draw on more prescriptive frameworks such as the EU's.

Part 3: Conclusion

The New York courts should take great caution in utilizing AI tools for high-risk decision making because of the bias and equity risks that such use would implicate. These tools are more valuable and efficient when used administratively, where the risks to bias and equity are lessened. Some promising use cases for AI tools in the courts include administrative streamlining, legal research, document review, accessibility improvements, and identifying legal misstatements or omissions in filings. Concerning use cases include the risk of 'function creep' when tools are used outside of their intended use cases, where tools are improperly used for high-risk decisions such as sentencing, bail and parole determinations, or when their output is used as the sole or primary evidence in any consequential contexts.

⁸⁹ European Commission, Policy Page, *AI Act — Shaping Europe's Digital Future*, <https://digital-strategy.ec.europa.eu/en/policies/regulatory-framework-ai> (last visited July 4, 2025) (detailing the mandatory bias-mitigation testing, human-oversight, and transparency obligations for high-risk systems and noting the prohibition of social scoring as an unacceptable-risk practice).

⁹⁰ Ashley Taylor, Clayton Friedman & Gene Fishel, *State AGs Fill the AI Regulatory Void*, Reuters (May 19, 2025), <https://www.reuters.com/legal/legalindustry/state-ags-fill-ai-regulatory-void-2025-05-19/> (reporting that, in the absence of a federal AI statute, regulators are leaning on existing consumer-protection and anti-discrimination laws to address harms); Lauren G. Leipold & Owen R. Wolfe, *Rules for Use of AI-Generated Evidence in Flux*, Reuters (Sept. 23, 2024), <https://www.reuters.com/legal/legalindustry/rules-use-ai-generated-evidence-flux-2024-09-23/> (observing that no definitive federal court rules yet govern AI evidence).

⁹¹ Matt Brown & Matt O'Brien, *Senate Strikes AI Regulatory Ban From GOP Bill After Uproar*, AP News (July 1, 2025), <https://apnews.com/article/congress-ai-provision-moratorium-states-20beeb6967057be5fe64678f72f6ab0> (noting the Senate's 99–1 vote to remove a 10-year moratorium on state AI regulation, reflecting broad bipartisan support for state-level action).

⁹² Alex LaCasse, *Governor Signs Texas Responsible Artificial Intelligence Governance Act*, IAPP News (June 23, 2025), <https://iapp.org/news/a/governor-signs-texas-responsible-artificial-intelligence-governance-act> (stating Texas became the fourth state after California, Colorado, and Utah to enact an omnibus AI law); Jennifer Johnson et al., *New York Legislature Passes Sweeping AI Safety Legislation*, Global Policy Watch (June 24, 2025), <https://www.globalpolicywatch.com/2025/06/new-york-legislature-passes-sweeping-ai-safety-legislation/> (explaining that New York's RAISE Act, awaiting the governor's signature, would be the nation's first AI-safety law for frontier models).

Human decision making is imperfect and subject to fatigue, social biases and cognitive biases which may lead to inconsistent outcomes. AI tools can help to reduce such inconsistencies, but they inherently risk amplifying historical inequities if not properly managed. Thus, AI tools should be viewed as a supplement to, not a replacement for, human judgment, and if any AI tools are used by New York courts, implementation must include not only robust safeguards to address technological bias but also dedicated support for human decision-makers, such as implicit bias training.

APPENDIX 7

**New York State Court Unified Court System
Advisory Committee on Artificial Intelligence and the Courts**

**Evidence, Authenticity and Reliability Subcommittee*
Final Report**

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Part 1: Introduction to AI-Generated Evidence

After being arrested for allegedly poisoning his wife, James Craig asked his daughter to create a deepfake video of her deceased mother. The video was meant to portray her mother asking to be poisoned, to support a narrative that her mother was suicidal. Instead of listening to her father, the daughter alerted the police. Although the deepfake video was never made, this case is an example of how AI-generated media can readily be created and potentially sought to be admitted as fabricated evidence.¹

Fabricated evidence is not a new problem. However, fabricated AI-generated evidence poses new considerations that judges should be aware of. AI-generated evidence can either be acknowledged or unacknowledged.²

Fabricated AI-generated evidence is different from other types of forged evidence because AI-generated evidence is relatively easy and cheap to produce but difficult to detect. AI and generative-AI tools have made it easier to create sophisticated fakes. In recent years, the incidents of deepfakes have dramatically increased.³ As such, judges must be prepared to tackle the challenges associated with the admissibility of AI evidence. If both parties agree evidence is AI-generated or AI-processed, then it is referred to as "acknowledged AI-generated evidence."⁴ If one party disagrees or asserts that the evidence could be AI-generated, this kind of evidence is referred to as "unacknowledged AI-generated evidence."⁵ The following are at least four different ways that AI-generated evidence is likely to appear in court proceedings:

- Acknowledged AI-generated evidence, where the parties agree the evidence is the product of an AI system;
- Expert disclosure of AI used in his or her expert report;
- AI-enhanced evidence, where the parties agree that AI has been used to alter the original evidence in some way;

¹ These are the facts from the case of *People of the State of Colorado v James Craig*, which was tried in the Arapahoe County District Court in 2025. After a trial, the defendant was convicted of, among other things, murder in the first degree and was sentenced, on this charge, to a prison sentence of life without parole (see Colorado Judicial Branch online court records, case # 23CR664, [People of the State of Colorado v James Craig | Colorado Judicial Branch](#) (last accessed Sept 8, 2025); see also Michael Braithwaite, Denver Gazette, *James Craig's Oldest Daughters Take Stand in Emotional Third Day of Testimony*, [James Craig's oldest daughters take stand in emotional third day of testimony | News | denvergazette.com](#) (last accessed Sept 8, 2025))

² See Maura R. Grossman & Paul W. Grimm, *Judicial Approaches to Acknowledged and Unacknowledged AI-Generated Evidence*, 26 Colum Sci & Tech L Rev 110, 121 (2025).

³ See Grossman & Grimm at 118.

⁴ See Grossman & Grimm at 120-121.

⁵ See Grossman & Grimm at 120-121.

- Unacknowledged AI-generated evidence, where the parties disagree whether the evidence is the product of an AI system.⁶

Below is a sampling of the types of evidentiary challenges that may arise in court proceedings.

Acknowledged AI-Generated Evidence⁷

- Device data extracted directly from an application on a smartwatch that is autonomously produced, meaning that no human being produces or creates the data, in accordance with its program, and it is offered as direct evidence.⁸ For instance, Oura Ring AI Advisor functionality.⁹
- Data collected and used by law enforcement that comes from (i) AI-enabled voice recognition software like SpeechPro, (ii) gunshot incident-detection systems that uses machine learning, acoustic sensors and GPS technology, and (iii) facial recognition technologies sold by software companies like Clearview, Oosto, Neurala, Microsoft and Amazon.¹⁰
- A car's drowsiness-detection system concludes the car's driver was responsible for a collision that occurred after the car warned to the driver that the car was getting too close to the vehicle in front of it.¹¹
- A defendant requests that the court treat computer-generated outputs as if they were statements made by a person (either the software itself, as if it were an artificial intelligence, or the software developer who created the program).¹²

⁶ See Grossman & Grimm at 120-121.

⁷ The National Center for State Courts (NCSC) has created bench cards that provide general guidance for acknowledged and unacknowledged AI evidence. These bench cards can be found at on the NSCS website at: [AI-generated evidence: A guide for judges | National Center for State Courts](#).

⁸ See Sabine Gless, Fredric Lederer & Thomas Weigend, *AI-Based Evidence in Criminal Trials?*, 59 Tulsa L Rev 1, 4-5 (Winter 2024).

⁹ See Oura Blog, *Introducing Oura Advisor: Your AI-Powered Personal Health Companion*, <http://ouraring.com/blog/oura-advisor/> (Mar 31, 2025).

¹⁰ See Ian Maddox, *Artificial Intelligence in the Courtroom: Forensic Machines, Expert Witnesses, and the Confrontation Clause*, 15 Case W Reserve JL Tech & Internet 416, 426-27 (2024).

¹¹ See Gless et al., *supra* note 8 at 15.

¹² See e.g. *People v Wakefield*, 175 AD3d 158 (3d Dept 2019), *aff'd* 38 NY3d 367 (2022), *cert denied* ___ US ___, 143 S Ct 451 (2022).

- A lab technician loads a blood sample into a machine, which then produces a toxicology report without any further interpretation or analysis by the technician. Evidentiary issues can arise regarding the transparency, validity and reliability of the technology.¹³
- A party seeks access to information about the opposing party's technology to authenticate outputs, understand processes, or support their claims or defenses. The opposing party is reluctant to disclose proprietary code or algorithms due to concerns about trade secrets.¹⁴
- An AI system analyzes stock trading patterns in securities litigation to show "the relative magnitude of the stock drop as a percentage of the Dow Jones Industrial Average, or to assess how likely it is that the drop in price was caused by a particular event."¹⁵

Expert Discloses AI Use in His or Her Report

- A report is generated by AI under an expert's direction to provide a valuation estimate for a specific cryptocurrency.¹⁶
- A damages expert prompts Microsoft Copilot, a generative AI chatbot, to conduct financial lost-profit calculations.¹⁷
- "In a copyright dispute, an AI system analyzes image data to determine whether two works are substantially similar."¹⁸
- "An AI system assesses the complexity of an allegedly stolen software program in a trade secret dispute" and generates analysis "of how long it would take to independently develop the code based on its complexity."¹⁹

¹³ See Paul W. Grimm, Maura R. Grossman, Gordon V. Cormack, *Artificial Intelligence as Evidence*, 19 Nw J Tech & Intellectual Prop 9, 48-49 (Dec 2021).

¹⁴ See Rebecca Wexler, *Life, Liberty, and Trade Secrets: Intellectual Property in the Criminal Justice System*, 70 Stanford L Rev 1343, 1358-1359 (May 2018).

¹⁵ Debevoise & Plimpton, *Debevoise In Depth: Federal Judicial Conference to Revise Rules of Evidence to Address AI Risks* (Mar 20, 2025), <https://www.debevoise.com/insights/publications/2025/03/federal-judicial-conference-to-revise-rules-of>.

¹⁶ See *In re Celsius Network LLC*, 655 BR 301, 308 (SD NY, Bankr Ct 2023), *appeal dismissed* 2024 WL 3376496 (SD NY 2024, No 23 Civ 10368 [LGS]).

¹⁷ See *Matter of Weber*, 85 Misc 3d 727, 741 (Sur Ct, Saratoga County 2024).

¹⁸ Debevoise & Plimpton, *supra* note 15.

¹⁹ Debevoise & Plimpton, *supra* note 15.

- In a products liability case, an expert uses ChatGPT to confirm his or her findings, reached independently based on his or her training and experience.²⁰
- In a class action case involving damages based on false advertising of e-cigarettes, a statistical expert uses Bayesian hedonic regression analysis to model damages to class members.²¹

AI-Enhanced Evidence

- Defense wants to have pictures that have been enhanced by a machine learning image enhancement software to be admitted into evidence. Similarly, a party wants to admit AI-enhanced video evidence. The party uses AI tools to make the video clearer by increasing resolution and sharpness.²²
- AI-enhanced media is offered as an illustrative aid that is used to explain testimony but not as substantive evidence.²³

Unacknowledged AI-Generated Evidence²⁴

- A party disputes the authenticity of evidence and claims that it is a deepfake.²⁵
- A person fabricates evidence to make it seem like someone sent them threatening texts to have a temporary restraining order or domestic violence restraining order granted.²⁶
- A person is sued for disseminating defamatory deepfake images that are actually real.²⁷

²⁰ See *Ferlito v Harbor Freight Tools USA, Inc.*, 2025 WL 1181699, *4, 2025 US Dist LEXIS 77560, *10-11 (ED NY, Apr. 23, 2025, No 20-5615 [GRB] [SIL]).

²¹ See *In re NJOY, Inc. Consumer Class Action Litig.*, 2016 WL 787415, *4, 2016 US Dist LEXIS 24235, *12-13 (CD Cal, Feb 2, 2016, No CV 14-428-JFW [JEMx]).

²² See e.g. *State v Puloka*, [https://www.nacdl.org/getattachment/89dee8b2-c47d-49c0-89d4-e187efe76551/Washington-v-Puloka-\(No-21-1-04851-2-KNT\)-\(Sup-Ct-WA-2024\).pdf?lang=en-US](https://www.nacdl.org/getattachment/89dee8b2-c47d-49c0-89d4-e187efe76551/Washington-v-Puloka-(No-21-1-04851-2-KNT)-(Sup-Ct-WA-2024).pdf?lang=en-US) (Super Ct Wash, No 21-1-04851-2 KNT, Mar 29, 2024).

²³ See Penny J. White, 2024 Forum for State Appellate Court Judges, *AI and Evidence: What Should Judges Look For?*, at 19 (Nat'l Civil Justice Inst., July 20, 2024), <https://ncji.org/wp-content/uploads/2024/07/2024-NCJI-Judges-Forum-AI-and-Evidence-What-Should-Judges-Look-For-White.pdf>.

²⁴ The NCSC has created bench cards that provide general guidance for acknowledge and unacknowledged AI evidence. These bench cards can be found at on the NSCS website at: [AI-generated evidence: A guide for judges | National Center for State Courts](#).

²⁵ See e.g. *Matter of Armani V. [Peter V.]*, 76 Misc 3d 1213(A), 2022 N.Y. Slip Op. 50898(U), *3 (Fam Ct, Kings County 2022).

²⁶ See Grimm et al., *supra* note 13 at 72-73.

²⁷ See Grossman et al., *supra* note 2 at 117-118.

All types of AI-generated evidence can be disputed, including acknowledged AI, but the natures of the disputes will differ. With acknowledged-AI evidence, the disputes center around validity, reliability and bias, whereas for unacknowledged-AI generated evidence the disputes center around authenticity. While AI evidence from programs and devices may be regarded as reliable sources of information, their process of data gathering, generation and interpretation is still prone to error.²⁸

Sometimes parties want the courts to treat computer-generated outputs as if they were statements made by a person. This could mean either that the software itself is considered to be a person, or the developer who created the program is a person. Depending on the court's view, such evidence may be considered hearsay and may not be subject to cross-examination by the other party.²⁹ The preferred approach is not to view software output as the equivalent of human output since it can be generated in ways that are either unknown or very different from human output. Moreover, AI-generated evidence poses Confrontation Clause challenges, creating significant difficulty for defendants in exercising his or her constitutional right to question or cross-examine the AI system.³⁰ This means that AI-generated evidence could be admitted without the same scrutiny applied to human witnesses, potentially limiting the defendant's ability to challenge its validity or reliability through cross-examination.³¹ Courts have rejected arguments that source code can be "called" into court for cross-examination, since, as the Court of Appeals observed in *People v Wakefield*, "the source code is not an entity that can be cross-examined."³²

Whether there is a judge or jury viewing evidence, and making decisions relating to its admissibility, reliability or authenticity, it is important that we be aware of the potential for bias. There are particular types of bias that now exist due to the proliferation of AI.³³ Confirmation bias is the tendency for humans to search for, interpret, favor and recall information that confirms their prior beliefs and values.³⁴ "Algorithm aversion" is the tendency for people to favor a human prediction over a more accurate algorithmic one derived from an algorithmic or generative AI (GenAI) tool, especially after seeing the latter make mistakes in the past. "Automation bias" is the tendency for people to over-rely on automated decision-making systems

²⁸ See Gless et al., *supra* note 8 at 4-5.

²⁹ See Gless et al., *supra* note 8 at 16.

³⁰ See Maddox, *supra* note 10, at 416-417.

³¹ See generally Andrea Roth, *What Machines Can Teach Us About "Confrontation,"* 60 *Duquesne L Rev* 210 (Summer 2022).

³² *People v Wakefield*, 38 NY3d 367, 385 (2022), *cert denied* ___ US ___, 143 S Ct 451 (2022); see Maddox, *supra* note 10, at 443-444.

³³ See generally Tara S. Emory & Maura R. Grossman, *A Primer on the Different Meanings of "Bias" for Legal Practice* (July 17, 2025), available at <https://ssrn.com/abstract=5356035> (last accessed Sept 8, 2025).

³⁴ See Grimm et al., *supra* note 1326 at 46.

or GenAI tools.³⁵ When an AI system is not transparent or explainable, then ensuring its validity and reliability increases in importance.³⁶

Finally, the admission of evidence from a procedural perspective presents many potential issues for judges. In New York, the *Frye* standard governs the admissibility of scientific and technical evidence, including AI-generated evidence. Litigators can challenge AI evidence before trial through *Frye* hearings and expert disclosure requirements, which demand details about the AI's methodology. Insufficient disclosure can delay trials and lead to exclusion or summary judgment motions. Federal courts can also rely on the *Daubert* standard that requires that expert methods be testable and peer-reviewed, possess known error rates and achieve general acceptance. Courts can consider using pretrial orders to require early disclosures of a party's intention to present AI-generated evidence as well as its intention to challenge such evidence. Some matters are heard on an emergency basis in New York courts, such as a request for a protective order.

This report will outline concepts relating to acknowledged and unacknowledged AI at each stage of a trial.

Part 2: Specific Evidentiary Issues

Identifying AI-Generated Evidence

It can be difficult to say what AI-generated evidence or evidence enhanced or created by generative AI³⁷ is because many types of evidence can now be manipulated by generative AI tools. Sometimes, it is simpler to start with what generative AI is not. Generative AI is not technology that (i) merely corrects spelling or grammar, provides transcription, assists with formatting and otherwise does not generate substantive content or (ii) generates chronologies from original source documents.³⁸ Judges should also ask parties, on the record, to clarify whether or not a piece of evidence is AI-generated or enhanced as part of the initial submission of evidence. By having parties disclose upfront whether or not a specific exhibit implicates AI

³⁵ See Grimm et al., *supra* note 13 at 47.

³⁶ See Grimm et al., *supra* note 13 at 60-65.

³⁷ "Generative AI (Gen AI) is a form of artificial intelligence that is capable of creating new content, including text, images or sounds, based on patterns and data acquired from a body of training material. That training material may include information obtained from 'scraping' publicly and privately available text sources to produce large language models . . . Gen AI may take the form of generic large language model programs such as Chat-GPT, Claude, Grok, Llama, Google Bard, Co-Pilot, AI Media or Read AI or more bespoke programs specifically directed to lawyers such as Lexis Advance AI, ChatGPT for Law, Westlaw Precision, AI Lawyer, Luminance and CoCounsel Core. These examples are not intended to be exhaustive. Such programs may use 'chatbots' and prompt requests and refined requests from the users of such programs" (Chief Justice of New South Wales, Practice Note SC Gen 23, *Use of Generative Artificial Intelligence (Gen AI)* at 1 (Nov 21, 2024), at https://supremecourt.nsw.gov.au/documents/Practice-and-Procedure/Practice-Notes/general/current/PN_Generative_AI_21112024.pdf).

³⁸ See *id.* at 2.

functionality, judges can better scope out pretrial activities relating to evidence and tailor discovery motions. Below are some questions that can help discern whether a type of evidence that is submitted by a party could have AI implications.

Premise and Assumption. A party discloses the existence of some evidence that, at some stage, was created, modified or analyzed by an artificial intelligence tool, software, machine, program or device that uses artificial intelligence. Sometimes AI features can be disabled on some programs and devices. It is important to inquire, but for this premise, we can assume that the AI feature or functionality on a program or device was turned on.

- Is the underlying software, machine, program or device³⁹ new or unfamiliar? Did the evidence come from a "smart device?" Does the underlying software, machine, program or device self-learn⁴⁰ or rely on statistical models rather than fixed rules?⁴¹
- What are the inputs for the software, machine, program or device?⁴²
- What was the output? Was it a full or partial generation, like a deepfake⁴³ or large-language-model text output, or was it an enhancement, an AI filled-in or extrapolation of an already existing file, or was it an analysis?
- What is the purpose of the program, software or device that contains AI? Is it created for forensic purposes or for a different reason?⁴⁴
- Who had access to the technology? Are there original files, device logs or system version numbers, or any intermediate outputs that are accessible for the evidence? Who generated the model or prompt used with regards to the evidence?

³⁹ See Gless et al., *supra* note 8 at 9-17 for discussion on device types broken into three categories with varying levels of AI involvement.

⁴⁰ See Benjamin Welton, Note, *Meaningful Machine Confrontation*, 76 Stan L Rev 845, 869 (April 2024). There can be "rule-based" machines that are told what to do (*id.*). Other machines are taught how to think by example. One common form of machine learning is supervised learning which requires structured, pre-labeled training data. Another form of machine learning is unsupervised learning which lets the machine "cluster" common patterns that it detects in the training data without ever understand what properties it is sorting. Facial recognition uses unsupervised learning (*id.*). A related question is "[c]an the machine's reasoning change?" (*id.* at 872). An example would be a microphoned device decaying overtime and an AI tool having flawed output of the sound as a result (*id.*)

⁴¹ See Welton at 869.

⁴² See Welton **Error! Bookmark not defined.** at 868-872.

⁴³ A deepfake is "[a] convincing piece of synthetic media – including pictures, videos or audio clips – created leveraging deep learning technology" (see Stephanie Wilkins, Rhys Dipshan, Isha Marathe, Cassandre Coyer, *The Artificial Intelligence Glossary*, NYLJ, Sept 30, 2024).

⁴⁴ See Gless et al., *supra* note 8 at 5.

- Can a human being verify or duplicate the same information or expert testimony?
- Is the underlying software, machine, program or device peer-reviewed? Are there known error rates or any benchmarking analysis regarding accuracy and reliability conducted?
- Has performance of the software, machine, program or device been audited for biases or skew? For instance, facial recognition accuracy by race.
- If an expert for expert testimony used AI, was the tool generally accepted in the relevant field? Did the expert witness verify the output, understand the tool's limitations and apply the information reliably? How familiar was the expert with the AI tool?
- Does the AI software, machine, program or device have source code that is available or at least detailed documentation on its processes, or training data⁴⁵ available? Or is the AI software, machine, program or device a black box?⁴⁶
- Is the evidence used as an aid to help the jury potentially understand something, or is the evidence used as substantive evidence?
- For AI evidence being sought to be introduced in a court for the very first time, do we need the creator of the AI to explain the methodology of the AI, how it was created, and its validity and reliability before it is allowed to be admitted? A Frye or Daubert hearing is necessary.

⇒ **For committee consideration:**

While these questions are useful and helpful, they presume that an attorney or pro se party discloses that the existence of the evidence has some connection to AI. Certainly, a court must inquire of both sides before a hearing and/or trial commences regarding whether any of the evidence was created or implicated by the use of AI. That said, what is the remedy if an attorney or party intentionally fails to disclose the connection of the evidence to AI?

Timely Disclosure of AI-Generated Evidence

In both criminal and civil cases, New York law requires timely and comprehensive disclosure of evidence before trial.

In criminal cases, Criminal Procedure Law (CPL) article 245 governs timely disclosure expectations. CPL 245.10 sets time frames for disclosure and discusses motions seeking

⁴⁵ Training data is what is used to train an AI system "to make accurate predictions or decisions" (Nayna Jaen, *How AI is Trained: The Critical Role of AI Training Data* [Mar 26, 2024] [How AI is trained: the critical role of training data – RWS](#); see also Wilkins et al., *supra* note 43 ["Garbage In, Garbage Out: An expression meaning that an AI system is only as good as the data on which it is trained. If an AI system is trained on inaccurate, biased or outdated data, its outputs will reflect those shortcomings"]).

⁴⁶ See Wilkins et al., *supra* note 43 ("Black Box: An AI system whose decision-making and other internal workings might be opaque to humans").

extensions. CPL 245.20 discusses what kinds of evidence are subject to automatic discovery and any exceptions to same. If authentication materials are necessary to verify AI-generated evidence and are unavailable or take more time to get, the prosecution may request an extension pursuant to CPL 245.10. Likewise, the defense might seek similar relief to examine evidence that is either affirmatively identified as AI-generated or suspected to be so. Similarly, in civil cases, Civil Practice Law and Rules article 31 governs timely disclosure. CPLR 3101 (a) says that all parties must fully disclose any information that is material and necessary to the prosecution or defense of an action, regardless of who has the burden of proof. Parties must identify expert witnesses they expect to call at trial and provide detailed information about their expected testimony, qualifications and the basis for their opinions.⁴⁷

Current laws and the application in the context of AI evidence:

- CPL 245.10: The prosecution must give defense discovery materials as soon as practicable but no later than specific deadlines. A deadline is based on whether defendant is in custody or not. Given these stringent deadlines, AI-generated evidence could be submitted without any supplemental authentication for the evidence. There is an exception for voluminous or unavailable materials, where extra time is granted. As such, it might be necessary to grant extra time for pretrial authentication materials of AI-generated evidence. If there is validation of acknowledged AI-generated evidence early on, it reduces the likelihood of conflict over validity of the evidence down the line.
- CPL 245.20 (1): Defendant can inspect and test evidence during initial discovery of the evidence. In the context of AI-evidence, this means that a defendant has a right to test evidence to see if the evidence was AI-generated or enhanced. It also means that a defendant can test or inspect acknowledged AI-generated evidence. "Test" or "inspect" could be interpreted as authenticate or validate. If a defendant is using a "deepfake defense," there may need to be discussion of what the threshold is for stating a claim that evidence implicates unacknowledged AI. Certainly, it is best to avoid scenarios where a defendant may claim, without proof, that any and all of the evidence at hand is AI-generated.
- CPLR 3101: Parties must disclose any information that is "material and necessary" to the prosecution or defense of the case, regardless of who has the burden of proof. Parties must identify expert witnesses they expect to call at trial and provide details about their expected testimony, qualifications, and the basis for their opinions. Materials prepared in anticipation of litigation can only be disclosed if the requesting party shows substantial need and cannot obtain the information otherwise. The court must protect the mental impressions and legal theories of attorneys. Parties must promptly update or correct any prior disclosure if they learn some information was incorrect or incomplete, or if it becomes so. Films, photographs, videos, and audio tapes involving a party must be disclosed in full, not just the portions a party intends to use, except for certain law enforcement materials. This should assist in detecting potential deepfakes sooner.

⁴⁷ CPLR 3101 (d).

⇒ For Committee Consideration

- While there is no official rule, it is recommended that prior to testimony, the parties disclose whether or not the expert witness used an AI tool as part of their analysis.
- How can courts protect the legal theories and trial strategies of attorneys if unacknowledged AI-generated evidence issues arise midtrial?
- Guidance on leniency with regards to this should also be discussed by the committee, especially when it is learned after the fact that something was unacknowledged AI or that further authentication efforts are needed.
- Research should be done as to time estimates for authentication based on type of AI evidence, and how those time estimates will change as technology continues to evolve.⁴⁸ Additionally, it is worth focusing on the financial disparity between parties in this situation and the cost of authentication.

Protective or Confidentiality Orders

Current laws and the application in the context of AI evidence:

- CPLR 3103: The court may at any time make a protective order denying, limiting, conditioning or regulating the use of any disclosure. The order is designed to prevent unreasonable annoyance, expense, embarrassment, disadvantage or other prejudice to any person or the courts. This gives relatively broad judicial discretion to judges to make protective orders. When disclosure of source code is an issue and a protective order is requested, judges will need to scrutinize the nature of the system in question itself to understand whether review of the code will help with understanding how an enhancement, analysis or generation was made with AI.
- CPL 245.70: If a protective order is requested, the court must hold a hearing within three business days (unless the defendant agrees to the order). In some felony cases, the court can hold this hearing privately, outside the defendant's presence, if the prosecutor shows good cause. The court can redact parts of evidence. It is unclear what the impact of a private hearing can have on fairness. The court can redact parts of evidence if something is AI-generated. Courts can also impose conditions relating to how AI-generated evidence is shown. For instance, only summaries of AI-generated audio or video are shown instead of the raw files.

Other considerations:

- In a case involving the forensic software TrueAllele, the court held that while the source code itself was not subject to cross-examination, defense could question the developer

⁴⁸ See James Bickford, Georgetown Law Technology Review, *Legal Impressions, AI Is Coming, But the Rules Aren't Ready*, [Georgetown Law Technology Review](#) (Jan 2025).

about the tool's design, logic, and operation during the *Frye* hearing.⁴⁹ Compared to the capacity of what generative AI tools can do with regard to media production and document creation, the scope of TrueAllele's usage is relatively closed and specific for analyzing DNA profiles using industry-standard statistical methods. Many generative AI tools ingest vastly more, often untraceable datasets and generate outputs based on evolving logic. These systems incorporate outside information and make assumptions not even fully understood by their own developers,⁵⁰ making it far more difficult to pinpoint the logic behind a specific output,⁵¹ and creating the potential for hallucination or the creation of untrue materials. As generative AI widens the scope for types of analysis, courts might not be able to rely solely on developer testimony to explain a tool's logic, design, or operation. Judges need to weigh whether requests for access to source code are genuinely necessary, or if a request is an attempt to gain access to competitive information via litigation.

- In a 2019 assault trial in Pennsylvania, prosecutors introduced a machine-generated report from the gunshot detection program ShotSpotter. They used the report to show that the defendant fired a gun twice at a specific location and time. The Superior Court of Pennsylvania rejected the defendant's argument that he did not have the opportunity to meaningfully confront the machine-generated report, violating his rights under the Confrontation Clause. It was later discovered that ShotSpotter regularly wrongly classifies sounds as gunshots. In fact, a Massachusetts police station recorded that the program worked less than 50% of the time. Rather than dismissing the argument, the court could have granted the defendant access to ShotSpotter's error rates in discovery or allowed the defendant to call ShotSpotter's developers to the stand.⁵²
- In July 2025, the White House released an "AI Action Plan" which, in relevant part, discussed the promotion of open-source and open-weight AI.⁵³
- It should be considered whether source code could harm public safety or compromise law enforcement tools. For example, facial recognition and predictive policies are used in criminal investigations. If the results of the AI systems are flawed or biased, relevant evidence may be generated that would not otherwise exist. The debate over source code

⁴⁹ *People v Wakefield*, 38 NY3d at 380-384.

⁵⁰ See Welton, *supra* note 40 at 878-881 for discussion the considerations as to whether a developer providing testimony regarding a system can be useful.

⁵¹ "In the case of rule-based systems, experts can explain how the system collects and processes data and comes to a result. This is much more difficult in complex systems that process a plethora of data and rely on a training data set not known to the public. An expert cannot fully trace the device's path from the collection of information to an evaluative assessment" (Gless et al., *supra* note 8 at 16 [footnotes omitted]).

⁵² See *Commonwealth v Weeden*, 253 A3d 329, 335 (Pa Super Ct 2021), *affd* 304 A3d 333 (Pa 2023); see also Welton, *supra* note 40 at 848.

⁵³ *Winning the Race: America's AI Action Plan* at 4-5, The White House (2025), <https://www.whitehouse.gov/wp-content/uploads/2025/07/Americas-AI-Action-Plan.pdf> (last accessed Sept 8, 2025).

should depend on the purpose and design of a system, as well as the software development life cycle and its implications on the output of the system.⁵⁴ Software development life cycles are often done using an Agile method, where development is iterative and testing is ongoing.⁵⁵ This model assumes that software that is released is imperfect by nature and will be improved over time with user feedback, data collected from the tool, and other types of refinement. How the AI tool is tested by the company putting the tool on the market is important because this testing relates back to the training data, function of the tool, reliability, biases, and purpose.

- AI algorithms can train on large language models. The algorithms are sometimes self-learning and self-adjusting, which can make it hard to reverse engineer the logic of what led to a specific insight, analysis or output.⁵⁶

Disclosure of AI Use by an Expert Witness

As discussed earlier in this report, experts may use generative-AI tools when formulating their opinion. While there is no statute that specifically addresses an expert's use of AI, it is recommended that courts require attorneys to inquire of their expert witnesses whether they have used AI in drafting their opinions and what they have done to verify any AI-generated content.⁵⁷

Current law and application in context of AI evidence:

- CPL 245.20 (f): Expert opinion evidence should include basic information about the expert opinion with an attached CV, list of proficiency tests, etc. A written statement of facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion. Written statement could include whether or not AI-tools were used by the expert witness or for the opinion.
- CPL 3101: Generally mirrors CPL § 245.20. Note: there are special rules for medical malpractice cases.

⁵⁴ See Brandon L. Garrett & Cynthia Rudin, *The Right to a Glass Box: Rethinking the Use of Artificial Intelligence in Criminal Justice*, 109 Cornell L Rev 561 (Mar 2024); see also Welton, *supra* note 40 at 878.

⁵⁵ See *Agile Software Development - Software Engineering* (July 11, 2025), Geeks for Geeks, available at <https://www.geeksforgeeks.org/software-engineering/software-engineering-agile-software-development/> (last accessed Sept 8, 2025).

⁵⁶ See Henry H. Perritt, Jr., *Robot Inventors, Robot Patents, Robot Examiners, and Robot Patent Prosecutors*, 76 SC L Rev 405, 423 (Winter 2024).

⁵⁷ See *e.g. Kohls v Ellison*, 2025 WL 66514, *3-5, 2025 US Dist LEXIS 4928, *9-15 (D Minn, Jan 11, 2025, No 24-cv-3754 [LMP/DLM]) (discussing at length expert's use of AI in researching and authoring declaration), <https://storage.courtlistener.com/recap/gov.uscourts.mnd.220348/gov.uscourts.mnd.220348.46.0.pdf>.

⇒ **For committee consideration:**

What is the utility of a rule that requires experts to disclose if they used AI in their analysis along with details as to whether or not it is customary and industry-standard? Additionally, should they disclose details regarding their familiarity with the AI-tool and how they authenticate outputs?

Discovery Orders

Discovery orders can allow the court to compel a party to provide more information related to AI-generated or unacknowledged AI-generated evidence.

⇒ **For committee consideration:**

- What do/should judges ask for when it comes to supplemental materials/authentication evidence for acknowledged AI, and what do they ask for when there is a situation with unacknowledged AI?
- In pretrial discovery, important information around an AI tools can be provided: statistical properties, error rates, training set data, range of outputs, performance reviews, standard operating procedures, company policies, design documents, prior statements, metadata, replicating results.⁵⁸

Resources for Authentication

⇒ **For committee consideration:**

Court guidance on what might be considered adequate authentication is necessary. Experts will often need to be consulted to ensure that the methodology applied is accurate and current. It should be noted that, as of the time of this writing, most automated-detection tools are not sufficiently reliable and AI watermarks can readily be removed.⁵⁹

- AI watermarking
- AI detectors for text/deepfakes
- Maintaining the chain of ownership/custody on evidence to ensure there is no tampering during trial

On August 15, 2025, the Federal Rules of Evidence Advisory Committee released for public comment a new proposed Rule 707 regarding the regulation of machine-generated evidence.⁶⁰

⁵⁸ See Welton, *supra* note 40 at 861.

⁵⁹ See Grossman & Grimm, *supra* note 2 at 132-133.

⁶⁰ See Committee on Rules of Practice and Procedure, Judicial Conference of the United States, *Proposed Amendments to the Federal Rules of Appellate, Bankruptcy, Civil, and Criminal Procedure, and the Federal Rules of Evidence*, at 109-112 (August 2025),

(cont'd)

This rule seeks to address the challenge presented when AI-generated evidence is admitted that cannot be cross-examined. More importantly, it applies the requirements for reliability applied to experts to machine-generated evidence that is sought to be admitted without an expert. While the committee has also considered a potential rule addressing unacknowledged AI-generated evidence, it has decided to hold that in abeyance for the time being to see whether deepfakes emerge as a problem for the courts.⁶¹

Judicial Notice

Judicial notice is a way for courts to accept certain facts as true without the need for formal evidence, but only for facts that are either common knowledge, easily verifiable, or undisputed in court records.⁶² Parties have the right to be heard, and a judge cannot use his or her own personal knowledge or take shortcuts that would undermine a fair trial. When it comes to the use of AI-generated evidence, the process or output on an AI system is not automatically a fact of common knowledge, easily verifiable, or undisputed. Before a court can take judicial notice of something produced by AI the underlying process must be shown to be reliable and the output must be authenticated.

Notice of Intent to Use AI

If an attorney, law firm, or expert witness plans to use AI in the trial, either through the admittance of AI-generated evidence, AI-supporting evidence, or AI aids, then there should be a notice of intent early on, allowing parties enough time to gather resources, estimate costs, and petition the court regarding any concerns of injustice.

⇒ For committee consideration:

It is important to determine the manner in which AI is already being used in criminal investigations.⁶³

https://www.uscourts.gov/sites/default/files/document/preliminary-draft-of-proposed-amendments-to-federal-rules_august2025.pdf.

⁶¹ See Advisory Committee on Evidence Rules, May 2, 2025 minutes at 1-2, https://www.uscourts.gov/sites/default/files/document/2025-05_evidence_rules_committee_agenda_book_final.pdf.

⁶² See CJI2d[NY] Judicial Notice of Facts (last rev Dec 2022), https://www.nycourts.gov/JUDGES/evidence/2-NOTICE/2.01_Judicial_Notice_of_Facts.pdf (last accessed Sept 8, 2025).

⁶³ AI is already being used in a host of criminal investigation, pretrial, and sentencing-related settings. For example, algorithms are used for risk scoring, in order to predict the risk that someone will commit a crime if they are released on bail or given parole. Many states mandate that risk scores be used in various decisions, always to inform a judicial or other official's discretion, to be sure (and there are real questions concerning the variability with which judges and others incorporate quantitative information into their decision-making). See Brandon L. Garrett, Alicia Carriquiry, Karen Kafadar, Robin Mejia, Cynthia Rudin, Nichols Scurich & Hal Stern, *AI and Criminal Procedure Rights: A Response to the National Institute of Justice Request for Input*, (May 28, 2024), Wilson Center for Science and Justice at Duke Law, <https://wcsj.law.duke.edu/wp-content/uploads/2024/06/Input-Regarding-AI-and-Criminal-Justice.pdf> (last accessed Sept 8, 2025).

Failure to Disclose That Evidence Has Been Generated by an AI System: Excusable Neglect or Attorney Misconduct?

In the middle of a contentious trial, during cross-examination, a witness reveals that he used AI tools to enhance a photograph that has been previously admitted into evidence and published to the jury. With the jury removed from the courtroom, and an enraged attorney demanding a mistrial while protesting that this information had not been previously disclosed, what is the trial judge to do?

It is becoming increasingly clear that to avoid the risk of unreliable evidence being admitted at trial, and prevent mid-trial surprises that unnecessarily delay proceedings, attorneys have an affirmative obligation under New York's discovery laws to disclose to the Court, and opposing counsel, their intention to introduce any evidence which is AI generated or enhanced. Additionally, they should be required, in their expert disclosure filings, to reveal if their expert witnesses used AI tools in formulating their opinion.

Questions for consideration by the trial judge:⁶⁴

- What is the threshold for holding an attorney responsible if they seek to introduce evidence at trial which is either AI generated, AI enhanced, or constitutes the testimony of an expert witness who has used AI tools in formulating their opinion, without disclosing that information to the other party and to the Court in a timely manner?
- What is the rationale for the rule requiring full pre-trial disclosure?
- What are potential remedies in case of a mid-trial surprise?
- When is the attorney's failure excusable, when is it sanctionable, and what factors should courts consider in making that determination?
- If it is sanctionable, what sanctions may be imposed?
- When do judges violate their own ethical responsibilities, under the Rules of Judicial Conduct, in failing to disclose serious violations to the attorney grievance committee?

Factors for consideration by a judge in determining whether remedies and/or sanctions are appropriate?

- The circumstances regarding the conduct.⁶⁵

⁶⁴ The relevant rules to consider when addressing these questions, as well as other relevant information, is contained in Appendix A.

⁶⁵ See NYCRR 130-1.1 (c) (3).

- Was the violation intentional, reckless, negligent, or merely an innocent oversight?
- How and when was the violation discovered? Was it self-reported? How did the attorney respond when the violation was revealed, apologetic or defiant?
- Will the failure to disclose cause a delay in the proceeding, and if so, what is the length of the delay?
- What is the prejudice to the opposing party?
- Does any uncertainty about the evidence go the weight of the evidence rather than the admissibility?⁶⁶
- Short of sanctions, are there any reasonable remedies that will cure the prejudice, protect the integrity of the judicial proceeding and deter the attorney from committing similar violations in the future?⁶⁷

An attorney who intends to offer evidence at trial that is generated or enhanced by AI has an affirmative obligation to make timely disclosure of the nature of the evidence during discovery.⁶⁸ This includes the disclosure of any AI generated data relied upon by expert witnesses in reaching their conclusions. If an attorney fails to do so, he or she runs the risk of offering false or misleading evidence. This blanket rule permits opposing counsel the opportunity to challenge the authenticity and reliability of the evidence and allows the court to make evidentiary rulings prior to its introduction at trial. An attorney who knowingly or negligently offers false or misleading AI-generated or enhanced evidence, may run afoul of the Rules of Professional Conduct (RPC or Rules). When using any technology in legal practice, attorneys must follow the Rules. When AI tools are used in generating evidence, several rules may be implicated.⁶⁹

Attorney Use of AI in Court — AI Aids

AI aids can help explain things to the jury. AI aids have biases of their human creators. AI aids should have to be qualified with the fact that they carry these biases. Also, AI aids can be used to help model situations. If a party is using an aid and the other party is disputing, they should have enough time to authenticate inputs and dispute.

⁶⁶ See *Matter of Gabriel H. (Daniel K.)*, 229 AD3d 1048, 1050 (4th Dept 2024); Guide to NY Evid rule 9.05 (6).

⁶⁷ See NYCRR 130-1.1 (c) (3).

⁶⁸ See *Matter of Weber as Tr. of Michael S. Weber Tr.*, 85 Misc3d 727.

⁶⁹ Report and Recommendations of the New York State Bar Association, NYSBA Task Force on Artificial Intelligence at 57-60 (Apr 6, 2024), available at <https://nysba.org/wp-content/uploads/2022/03/2024-April-Report-and-Recommendations-of-the-Task-Force-on-Artificial-Intelligence.pdf> (last accessed Sept 8, 2025).

⇒ **For committee consideration:**

- How can a judge assess if the admittance of an AI aid is more probative than prejudicial?
- AI-enhanced media being offered as an illustrative aid to explain testimony but not as substantive evidence.⁷⁰

Frye/Daubert Standard

New York is one of the minority of states that use the *Frye* test to address the admissibility of novel scientific evidence.⁷¹ The question under *Frye* is "whether the accepted techniques, when properly performed, generate results accepted as reliable within the scientific community generally."⁷² The *Frye* test requires a "consensus[,] [which] . . . has been described as 'a surrogate for determining the reliability of a purported scientific methodology.'"⁷³ By relying on the "general acceptance" analysis, the *Frye* test does not permit the Court to directly and independently assess indicia of reliability of novel scientific evidence.⁷⁴

Some have questioned whether the *Frye* test can adequately accomplish its purposes of keeping out "junk science" while allowing reliable expert testimony,⁷⁵ especially when the issues presented involve extremely fast-moving science and technology,⁷⁶ as is the case with generative AI-based evidence (and as was the case with evidence related to COVID-19). They suggest that the *Daubert* test may be better suited as a gatekeeper to test the reliability of such evidence.⁷⁷ Under *Daubert*, the trial judge acts as the gatekeeper to test such reliability of scientific testimony, whether novel or not, using more general indicia that the scientific principles are sound and have been properly applied.⁷⁸

⁷⁰ See White, *supra* note 23 at 19.

⁷¹ See *Frye v United States*, 293 F 1013 (DC Cir 1923); see e.g. *People v Wakefield*, 38 NY3d at 367; *People v Wesley*, 83 NY2d 417, 422-423 (1994).

⁷² *People v Wesley*, 83 NY2d at 422.

⁷³ *People v Williams*, 35 NY3d 24, 37 (2020), quoting Michael M. Martin et al., New York Evidence Handbook § 7.2.3 at 644 (1997).

⁷⁴ See *People v Wesley*, 83 NY2d at 422-423.

⁷⁵ See Fred Galves, *Where the Not-So-Wild Things Are: Computers in the Courtroom, the Federal Rules of Evidence, and the Need for Institutional Reform and More Judicial Acceptance*, 13 Harv JL & Tech 161, 254 (Winter 2000).

⁷⁶ See *Matter of Weber*, 85 Misc 3d at 727.

⁷⁷ See *Daubert v Merrell Dow Pharmaceuticals, Inc.*, 509 US 579, 592-595 (1993).

⁷⁸ See *id.*

The federal courts⁷⁹ and the vast majority of states have adopted the *Daubert* standard, or a variation thereof, for testing the reliability of scientific and technical evidence.⁸⁰ Recently, the states of New Jersey, Florida, and Maryland have moved toward the *Daubert* standard.⁸¹ However, New York and other states retain the *Frye* standard, including California (*Frye/Daubert* hybrid), Illinois, Pennsylvania, and Minnesota.⁸² New York "has consistently resisted adopting the *Daubert* standard as a means of assuring the reliability of scientific evidence put before our juries."⁸³

⇒ **For Committee consideration:**

The Committee should examine whether it is appropriate to recommend that the *Frye* test be modified to allow courts to use other means to assess admissibility and reliability where experts seek to present evidence in circumstances that reflect the real world's exceptionally fast-moving realm of generative AI technology.

Timing of Raising Issues of Admissibility/Reliability of Generative AI

In criminal cases, the statutory timelines for the prosecution's disclosure of evidence, including generative AI evidence and expert testimony, will generally allow an adequate opportunity to make appropriate *Frye* motions in advance of trial.⁸⁴ But while defense counsel has a reciprocal obligation to disclose, including generative AI evidence and expert disclosure, the statute does not similarly establish a definite timeline for such disclosure.⁸⁵ As a practical matter, defense expert disclosure implicating *Frye* issues should also be required 30 to 60 days in advance of trial to allow time for the prosecution's timely review, motion practice, and a *Frye* hearing, if warranted.⁸⁶

In civil cases, *Frye* issues are sometimes raised in conjunction with summary judgment motions made before the IAS judge, regardless of whether that judge will preside over the trial.

⁷⁹ The *Daubert* standard is codified at Federal Rule of Evidence 702.

⁸⁰ See Robert J. Goodwin, *Fifty Years of Frye in Alabama: The Continuing Debate Over Adopting the Test Established in Daubert v Merrell Dow Pharmaceuticals, Inc.*, 35 Cumb L Rev 231, 267 (2004-2005).

⁸¹ See Christine Funk, Expert Institute, *Daubert vs Frye: A State-by-State Comparison*, available at <https://www.expertinstitute.com/resources/insights/daubert-versus-frye-a-national-look-at-expert-evidentiary-standards/> (last accessed Sept 8, 2025).

⁸² See Funk, *supra* note 81.

⁸³ *Matter of New York City Asbestos Litig.*, 148 AD3d 233, 241 (1st Dept 2017) (Kahn, J. concurring), *aff'd* 32 NY3d 1116 (2018).

⁸⁴ See CPL 245.20 (1) (f) (disclosure must be made no later than 60 days before trial unless in response to defendant's expert disclosure).

⁸⁵ See CPL 245.25 (4).

⁸⁶ See generally *People v Vaughn*, 43 NY3d 190, 199-201 (2024) (Court of Appeals affirmed a trial court judge's preclusion of belatedly-disclosed defense evidence after weighing *Frye* concerns against the practical implications for disrupting a trial with a sitting jury).

While motions in limine to preclude trial evidence under the guise of summary judgment motions are disfavored, *Frye* issues are at times bound up with summary judgment relief. In such cases, attorneys will raise *Frye* issues as part of the summary judgment motion itself; or, more properly, in a simultaneous, alternative motion in limine to preclude critical expert evidence. The IAS court can decide the *Frye* motion first, and then address the summary judgment motion which is dependent on the *Frye* determination. The IAS judge can alternatively refer the *Frye* issue to a special master for a hearing and recommendation before deciding the *Frye* motion and turning to the summary judgment motion.

Raising *Frye* issues in conjunction with summary judgment motions mitigates trial disruption. Under CPLR 3212 (a), summary judgment motions are generally made between 30 and 120 days after the note of issue and certificate of trial readiness are filed. And expert disclosure is usually made before the deadline for making summary judgment motions. Consequently, when raised contemporaneously with summary judgment motions, *Frye* issues can be decided well in advance of trials allowing attorneys to set their trial schedules and arrange for expert witness testimony. Such contemporaneous filing also avoids disruption for jury panels and seated juries. While this procedure may have the effect of divorcing *Frye*-related evidentiary determinations from a later-assigned trial judge, the contemporaneous motion procedure is often necessary and appropriate. This appears to be the recommended practice for raising *Daubert* reliability issues in federal court.

But many times, *Frye* issues are not raised until the motion in limine is made before the trial judge. And, in the normal course, the judge assigned to preside over the trial will decide all evidentiary issues, including *Frye*-based evidentiary issues. Because motions in limine are usually made on, or near, the eve of trial, motions that raise generative AI issues may disrupt the entire trial schedule. This uncertainty poses challenges for the litigants to line up their trial witness, for the courts in scheduling their calendars, and for the Commissioner of Jurors and the jurors as well.

⇒ **For Committee Consideration:**

The Committee should consider whether to recommend a general rule, individual court rule, or discovery order directive, reflecting best practices, which would require disclosure of AI evidence at the time of expert disclosure and that *Frye* issues raised at least 30-60 days before trial.⁸⁷ This would allow the trial judge to hold any hearing to decide the *Frye* issue himself or herself, or to decide it after reference to a special master and before setting a firm trial schedule.

⁸⁷ Such a rule or rules must recognize that the timing of raising *Frye* issues by a stand-alone pre-trial motion in limine may be more problematic in jurisdictions where there are separate IAS and trial parts. Often, the trial judge is not assigned until weeks or days before trial, and in some courts, the day of trial. In these instances, if the *Frye* hearing is denied, the trial can go forward. But if the evidence is precluded or subject to a necessary *Frye* hearing, both court proceedings and litigants' attorneys and witnesses will suffer uncertainty and disruption.

Jury Instructions⁸⁸

Jury instructions for AI-generated evidence are evolving as courts seek to ensure fairness and prevent undue influence or confusion.⁸⁹

Principles of Jury Instructions for AI Evidence:

- Clarity about origins: Jurors should be told if evidence was generated or modified by AI (such as deepfake audio, video, or synthetic documents).
- Assessment of reliability: Instructions should remind jurors that they are the ultimate judges of the evidence's reliability and authenticity, not the technology or its proponents.
- Cautions against overreliance: Jurors should be cautioned that AI-generated evidence, like all evidence, may have limitations, potential inaccuracies, or risks of manipulation. They must not assume accuracy merely because technology was involved.
- Evaluation of expert testimony: If evidence is introduced through experts (e.g., forensic authenticity analyses), jurors should be instructed on weighing such testimony as they would with all expert witnesses.

Sample General Jury Instruction:

"You have heard evidence in this case that was created, analyzed, or assisted by a computer system that uses artificial intelligence, sometimes referred to as AI.' Artificial intelligence refers to computer programs that can analyze data, recognize patterns, or generate outputs—such as images, text, audio, or reports—that may resemble work typically performed by humans. It is your responsibility, as jurors, to decide how much weight, if any, to give to this evidence."

Sample Jury Instruction for Disclosure and Explanation of AI Involvement:

⁸⁸ The Evidence, Authenticity and Reliability Subcommittee would like to thank Hon. Michael Pietruszka (ret), the Vice President of the National Courts and Sciences Institute (NCSI), for allowing us to utilize material regarding jury instructions that was prepared for NSCI training purposes. All of the information in this section has been adopted from this training material.

⁸⁹ In a powerful keynote speech during an unveiling ceremony of a modernized courtroom in Manhattan Supreme Court in June 2025, Dr. Sharon Weis, the Executive Director of the Center for Independence of the Disabled, New York, spoke passionately regarding the right of blind individuals to serve on juries, as jury service should be a civic privilege accessible to all. A representative from a disability advocacy group highlighted how smart glasses could help bridge accessibility gaps for blind jurors. Following the event, Sheng Guo, the Director of the Division of Court Modernization, spoke with Chief Judge Rowan D. Wilson and Judge Angela G. Ianacci regarding the potential use of smart glasses in jury service. Both judges expressed a strong interest and encouraged Mr. Guo to conduct preliminary testing. Attached as Appendix B is Mr. Guo's report as to his findings regarding the potential use of AI-powered smart glasses to support blind individuals in jury service.

"Some evidence in this case was created or processed using artificial intelligence. You should consider how this technology may have affected the evidence, keeping in mind both its strengths and limitations. The fact that evidence was generated by AI does not, by itself, make it more or less reliable than other evidence."

Sample Jury Instruction for Duty to Assess Authenticity:

"It is your duty to determine whether evidence is what it purports to be. If you have doubts about the authenticity or reliability of AI-generated evidence, you should consider those doubts in deciding how much weight, if any, to give such evidence."

Sample Jury Instruction to Warn About Deepfakes and Manipulation:

"Remember that technology can sometimes be used to alter recordings, images, or documents. The mere fact that evidence appears accurate or realistic does not guarantee that it is authentic, as new technologies may create convincing forgeries. You may consider expert testimony and other evidence on this point."

Sample Jury Instruction for Equality of Evidence:

"All evidence should be weighed according to the same standards. Do not give undue weight to evidence merely because it was produced with advanced technology."

Acknowledged AI Evidence

"When AI evidence has been disclosed and explained to you—for example, through expert testimony—you may consider it as you would other expert or scientific evidence. In doing so, you should evaluate:

- Whether the method used is reliable and credible;
- Whether the expert witness has adequately explained how the AI reached its conclusions; and
- Whether the evidence fits with the other facts and testimony you have heard in this case.

Remember that AI systems can make errors, just like human experts. You are not required to accept the AI's output as correct."

Sample Jury Instruction for Unacknowledged or Contested AI Evidence:

"If there is a question about whether evidence was generated or altered by AI without disclosure, you must carefully consider the authenticity of that evidence. Ask yourself:

- Has it been proven that the evidence is what the party claims it to be?
- Does the supporting testimony or documentation convince you that it is reliable?
- Are there reasons to doubt whether the evidence has been altered, fabricated, or manipulated?

If you find the evidence is not authentic or not reliable, you should not give it any weight."

Sample Final Jury Instruction:

"Whether evidence is produced by a person, a machine, or a combination of both, the ultimate question is the same: Do you find it credible, reliable, and relevant to the issues in this case? You are the sole judges of the facts. It is up to you to decide what weight to give to AI-related evidence, just as you do with all other evidence presented at trial."

Judges are encouraged to adapt jury instructions to the nature of the AI evidence presented, making sure the jury understands how to scrutinize such evidence and that they may ask the court clarifying questions.

⇒ **For committee consideration:**

The creation of sample bench cards, such as those referenced *supra* at note 7, would provide judges with a template for quick reference to guide their instructions to the jury regarding AI issues.

Due Process Concerns Relative to Confronting AI

"Given the exponential growth of technologies such as artificial intelligence, to embrace the future we must assess, and perhaps reassess, the constitutional requirements of due process that arise where law and modern science collide."⁹⁰ "Pursuant to the Confrontation Clause (or the Due Process Clause), should a defendant have some type of special process right to transparency, explanation, or information, in connection with the algorithm or artificial intelligence-related process involved in the offered statement?"⁹¹ In this regard, "the Confrontation Clause of the Sixth Amendment of the U.S. Constitution and N.Y. Constitution, article I, § 6 guarantee a defendant, as the accused in a criminal prosecution, the right to be confronted with the witnesses who bear testimony against him or her."⁹² "Therefore, '[a]s a rule, if an out-of-court statement is testimonial in nature, it may not be introduced against the accused at trial unless the witness who made the statement is unavailable and the accused has had a prior opportunity to confront that witness.'"⁹³ "[A] statement will be treated as testimonial only if it was procured with [the] primary purpose of creating an out-of-court substitute for trial testimony."⁹⁴ While confrontation traditionally involves cross examination, one cannot, at least currently, cross examine a machine

⁹⁰ *People v Wakefield*, 175 AD3d at 165.

⁹¹ Paul F. Rothstein & Ronald J. Coleman, *Confrontation, the Legacy of Crawford, and Important Unanswered Questions*, 57 U Mich J L Reform 731, 750 (Summer 2024) (internal quotation marks omitted).

⁹² *People v Wakefield*, 175 AD3d at 168 (citations omitted).

⁹³ *People v John*, 27 NY3d 294, 303 (2016), quoting *Bullcoming v New Mexico*, 564 US 647, 657 (2011).

⁹⁴ *People v Pealer*, 20 NY3d 447, 453 (2013) (internal quotation marks and citations omitted), *cert denied* 571 US 846 (2013).

that generates AI evidence.⁹⁵⁹⁶ Whether grounded under the Confrontation Clause or basic due process, how then can we assure that machine generated evidence is properly vetted? Several scholars have suggested a variety of methods to test such evidence, which will be explored herein.

First, there are certain technological characteristics that define the system and are important to consider when confronting machine testimony, "(1) the inputs; (2) what the machine does with the inputs; (3) how the machine knows what to do with the inputs; (4) whether that knowledge can change over time; (5) the outputs; and (6) how a human uses the system."⁹⁷ Bearing these characteristics in mind, while certainly not exhaustive, the following methods and sources may provide meaningful confrontation:

- Live testimony from machine operators which can uncover human discretion and transient inputs. Live testimony from programmers may also be useful. Finally, live testimony from the developer may be the gold standard.⁹⁸
- Source code disclosure may also be used to understand the workings of an algorithm, although there are problems associated with the amount of code and complexity. "Before electing to pursue source code disclosure, attorneys should consider if the codebase will likely be difficult to parse, if there is reason to think the code is unreliable, and what alternatives are available."⁹⁹
- Broadened discovery may also be a tool which can be used to confront machine evidence. This would include discovery of error rates, machine training and range of outputs. Further, when a system is process-based, i.e., where the operator is testifying as to the process of the machine, "the most appropriate form of confrontation involves disclosure of calibration results, performance reviews, standard operating procedures, company policies, design documents, and the like."¹⁰⁰
- Obtaining prior statements made by the system and the metadata underpinning the evidence may be crucial, particularly where deep fakes are possible. Indeed, it may be virtually impossible to discover a deep fake without metadata.¹⁰¹

⁹⁵ See Welton, *supra* note 40 at 857.

⁹⁶ See Appendix C for the results of a query by Hon. Stan Pritzker to ChatGPT asking for information on how to cross examine AI.

⁹⁷ See Welton, *supra* note 40 at 866-867.

⁹⁸ See Maddox, *supra* note 10 at 447; see e.g. *People v Wakefield*, 175 AD3d at 161-163.

⁹⁹ Welton, *supra* note 40 at 880.

¹⁰⁰ Welton, *supra* note 40 at 884 (internal quotation marks omitted).

¹⁰¹ See Grossman & Grimm, *supra* note 2 at 132.

- It is possible for a defendant to request that he be permitted to actually use the system to see how it works first-hand. This would allow the result to be compared to a known sample and determine variation.

Of course, these methods all involve practical restraints including, as the very least, money and time. Will every criminal trial utilizing AI require the appointment of experts to adequately test the evidence? Will there be multiple and complex hearings? Will judges and lawyers need technical training? One thing is certain – our court system will need to address these issues and grapple with the new and quickly evolving landscape to assure parties are afforded due process.

⇒ **For committee consideration:**

- The use of propounding interrogatories fed to the AI program and requesting an AI-generated response.
- Using AI by a lawyer to understand the AI program, which may help in formulating an attack/confrontation against AI-generated evidence.

Part III: Post-Trial Concerns

"Harvest Now, Decrypt Later" is a surveillance strategy in cybersecurity where encrypted data is collected and stored today, with the expectation that future technological advances, like quantum computing, will eventually make decryption possible.¹⁰² A parallel concern is emerging in the legal realm with AI-generated content. AI watermarking and authentication tools are not yet ubiquitous or reliable, making it difficult to trace or verify the origin of AI-generated evidence. This can create a dangerous dynamic: bad actors may generate deceptive content now with little risk of detection. Similarly, prosecutors may feel pressure to convict now and authenticate later. In both scenarios, the gap between technological capacity and institutional safeguards poses serious risks to fairness and accuracy.

Authentication techniques for AI are quickly becoming outdated as generative AI technologies progress faster than their authentication counterparts. This is not a new phenomenon. The justice system has long struggled with this type of lag. People have been wrongly convicted based on outdated forensic techniques. Only years later, when better DNA sequencing became accessible and admissible, could those errors be exposed. This allowed for the exoneration of incarcerated individuals who spent much of their lives in prison, waiting for the system to catch up with science. Expert testimony regarding traditional forensic evidence previously had resulted in tragic wrongful convictions.¹⁰³ Thus, expert testimony that

¹⁰² National Institute of Standards and Technology, US Dept of Commerce, *What Is Post-Quantum Cryptography, What Is Post-Quantum Cryptography? | NIST* (last accessed Sept 8, 2025).

¹⁰³ See Garrett & Rudin, *supra* note 4 at 582.

incorporates AI should factor in the same propensity for error and be viewed with greater scrutiny as to the expert's AI usage and scope.

In a related concern, the development of AI advances may also give rise to a "newly-discovered evidence" argument to be made by defendants on appeal if stored information, incapable of being understood today (such as blood and DNA evidence in the past), is kept and cataloged and later determined to be useful in the context of determining the validity of an aged conviction.

In a post-trial evaluation by appellate courts, the courts must consider several important issues relating to AI-generated evidence, to wit:

- Was AI-generated evidence involved in the trial; was its existence disclosed to the defendant prior to trial pursuant to a proper request for same?¹⁰⁴
- Was there a preserved objection to the use of the AI-generated evidence during the trial, and what was the precise nature of that objection? Thus, did the party offering the AI-generated evidence at trial meet its burden of proof relating to the admissibility of the AI-generated evidence? And then, did the party opposing the admissibility of the AI-generated evidence overcome the arguments in favor of admissibility? If it was error to admit the AI-generated evidence, was the error harmless in light of all the evidence produced at trial?¹⁰⁵
- Did the court conduct a *Frye* hearing (during or before the trial) to determine whether the AI-generated evidence utilized by an expert in the context of proof at the trial is accepted as reliable within the particular scientific community generally?¹⁰⁶
- Did the trial court, when confronted with an admissibility issue relating to the use of AI-generated evidence, permit the party seeking to admit such evidence to make an "offer of proof" so that the court is able to properly determine admissibility concerns pertaining to AI as well as the typical evidentiary issues relating to, for example, materiality and relevance? The use of this technique preserves specific objections for appeal and also serves to dispense with waived issues.
- Did the use of the AI-generated evidence at trial deny defendant's constitutional right of confrontation?¹⁰⁷

¹⁰⁴ See *Matter of Weber*, 85 Misc 3d at 741-743.

¹⁰⁵ See *People v Wakefield*, 38 NY3d at 386-395 (Rivera, J., concurring).

¹⁰⁶ See *People v Wesley*, 83 NY2d at 422.

¹⁰⁷ See generally *People v Wakefield*, 38 NY3d at 387.

- If the trial court permitted the admission of the AI-generated evidence, did the trial court abuse its discretion in admitting that evidence?¹⁰⁸

Part IV: Conclusion¹⁰⁹

As artificial intelligence continues to reshape the evidentiary landscape, both lawyers and judges must adapt to ensure that the integrity of the judicial process is preserved. The emergence of AI-generated and AI-enhanced evidence introduces novel challenges—ranging from questions of authenticity and reliability to concerns about due process and professional responsibility.

For lawyers, this means embracing a heightened duty of disclosure. Attorneys must affirmatively identify when evidence has been generated, enhanced, or analyzed using AI tools, and must be prepared to explain the methodology, limitations, and reliability of such tools. Failure to do so risks not only evidentiary exclusion but also potential ethical violations under the Rules of Professional Conduct. Lawyers must also be vigilant in challenging AI-generated evidence offered by opposing parties, particularly when its provenance or accuracy is in doubt.

For judges, the responsibility is equally significant. Courts must develop a working understanding of how AI systems function, how they may introduce bias or error, and how to assess their admissibility under existing legal standards such as Frye or Daubert. Judges must also be prepared to issue tailored jury instructions, manage discovery disputes involving proprietary algorithms, and ensure that litigants—especially in criminal cases—are afforded meaningful opportunities to confront and challenge machine-generated evidence.

Ultimately, the legal system must strike a careful balance: embracing the potential benefits of AI while safeguarding the foundational principles of fairness, transparency, and accountability. This report offers a framework for navigating that balance, but continued education, collaboration, and vigilance will be essential as the technology—and its legal implications—continue to evolve.¹¹⁰

¹⁰⁸ See *id.* at 380, 394.

¹⁰⁹ The conclusion was generated using AI, specifically the M365 Copilot program. The report was uploaded and the prompt used was, "generate a conclusion for lawyers and judges." The conclusion was generated in seconds. After review, it was added without editing.

¹¹⁰ This footnote *is not* generated by AI: The Subcommittee wishes to acknowledge the thoughtful and indispensable contributions of the following: Sara E. Fischer, Esq., Divya Seth, D. James Huston, Jiayi Tao, Nathan Tailleir, Judge Barry Kamins (ret.), Professor Robert Heverly, Professor Michael Hutter, Benjamin A. Scales, Esq., Kim M. Ward, Romael Noor and Presiding Justice Elizabeth A. Garry. Judge Pritzker also wishes to acknowledge the diligence, imagination and hard work of the Subcommittee. Thank you all for your efforts.

APPENDIX A

Relevant Attorney's Rules of Professional Conduct

In order to assist judges in determining whether attorneys have violated their legal and ethical responsibilities by failing to disclose, it is helpful to explore some of the relevant Rules of Professional Conduct (22 NYCRR 1200.0) (hereinafter RPC).

Rule 1.1 Competence

Rule 1.1 (a): A lawyer should provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

Comment 8 (ii) to RPC Rule 1.1 (NY St Bar Assn rev July 7, 2025) provides "[t]o maintain the requisite knowledge and skill, a lawyer should . . . keep abreast of the benefits *and risks* associated with technology the lawyer uses to provide services to clients" (emphasis added).

Rule 3.1 Non-meritorious claims and contentions

Rule 3.1 (a) A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis in law and fact for doing so that is not frivolous. (b) A lawyer's conduct is "frivolous" for purposes of this Rule if: (1) the lawyer knowingly advances a claim or defense that is unwarranted under existing law, except that the lawyer may advance such claim or defense if it can be supported by good faith argument for an extension, modification, or reversal of existing law; (2) the conduct has no reasonable purpose other than to delay or prolong the resolution of litigation, in violation of Rule 3.2, or serves merely to harass or maliciously injure another; or (3) the lawyer knowingly asserts material factual statements that are false.

Rule 3.3 Conduct Before a Tribunal

Rule 3.3 (a) (3): A lawyer shall not knowingly . . . offer or use evidence that the lawyer knows to be false. If a lawyer, the lawyer's client, or a witness called by the lawyer has offered *material evidence* and the lawyer comes to know of its falsity, the lawyer shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal (emphasis added).

Rule 3.4 Fairness to Opposing Party and Counsel

Rule 3.4 (a): A lawyer shall not . . . (4) knowingly use . . . false evidence; [or] (5) participate in the creation or preservation of evidence when the lawyer knows or it is obvious that the evidence is false.

Rule 5.1 Responsibilities of Law Firms, Partners, Managers and Supervisory Lawyers

Rule 5.1 (b)(2): A lawyer with direct supervisory authority over another lawyer shall make reasonable efforts to ensure that the supervised lawyer conforms to these Rules.

Rule 5.1 (c): provides in relevant part ". . . the degree of supervision required is that which is reasonable under the circumstances, taking into account . . . the likelihood that ethical problems might arise in the course of working on the matter."

Rule 5.2 Responsibilities of a Subordinate Lawyer

Rule 5.2 (a): A lawyer is bound by these Rules notwithstanding that the lawyer acted at the direction of another person.

Comment 1 to RPC 5.2 (NY St Bar Assn rev July 7, 2025) provides that "[a]lthough a lawyer is not relieved of a responsibility for a violation by the fact that the lawyer acted at the direction of a supervisor, that fact may be relevant in determining whether a lawyer had the knowledge required to render conduct a violation of these Rules. For example, if a subordinate filed a frivolous pleading at the direction of a supervisor, the subordinate would not be guilty of a professional violation unless the subordinate knew of the document's frivolous character."

Rule 5.3 Lawyer's Responsibility for Conduct of Nonlawyers

Rule 5.3 (a): A law firm [and lawyer with direct supervisory authority over a nonlawyer] shall ensure that the work of nonlawyers who work for the firm is adequately supervised, as appropriate . . . the degree of supervision required is that which is reasonable under the circumstances, taking into account . . . the likelihood that ethical problems might arise in the course of working on the matter.

Rule 8.4 Misconduct

Rule 8.4: A lawyer or law firm shall not . . . (c) engage in conduct involving dishonesty, fraud, deceit or misrepresentation; [or] (d) engage in conduct that is prejudicial to the administration of justice.

APPENDIX B

Empowering Blind Jurors with AI Smart Glasses

A Feasibility Study

Introduction

Blind individuals are often overlooked in jury selection due to challenges in assessing both physical and digital evidence. While various magnification tools and strategically placed displays can help low-vision jurors, those who are completely blind face even more significant barriers. Could AI-powered smart glasses be a solution? This technology might enable blind jurors to assess evidence and participate in proceedings more effectively.

Hypothesis

Recent advances in AI-powered smart glasses suggest they may offer a transformative solution for blind jurors. Equipped with cameras, these glasses capture what's in front of the wearer, with controls that can be activated through touch or voice commands. The glasses' built-in speakers read aloud text, descriptions of scenes (people, objects, and the surroundings). Additionally, a streaming feature allows sighted individuals to guide or assist the blind user. As such, smart glasses could empower blind jurors to participate meaningfully in jury duty. However, their use raises important questions around privacy, accuracy, and procedural fairness

A Fundamental question

Is it legally and ethically acceptable for an AI tool – such as smart glasses - to interpret and relay courtroom evidence to a blind juror, potentially shaping their perception?

Disclaimers

This evaluation focuses on two models popular within the blind community: Meta's Ray-Ban smart glasses and Envision glasses. Findings are based on informal testing by sighted users and are not peer-reviewed. Given the rapid pace of AI development, some observations may become outdated before publication.

Findings

Features	Meta Ray Ban	Envision
Cost	Relatively affordable: \$299/pair	Expensive: \$2,500-\$3,500/pair (plus extra for the Ally subscription)
Target Audience	Broad (2 million sold) - Useful as a general lifestyle tool for activities like taking photos/videos, listening to music, or making calls. Well integrated with Meta’s social media and communications apps.	Niche (200,000 sold) Designed specifically for visually impaired users, with features like batch scan, face and currency recognition, object identification.
Processor and specs	Powerful processor (Snapdragon AR1 Gen 1), 5 microphones, 2 speakers.	Older Platform (Snapdragon XR1 processor), 3 microphones, 1 speaker.
Battery Life	Claims up to 8 hours on a single charge. Tests show ~ 2 hours of continuous usage, with extended battery through the charging case.	Claims up to 4-6 hour on a single charge. Tests show ~ 1 hour of continuous usage.
Connectivity	Relies on paired smartphone and Meta’s cloud services for AI processing.	Requires Wi-Fi; personal hotspot needed if no Wi-Fi is available.
AI engine	Meta AI - Continuous improvements driven by Meta’s large-scale investment	Ally AI - Built by Envision for the visually impaired, but less powerful overall.
Ease of use	<ul style="list-style-type: none"> • User-Friendly: voice commands like “Hey Meta” to activation, and simple prompts to perform tasks (reading, describing) • Training/practice is still required 	<ul style="list-style-type: none"> • More challenging: navigation menus via touchpad is less intuitive. • Requires substantial training/practice.
Reading printed text	Accurate for single-column documents, but struggles with multi-columns layouts (like a magazine)	Similar to Meta.
Reading handwriting	Good for legible handwriting, but inconsistent with more difficult handwriting.	Similar to Meta.

Photo description	Describe people, objects and the environment well, but miss some fine details.	Similar to Meta.
Video description	Unable to narrate video content, though the “Live AI” feature shows potential in the future.	Same limitation – cannot describe videos.
Privacy/Security	Linked to Facebook, raising potential privacy concerns regarding evidence sharing and social media.	More secure, as it isn’t tied to social media, but requires further research into security protocols.

First Impression

With rapid AI advancements, smart glasses may soon match or exceed human capabilities in text recognition and scene description. Real-time video narration remains aspirational but plausible.

However, before courtroom use is sanctioned, the legal profession must define an acceptable error rate for AI interpretation. Privacy concerns—especially with personal devices linked to social media—are significant. Court-issued smart glasses with built-in security protocols may offer a safer alternative

Next Steps

Ongoing evaluation—especially through pilot programs and collaboration among courts, technologists, and blind advocacy groups—will be essential. In many jurisdictions, blind jurors already receive assistance from sighted individuals. Smart glasses could replicate and enhance this support, offering a scalable, dignified accommodation. Ultimately, with further refinement and legal scrutiny, AI-powered smart glasses may help ensure that jury service is truly accessible to all.

APPENDIX C

ChatGPT response to query regarding how to cross examine AI:

Cross-examining AI in court involves questioning its outputs, data sources, algorithms, and decision-making processes to assess reliability, biases, and accuracy. Here are some key strategies:

1. **Question Data Sources**: Ask where the AI obtained its training data, and whether that data was relevant, complete, and unbiased.
2. **Probe Algorithm Transparency**: Inquire about how the AI makes decisions—what models or logic it uses, and if those processes are explainable.
3. **Verify Accuracy and Consistency**: Challenge the AI on specific facts or cases to see if its responses are consistent and factually correct.
4. **Address Bias and Fairness**: Explore whether the AI might have inherent biases based on its training data, and how those biases could affect its outputs.
5. **Test Predictive Validity**: Present hypothetical scenarios or past cases to evaluate the AI's predictive or analytical capabilities.
6. **Demand Human Oversight**: Clarify whether human experts review or verify AI outputs before they are presented in court.

It's important to remember that AI is a tool—cross-examination should aim to establish its limitations, reliability, and fairness within the legal process. Would you like examples of specific questions or scenarios?

APPENDIX 8

Note: The following analysis is based on state and federal courts rules, standing orders, and guidelines addressing use of AI in courts, as identified by RAILS (Responsible AI In Legal Services), last updated in June 2025. This is not necessarily a comprehensive list of such rules and orders. The various rules were downloaded from court web sites and uploaded to Harvey AI, which was used to extract, summarize, and analyze the AI-relevant provisions. While vetting of the AI analysis has been performed to confirm its general accuracy, it has not been comprehensively reviewed and so mistakes are possible.

1. Court Name Issuing Order or Rule (Identify the name of the court that issued this order or rule)	2. Issuing Court Jurisdiction (Identify the state or country in which the issuing court sits)	3. Issuing Court Type (If the issuing court is in the United States, identify whether the court is a state or federal court)	4. Rule or Standing Order (Is the document a (a) general rule that applies to all proceedings in a court system, or (b) a standing order that applies only to the proceedings of a single judge, or (c) an order that applies only to a particular proceeding or (d) a general policy or guideline?)	5. Summary of Rules or Orders on Artificial Intelligence Use in Court (Summarize any rule or order that addresses the use of artificial intelligence in the court.)	6. Rules or Orders on Use of Artificial Intelligence in Court (Identify any rule or order that addresses the use of artificial intelligence in the court and provide the full text of the rule or order.)	7. Prohibition (Does the rule or order prohibit the use of AI in the preparation of motions, briefs, and other court filings?)	8. Disclosure (Does the rule or order require disclosure by a party that it has used AI in the creation of a motion, brief, or other court filing?)	9. Certification (Does the rule or order require a party using AI to provide a specific certification that they have verified the output of the AI, apart from any general certification that is required when filing papers before a court?)	10. Informational (Does the rule or order simply inform parties of the potential risks of using AI rather than prohibiting it or requiring disclosure or certification?)
UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA	California, United States of America	Federal	Standing Order	AI use in filings requires a declaration disclosing use and certifying accuracy and Rule 11 compliance.	c. Artificial Intelligence. Any party who uses generative artificial intelligence (such as ChatGPT, Harvey, CoCounsel, or Google Bard) to generate any portion of a brief, pleading, or other filing must attach to the filing a separate declaration disclosing the use of artificial intelligence and certifying that the filer has reviewed the source material and verified that the artificially generated content is accurate and complies with the filer's Rule 11 obligations.	No	Yes	Yes	No
30th District Court of Wichita County, Texas, 78th District Court of Wichita County, Texas, 89th District Court of Wichita County, Texas	Texas, United States of America	State	Standing Order	Verification and certification required for AI-generated legal work, prohibition of AI use in courtrooms, and sanctions for violations.	<p>30th DISTRICT COURT STANDING ORDER REGARDING USE OF ARTIFICIAL INTELLIGENCE</p> <p>This Standing Order of the 30th District Court applies to every pending, or hereafter filed, case in the 30th District Court of Wichita County, Texas. Nothing in this Order should be construed as to relieve an attorney or self-represented litigant of any legal or ethical obligation required by law, statute, or rule, including rules of procedure, evidence, or the Texas Disciplinary Rules of Professional Conduct. Generative artificial intelligence systems (such as ChapGPT, Harvey.AI, Google Bard, TensorFlow, OpenAI, Bing, and many others) are being incorporated into common professional use. The abilities of these systems vary widely depending on the application, version, and specific underlying technology used. While the technology is developing quickly, it is currently unreliable and prone to bias, and often fabricates information. The creators of these systems are not attorneys of record, licensed and in good standing to practice law in the State of Texas, and are not bound by the Texas Disciplinary Rules of Professional Conduct.</p> <p>WHEREAS the signing of a pleading or motion in Texas certifies that each claim, defense, or other legal contention in the pleading or motion is warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law.</p> <p>Standing Order Regarding Use of Artificial Intelligence Page 1</p> <p>FURTHER, the Court is aware that artificial intelligence systems have the ability to take a recording or live conversation and turn that into a transcript or other written document. Courts have the authority to prohibit the use of all recording devices.</p>	No	Yes	Yes	No

Hudspeth County Texas, United State
Court, Texas States of America

Standing Order

Certification required for AI use in legal filings, with verification by a licensed attorney.

STANDING ORDER REGARDING USE OF ARTIFICIAL INTELLIGENCE

No

Yes

Yes

No

This Standing Order of the Hudspeth County Court applies to every pending or hereafter filed case in Hudspeth County. Nothing in this Order should be construed as to relieve an attorney or self- represented litigant of any legal or ethical obligation required by law, statute, or rule, including rules of procedure, evidence, or the Texas Disciplinary Rules of Professional Conduct.

Generative artificial intelligence systems (such as ChatGPT, Harvey.AI,, Google Bard, TensorFlow, OpenAI, Bing, and many others) are being incorporated into common professional use. The abilities of these systems vary widely depending on the application, version, and specific underlying technology used. While the technology is developing quickly, it is currently unreliable and prone to bias, and often fabricates information. The creators of these systems are not attorneys of record, licensed and in good standing to practice law in the State of Texas, and are not bound by the Texas Disciplinary Rules of Professional Conduct.

WHEREAS the signing of a pleading or motion in Texas certifies that each claim, defense, or other legal contention in the pleading or motion is warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;

WHEREAS courts have the inherent power to sanction parties for violation of rules, orders, standing orders, and statutory obligations; and

WHEREAS a court on its own initiative may direct a court participant to show cause why his or her conduct has not violated a rule, order, standing order or statutory obligation;

Gray County Court	Texas, United States of America	State	Standing Order	<p>AI-generated legal content must be verified by a licensed attorney using traditional sources, with certification required and sanctions for noncompliance.</p>	<p>IE AG STANDING ORDER REGARDING USE OF ARTIFICIAL INTELLIGENCE</p> <p>This Standing Order of the Gray County Court applies to every pending or hereafter filed case in the Gray County Court. Nothing in this Order should be construed as to relieve an attorney or self-represented litigant of any legal or ethical obligation required by law, statute, or rule, including rules of procedure, evidence, or the Texas Disciplinary Rules of Professional Conduct. Generative artificial intelligence systems (such as ChatGPT, Harvey.AI, Google Bard, TensorFlow, OpenAI, Bing, and many others) are being incorporated into common professional use. The abilities of these systems vary widely depending on the application, version, and specific underlying technology used. While the technology is developing quickly, it is currently unreliable and prone to bias, and often fabricates information. The creators of these systems are not attorneys of record, licensed and in good standing to practice law in the State of Texas, and are not bound by the Texas Disciplinary Rules of Professional Conduct.</p> <p>WHEREAS, the signing of a pleading or motion in Texas certifies that each claim, defense, or other legal contention in the pleading or motion is warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law; and</p> <p>WHEREAS, courts have the inherent power to sanction parties for violation of rules, orders, standing orders, and statutory obligations; and</p> <p>WHEREAS, a court on its own initiative may direct a court participant to show cause why his or her conduct has not violated a rule, order, standing order or statutory obligation;</p>	No	Yes	Yes	No
Federal Court	Canada	Federal	General Policy	<p>Disclosure of AI-generated content required in court filings, with human verification and transparency.</p>	<p>The Court expects parties to proceedings before the Court to inform it, and each other, if they have used artificial intelligence to create or generate new content in preparing a document filed with the Court. If any such content has been included in a document submitted to the Court by or on behalf of a party or a third-party participant ("intervener"), the first paragraph of the text in that document must disclose that AI has been used to create or generate that content.</p> <p>This Notice requires counsel, parties, and interveners in legal proceedings at the Federal Court to make a Declaration for AI-generated content (the "Declaration"), and to consider certain principles (the "Principles") when using AI to prepare documentation filed with the Court.</p> <p>To ensure that the Court understands how AI has been used, any document prepared for the purpose of litigation, and submitted to the Court by or on behalf of a party or intervener that contains content created or generated by AI, must include the Declaration. The Declaration shall be made in the first paragraph of the document in question, for instance, the first paragraph of a Memorandum of Fact and Law or Written Representations. An example of the Declaration follows:</p> <p>Declaration Artificial intelligence (AI) was used to generate content in this document. Déclaration L'intelligence artificielle (IA) a été utilisée pour générer au moins une partie du contenu de ce document.</p>	No	Yes	No	No

Judiciary of Aotearoa New Zealand	New Zealand	N/A	General Policy	Guidelines require lawyers to ensure accuracy, avoid confidential data input, check for bias, and disclose GenAI use if asked, but are not formal rules or orders.	<p>GUIDELINES FOR USE OF GENERATIVE AI IN COURTS AND TRIBUNALS</p> <p>1) Understand GenAI and its limitations Before using GenAI chatbots ensure you have a basic understanding of their capabilities and limitations.</p> <ul style="list-style-type: none"> GenAI chatbots are not search engines. They do not provide answers from authoritative databases but, rather, generate new text using a complex algorithm based on the prompts they receive and the data they have been "trained" on. This means the output generated by GenAI chatbots is what it predicts to be the most likely combination of words (based on the documents and data that it holds as source information). However, even if the output looks convincing, it may not be factually correct. The currently available GenAI chatbots appear to have had limited access to training data on New Zealand law or on the procedural requirements that apply in New Zealand courts and tribunals. The quality of any answers you receive will depend on how the GenAI chatbot has been trained, the reliability of the training data, and how you engage with the relevant GenAI chatbot, including the "quality" of the prompts you enter. Even with the best prompts, the output may be inaccurate, incomplete, misleading, or biased. <p>2) Uphold confidentiality, suppression, and privacy Generally, you should not enter any information into an AI chatbot that is not already in the public domain. Do not enter any information that is private, confidential, suppressed or legally privileged information.</p> <ul style="list-style-type: none"> Some GenAI chatbots can remember every question that you ask them, as well as any other information you put into them. They could then use that information to respond to queries from other users. As a result, anything you type into a 	No	No	No	Yes
The Circuit Court of Cook County, Illinois, County Department, Chancery Division, Mortgage Foreclosure/Mechanics Lien Section	Illinois, United States of America	State	Standing Order	Disclosure required for AI-assisted court filings	<p>(i) The Court encourages and applauds the use of emerging technologies such as artificial intelligence ("AI") in the practice of law. Due to the need for accuracy, the given limitations of AI, and the concern for bias within the AI system itself, in order to inform the Court of its use, any document (motion, brief, affidavit, etc.) filed in any case before this Court that was created in any part with the assistance or use of AI (including, but not limited to: research, writing, editing of the document, or analysis of an opposition's document) shall contain within the document itself a statement that AI was used in the document's creation or analysis.</p>	No	Yes	No	No
United States District Court for the Northern District of California	California, United States of America	Federal	Standing Order	AI tools may be used if counsel verifies accuracy and remains ethically responsible.	<p>USE OF CHATGPT OR OTHER GENERATIVE AI TOOLS</p> <p>Counsel is responsible for providing the Court with complete and accurate representations of the record, procedural history, and cited legal authorities. Use of ChatGPT or other such generative artificial intelligence tools is not prohibited, but counsel must personally confirm for themselves the accuracy of any research conducted by these means, and counsel alone bears ethical responsibility for all statements made in filings.</p>	No	No	No	Yes

United States Bankruptcy Court for the Southern District of New York	New York, United States of America	Federal	General Rule	Litigants must verify and remain responsible for AI-generated legal documents under Rule 9011-1(d).	<p>Rule 9011-1 SIGNING OF PAPERS</p> <p>(a) All pleadings, motions, and other papers that are submitted for filing, except a list, schedule, or statement, or amendments thereto, shall be signed by an attorney of record in the attorney's own name or, if there is no attorney, all papers submitted for filing shall be signed by the party. The name of the attorney or party shall be clearly printed or typed below the signature, together with the attorney's or party's address and telephone number. 80 (b) The signing of documents filed electronically shall be governed by the Procedures for the Filing, Signing, and Verification of Documents by Electronic Means issued by the Court, which shall be available on the Court's website (http://www.nysb.uscourts.gov/sites/default/files/5005-2-procedures.pdf). An original signed copy of the filing shall be maintained in the attorney's files. (c) Any password required for electronic filing shall be used only by the attorney to whom the password is assigned and authorized members and employees of such attorney's firm. (d) Litigants remain responsible for the accuracy and quality of legal documents produced with the assistance of technology (e.g., ChatGPT, Google Bard, Bing AI Chat, or generative artificial intelligence services). Litigants are cautioned that certain technologies may produce factually or legally inaccurate content. If a litigant chooses to employ technology, the litigation continues to be bound by the requirements of Fed. R. Bankr. P. 9011 and must review and verify any computer-generated content to ensure it complies with all such standards.</p>	No	No	No	Yes
County Courts at Law in and for Collin County, Texas	Texas, United States of America	State	Standing Order	Collin County courts require disclosure and certification of AI use in court filings, with possible penalties for non-compliance.	<p>STANDING ORDER NO. 3: USE OF ARTIFICIAL INTELLIGENCE FOR ANY COURT FILING</p> <p>The statutory County Courts at Law Judges in Collin County, Texas hereby adopt this Standing Order No. 3: Use of Artificial Intelligence for any Court Filing.</p> <p>If any attorney for a party, or a self-represented party, has used AI in any way for the preparation of any filed document with the Court, the party MUST, in a clear and concise factual statement, disclose that AI was used in the preparation of the filing and CERTIFY that each and every citation to the law, or the record in the filed document, has been verified and is accurate.</p> <p>The Court reserves the right to rule as its sees fit on any Failure to comply with this standing order including but not limited to striking the non-compliant filing.</p> <p>While the Court does not require the certification to be any specific language so long as it conforms to this standing order the Court does provide this sample that if used would be sufficient:</p> <p>My Full Name is: Mydate of birth is: - 1 and my address is: I declare under penalty of perjury that: 1) I have read this document, 2) Artificial Intelligence ("AI") was used in the preparation of this document and 3) each and every citation to the law or the record in this document has been verified and is accurate. Executed (formally signed) in Collin County, Texas on this date:</p> <p>COUNTY COURTS AT LAW: STANDING ORDER NO.3 Page 1 of 2</p> <p>Signed and ENTERED this the 3rd day of July, 2024.</p>	No	Yes	Yes	No

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA	California, United States	Federal	Standing Order	Disclosure and certification required for AI-generated court filings	5. Artificial Intelligence. Any party who uses generative artificial intelligence (such as ChatGPT, Harvey, CoCounsel, or Google Bard) to generate any portion of a brief, pleading, or other filing must attach to the filing a separate declaration disclosing the use of artificial intelligence and certifying that the filer has reviewed the source material and verified that the artificially generated content is accurate and complies with the filer's Rule 11 obligations.	No	Yes	Yes	No
United States District Court for the Eastern District of Oklahoma	Oklahoma, United States	Federal	Standing Order	Disclosure of AI use, certification of accuracy, attorney responsibility, possible sanctions for noncompliance	DISCLOSURE AND CERTIFICATION REQUIREMENTS FOR GENERATIVE ARTIFICIAL INTELLIGENCE Chambers of United States Magistrate Judge Jason A. Robertson 1. Consistent with Rule 11(b) of the Federal Rules of Civil Procedure, and the certifications required thereunder, the Court directs that any party, whether appearing pro se or through counsel, who utilizes any generative artificial intelligence (AI) tool in the preparation of any documents to be filed with the Court, must disclose in the document that AI was used and the specific AI tool that was used. The unrepresented party or attorney must further certify in the document that the person has checked the accuracy of any portion of the document drafted by generative AI, including all citations and legal authority. 2. If generative AI is utilized in the preparation of any documents filed with the Court, the unrepresented party or attorney will be held responsible for the contents thereof, in accordance with Rule 11 and applicable rules of professional conduct and/or attorney discipline. 3. The failure to make the disclosure and certification described in paragraph 1 may result in the imposition of sanctions.	No	Yes	Yes	No
United States District Court for the District of Hawaii	Hawaii, United States	Federal	Standing Order	Disclosure and certification required for AI use in court documents, with responsibility and possible sanctions for noncompliance.	DISCLOSURE AND CERTIFICATION REQUIREMENTS – GENERATIVE ARTIFICIAL INTELLIGENCE Chambers of United States District Judge Leslie E. Kobayashi 1. Consistent with Rule 11(b) of the Federal Rules of Civil Procedure, and the certifications required thereunder, the Court directs that any party, whether appearing pro se or through counsel, who utilizes any generative artificial intelligence (AI) tool in the preparation of any documents to be filed with the Court, must disclose in the document that AI was used and the specific AI tool that was used. The unrepresented party or attorney must further certify in the document that the person has checked the accuracy of any portion of the document drafted by generative AI, including all citations and legal authority. 2. If generative AI is utilized in the preparation of any documents filed with the Court, the unrepresented party or attorney will be held responsible for the contents thereof, in accordance with Rule 11 and applicable rules of professional conduct and/or attorney discipline. 3. The failure to make the disclosure and certification described in paragraph 1 may result in the imposition of sanctions.	No	Yes	Yes	No

United States District Court	Oklahoma, United States of America	Federal	Standing Order	Disclosure and certification required for AI-generated court filings, with responsibility and possible sanctions for noncompliance.	DISCLOSURE AND CERTIFICATION REQUIREMENTS – GENERATIVE ARTIFICIAL INTELLIGENCE Chambers of United States District Judge Scott L. Palk	No	Yes	Yes	No
					1. Consistent with Rule 11(b) of the Federal Rules of Civil Procedure, and the certifications required thereunder, the Court directs that any party, whether appearing pro se or through counsel, who utilizes any generative artificial intelligence (AI) tool in the preparation of any documents to be filed with the Court, must disclose in the document that AI was used and the specific AI tool that was used. The unrepresented party or attorney must further certify in the document that the person has checked the accuracy of any portion of the document drafted by generative AI, including all citations and legal authority.				
					2. If generative AI is utilized in the preparation of any documents filed with the Court, the unrepresented party or attorney will be held responsible for the contents thereof, in accordance with Rule 11 and applicable rules of professional conduct and/or attorney discipline.				
					3. The failure to make the disclosure and certification described in paragraph 1 may result in the imposition of sanctions.				
United States District Court for the Eastern District of Virginia	Virginia, United States of America	Federal	Particular Proceeding	AI use in filings must be disclosed and citations certified for accuracy.	The parties are instructed that, should any party utilize artificial intelligence for the preparation of any filing, they must identify the use of artificial intelligence in the filing and provide a certification that they have reviewed all citations for accuracy.	No	Yes	Yes	No
United States District Court for the Northern District of California	California, United States of America	Federal	Standing Order	Certification and personal verification required for any AI-generated court submission, with record-keeping and potential sanctions for noncompliance.	4. Artificial Intelligence (AI). Counsel is responsible for providing the Court with complete and accurate representations in any submission (including filings, demonstratives, evidence, or oral argument), consistent with Federal Rule of Civil Procedure 11, the California Rules of Professional Conduct, and any other applicable legal or ethical guidance. Use of ChatGPT or other such tools is not prohibited, but counsel must at all times personally confirm for themselves the accuracy of any content generated by these tools. At all times, counsel—and specifically designated lead trial counsel—bears responsibility for any submission made by the party that the attorney represents. Any submission containing AI-generated content must include a certification that lead trial counsel has personally verified the content's accuracy. Failure to include this certification or comply with this verification requirement will be grounds for sanctions. Counsel is responsible for maintaining records of all prompts or inquiries submitted to any generative AI tools in the event those records become relevant at any point.	No	Yes	Yes	No

United States District Court for the Northern District of Illinois	Illinois, United States of America	Federal	Standing Order	Disclosure and certification required for AI use in court filings to prevent false authorities.	The Standing Order of this Court provides that: Any party using AI in the preparation of materials submitted to the court must disclose in the filing that an AI tool was used to conduct legal research and/or was used in any way in the preparation of the submitted document. Parties should not assume that mere reliance on an AI tool will be presumed to constitute reasonable inquiry. The Federal Rules of Civil Procedure, including Rule 11, will apply. The mission of the federal courts to ascertain truth is obviously compromised by the use of an AI tool that generates legal research that includes false or inaccurate propositions of law and/or purport to cite non-existent judicial decisions cited for substantive propositions of law. See <i>Mata v. Avianca, Inc.</i> , No. 22-cv-1461 (PKC), 2023 WL 3696209, at *1-2 (S.D.N.Y. May 4, 2023) (issuing show cause order where "[a] submission filed by plaintiff's counsel in opposition to a motion to dismiss [wa]s replete with citations to nonexistent cases."); <i>Mata, supra</i> , Attorney Affidavit (S.D.N.Y. May 25, 2023) (D.E. 32-1) (responding to show cause order by stating that the case authorities found by the district court to be nonexistent "were provided by Chat GPT which also provided its legal source and assured the reliability of its content."). In any case in which Artificial Intelligence was employed in the research and/or drafting of any document submitted for filing in support of any proposition advanced to the court as purported authority in support of or opposition to any point or conclusion in the case, Rule 11 and the other rules of the Federal Rules of Civil Procedure will apply, and a certification on a filing will be deemed as a representation by the filer that they have read and analyzed all cited authorities to ensure that such authorities actually exist and that counsel actually have assessed and considered the cited case or other authority offered in support of or in contravention of the particular proposition.	No	Yes	No	No
United States District Court for the Southern District of New York	New York, United States of America	Federal	Standing Order	AI tools are permitted in filings if counsel verifies accuracy.	F. Use of ChatGPT and Other Tools. Counsel is responsible for providing the Court with complete and accurate representations of the record, the procedural history of the case, and any cited legal authorities. Use of ChatGPT or other such tools is not prohibited, but counsel must at all times personally confirm for themselves the accuracy of any research conducted by these means. At all times, counsel—and specifically designated Lead Trial Counsel—bears responsibility for any filings made by the party that counsel represents.	No	No	No	Yes
The Civil District Courts of Bexar County	Texas, United States of America	State	General Rule	Attorneys must verify and certify all AI-generated content in pleadings using traditional legal sources before submission.	A.I. Certification. All pleadings shall include a certificate on the form approved by the Civil District Court Judges and available on the Presiding Court website, signed by the attorney, attesting that: a. all drafted language, quotations, sources, citations, arguments, and legal analyses produced by generative A.I. will—before submission—be verified by an attorney licensed in Texas as accurate through traditional (non-A.I.) legal sources, and b. that the attorney of record understands and acknowledges that they are responsible for their and their co-counsel's failure to comply with this order.	No	Yes	Yes	No

United States District Court for the Northern District of Ohio	Ohio, United States	Federal	Standing Order	Standing order prohibits AI use in court filings, with sanctions for violations.	COURT'S STANDING ORDER ON THE USE OF GENERATIVE AI Pursuant to the Court's inherent authority and the authority of Rule 11 of the Federal Rules of Civil Procedure, no attorney for a party, or a pro se party, may use Artificial Intelligence ("AI") in the preparation of any filing submitted to the Court. Parties and their counsel who violate this AI ban may face sanctions including, inter alia, striking the pleading from the record, the imposition of economic sanctions or contempt, and dismissal of the lawsuit. The Court does not intend this AI ban to apply to information gathered from legal search engines, such as Westlaw or LexisNexis, or Internet search engines, such as Google or Bing. All parties and their counsel have a duty to immediately inform the Court if they discover the use of AI in any document filed in their case. IT IS SO ORDERED. /s Christopher A. Boyko CHRISTOPHER A. BOYKO United States District Judge	Yes	Yes	No	No
The Circuit Court of Cook County, Illinois, County Department, Chancery Division, Mortgage Foreclosure/Mechanics Lien Section	Illinois, United States of America	State	Standing Order	AI use in court filings is permitted if legal and ethical standards are met, but misleading or unfounded AI-generated content may result in sanctions.	(j) The Court embraces the use and development of emerging technologies such as artificial intelligence ("AI") in the practice of law that enhances service to all court users and promotes equitable access to justice; however, while the use of AI before this Court is authorized and need not be disclosed in filings presented for the Court's review, such use of AI is only permitted provided that its use complies with all applicable legal and ethical standards. This Court will be vigilant against AI technologies that jeopardize due process, equal protection, or access to justice. Unsubstantiated or deliberately misleading AI-generated content that perpetuates bias, prejudices litigants, or obscures truth-finding and decision-making will not be tolerated. This Court remains ultimately responsible for its decisions, irrespective of technological advancements. See Ill. Sup. Ct. R 2.7, 1.2. Attorneys and litigants shall be subject to appropriate sanctions, at the Court's discretion, for submitting legally or factually unfounded documents for the Court's review. See Ill. Sup. Ct. R. 137.	No	No	No	Yes
The Circuit Court of Cook County, Illinois, County Department, Chancery Division, Mortgage Foreclosure/Mechanics Lien Section	Illinois, United States of America	State	Standing Order	Disclosure of AI use required in court filings	(h) The Court recognizes the increasing use of emerging technologies such as artificial intelligence ("AI") in the practice of law. Due to the need for accuracy, the given limitations of AI, and the concern for bias within the AI system itself, in order to inform the Court of its use, any document (motion, brief, affidavit, etc.) filed in any case before this Court that was created in any part with the assistance or use of AI (including, but not limited to: research, writing, editing of the document, or analysis of an opposition's document) shall contain within the document itself a statement that AI was used in the document's creation or analysis.	No	Yes	No	No
UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA	California, United States of America	Federal	Standing Order	AI use in filings requires a declaration disclosing use and certifying accuracy and Rule 11 compliance.	h. Artificial Intelligence Any party who uses generative artificial intelligence (such as ChatGPT, Harvey, CoCounsel, or Google Bard) to generate any portion of a motion, brief, pleading, or other filing must attach to the filing a separate declaration disclosing the use of artificial intelligence and certifying that the filer has reviewed the source material and verified that the artificially generated content is accurate and complies with the filer's Rule 11 obligations.	No	Yes	Yes	No

United States District Court for the Southern District of California	California, United States of America	Federal	Standing Order	AI use is permitted with caution; filers must ensure accuracy and may face sanctions for unqualified reliance.	D. Use of Generative Artificial Intelligence Although the use of ChatGPT and other such generative artificial intelligence ("AI") tools is not prohibited, unqualified reliance on such tools may result in filings "replete with misrepresentations and fabricated case law." See Grant v. City of Long Beach, 96 F.4th 1255, 1256 (9th Cir. 2024) (striking opening brief and dismissing appeal). "Rule 11 imposes a duty on attorneys [and pro se litigants] to certify that they have conducted a reasonable inquiry and have determined that any papers filed with the court are well grounded in fact[and] legally tenable." See Cooter & Gell v. Hartmarx Corp., 496 U.S. 384, 393 (1990). Accordingly, failure to exercise due care in reviewing and filing work product created with the assistance of generative AI tools may violate Rule 11 and other applicable standards of practice and expose the filer to sanctions or other corrective or disciplinary action. See, e.g., Park v. Kim, 91 F.4th 610, 614 (2d Cir. 2024) (referring attorney who filed brief relying on non-existent cases to grievance panel).	No	No	No	Yes
United States District Court for the Northern District of Texas	Texas, United States of America	Federal	General Rule	Disclosure required for briefs prepared with generative AI, including identification of AI-generated sections if ordered by the judge.	(f) Disclosure of Use of Generative Artificial Intelligence. (1) A brief prepared using generative artificial intelligence must disclose this fact on the first page under the heading "Use of Generative Artificial Intelligence." If the presiding judge so directs, the party filing the brief must disclose the specific parts prepared using generative artificial intelligence. (2) "Generative Artificial Intelligence" means a computer tool (whether referred to as "Generative Artificial Intelligence" or by another name) that is capable of generating new content (such as images and text) in response to a submitted prompt (such as a query) by learning from a large reference database of examples. (3) A party who files a brief that does not contain the disclosure required by subsection (f)(1) of this rule certifies that no part of the brief was prepared using generative artificial intelligence.	No	Yes	No	No
United States District Court for the Northern District of Texas	Texas, United States of America	Federal	General Rule	Disclosure required on first page if generative AI used to prepare briefs, with possible specification of AI-generated sections if ordered by judge.	(e) Disclosure of Use of Generative Artificial Intelligence. (1) A brief prepared using generative artificial intelligence must disclose this fact on the first page under the heading "Use of Generative Artificial Intelligence." If the presiding judge so directs, the party filing the brief must disclose the specific parts prepared using generative artificial intelligence. (2) "Generative Artificial Intelligence" means a computer tool (whether referred to as "Generative Artificial Intelligence" or by another name) that is capable of generating new content (such as images and text) in response to a submitted prompt (such as a query) by learning from a large reference database of examples. (3) A party who files a brief that does not contain the disclosure required by subsection (e)(1) of this rule certifies that no part of the brief was prepared using generative artificial intelligence.	No	Yes	No	No
United States District Court, Northern District of California	California, United States of America	Federal	Standing Order	AI-generated content in court filings requires counsel to verify accuracy, certify verification, and maintain records, with sanctions possible for noncompliance.	G. Use of Generative AI Tools Counsel is responsible for providing the Court with complete and accurate representations of the record, procedural history, and cited legal authorities. Use of ChatGPT or other such generative artificial intelligence tools is not prohibited, but counsel must personally confirm for themselves the accuracy of any research conducted by these means, and counsel alone bears ethical responsibility for all statements made in filings. Any submission containing AI-generated content must include a certification that lead trial counsel has personally verified the content's accuracy. Failure to include this certification or comply with this verification requirement will be grounds for sanctions. Counsel is responsible for maintaining records of all prompts or inquiries submitted to any generative AI tools in the event those records become relevant at any point.	No	Yes	Yes	No

United States District Court for the District of New Jersey	New Jersey, United States of America	Federal	Standing Order	Mandatory disclosure and certification of generative AI use in court filings before Judge Evelyn Padin.	B. Use of Generative Artificial Intelligence ("GAI") The use of any GAI (e.g., OpenAI's ChatGPT or Google's Bard) in any court filings requires a mandatory disclosure/certification that: (1) identifies the GAI program; (2) identifies the portion of the filing drafted by GAI; and (3) certifies that the GAI work product was diligently reviewed by a human being for accuracy and applicability.	No	Yes	Yes	No
Orange County Superior Court	California, United States of America	State	Standing Order	Disclosure and certification required for AI use in court filings.	<p>DEPT. C31 STANDING ORDER RE: ARTIFICIAL INTELLIGENCE</p> <p>Generative artificial intelligence (AI) programs that supply natural language answers to user prompts, such as ChatGPT or Google Bard, are now in wide use. If an attorney for a party, or a self-represented party, has used generative AI, including but not limited to ChatGPT and Google Bard, in the preparation of any complaint, answer, motion, brief, or other paper filed with the Court and assigned to Judge Kimberly A. Knill, they MUST, in a clear and plain factual statement, disclose that AI has been used in any way in the preparation of the filing and CERTIFY each and every citation to the law, or the record in the paper, has been verified as accurate.</p> <p>For good cause, it is so ordered.</p> <p>January 25, 2024 Hon. Kimberly A. Knill Orange County Superior Court Revised 1/25/2024</p>	No	Yes	Yes	No
United States Bankruptcy Court Northern District of Texas	Texas, United States of America	Federal	General Rule	AI-generated filings must be verified for accuracy before submission.	If any portion of a pleading or other paper filed on the Court's docket has been drafted utilizing generative artificial intelligence, including but not limited to ChatGPT, Harvey.AI, or Google Bard, the Court requires that all attorneys and pro se litigants filing such pleadings or other papers verify that any language that was generated was checked for accuracy, using print reporters, traditional legal databases, or other reliable means. Artificial intelligence systems hold no allegiance to any client, the rule of law, or the laws and Constitution of the United States and are likewise not factually or legally trustworthy sources without human verification. Failure to heed these instructions may subject attorneys or pro se litigants to sanctions pursuant to Federal Rule of Bankruptcy Procedure 9011. IT IS SO ORDERED.	No	No	No	No

United States District Court for the District of Hawaii	Hawaii, United States of America	Federal	General Rule	Declaration required for AI-generated filings, confirming authenticity and disclosure, except for established legal research tools.	IN RE: USE OF UNVERIFIED SOURCES GENERAL ORDER 23-1 Briefs and memoranda generated by artificial intelligence (AI) platforms (for example, ChatGPT or Bard) and online briefs or memoranda drafted by persons compensated to produce materials not tailored to specific cases (collectively, "unverified sources"), have increased the court's concern about the reliability and accuracy of filings and other court submissions. In particular, the court is concerned about whether factual or legal citations or references in court filings and submissions have been properly vetted by counsel and pro se parties. For example, courts sometimes receive briefs containing fictitious case cites either generated by AI or by human authors. To address these concerns, if any counsel or pro se party submits to the court any filing or submission generated by an unverified source, that attorney or pro se party must submit a declaration concurrently with that material captioned "Reliance on Unverified Source" that: (1) advises the court that counsel or the pro se party has relied on one or more unverified sources; and (2) verifies that the counsel or pro se party has confirmed that any such material is not fictitious. The scope of the required declaration is that required by Rule 11 of the Federal Rules of Civil Procedure. This order does not affect the use of basic research tools such as Westlaw, Lexis, or Bloomberg, and no declaration is required if all sources can be located on such well-accepted basic research tools. DATED: November 14, 2023 at Honolulu, Hawai'i.	No	Yes	Yes	No
SUPREME COURT OF YUKON	Yukon, Canada	N/A	General Rule	Disclosure to the Court is required when AI is used for legal research or submissions.	if any counsel or party relies on artificial intelligence (such as ChatGPT or any other artificial intelligence platform) for their legal research or submissions in any matter and in any form before the Court, they must advise the Court of the tool used and for what purpose.	No	Yes	No	No
Superior Court of California, County of San Diego	California, United States of America	State	General Rule	Generative AI use in court proceedings is prohibited without prior written judicial approval.	Any person or entity, including but not limited to, individuals viewing or appearing remotely, who wishes to document, photograph, record, or broadcast any portion of a court proceeding must seek and be granted prior written judicial approval, and must inform the court security staff of their intentions. Further, any person or entity, including but not limited to, individuals viewing or appearing remotely, who wishes to document, photograph, record or broadcast any portion of a court proceeding is prohibited from using generative artificial intelligence ("AI") unless prior written judicial approval is granted to use AI.	No	No	No	No

United States District Court Southern District of Texas	Texas, United States	Federal	General Rule	Attorneys and litigants must verify and take responsibility for AI-generated court filings.	UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS ' ' GENERAL ORDER 2025-04 IN RE: USE OF GENERATIVE ARTIFICIAL INTELLIGENCE IN COURT FILINGS ' Rule 11 of the Federal Rules of Civil Procedure requires that an attorney or self-represented litigant certifies their claims, defenses, and other legal contentions are warranted by existing law and the factual contentions have evidentiary support. Attorneys and self-represented litigants are cautioned against submitting to the Court any pleading, written motion, or other paper drafted using generative artificial intelligence (e.g., ChatGPT, Harvey.AI, generative AI services) without checking the submission for accuracy as certain technologies may produce factually or legally inaccurate content and should never replace the lawyer's independent legal judgment. Any attorney or self-represented litigant who signs a pleading, written motion, or other paper submitted to the Court will be held responsible for the contents of that filing under Rule 11, regardless of whether generative artificial intelligence drafted any portion of that filing. See Fed. R. Civ. P. 11(c) (providing for imposition of an "appropriate sanction"—including nonmonetary directives, a penalty payable to the court, or payment to the opposing party of attorney's fees and expenses directly resulting from the violation—if, after notice and a reasonable opportunity to respond, the Court determines that Rule 11(b) has been violated). Signed this 7th day of May 2025. RANDY CRANE CHIEF JUDGE	No	No	No	Yes
United States Bankruptcy Court for the Western District of Oklahoma	Oklahoma, United States	Federal	General Rule	Court order requires AI-generated filings to include attestation of AI use, accuracy check, and confidentiality, effective September 1, 2023.	Effective September 1, 2023, any document filed with the Court that has been drafted utilizing a generative artificial intelligence program, including but not limited to ChatGPT, Harvey.AI, or Google Bard, must be accompanied by an attestation: (1) identifying the program used and the specific portions of text for which a generative artificial intelligence program was utilized; (2) certifying the document was checked for accuracy using print reporters, traditional legal databases, or other reliable means; and (3) certifying the use of such program has not resulted in the disclosure of any confidential information to any unauthorized party. The Court finds such attestation necessary because as noted by Hon. Brantley Starr: "While attorneys swear an oath to set aside their personal prejudices, biases, and beliefs to faithfully uphold the law and represent their clients, generative artificial intelligence is the product of programming devised by humans who did not have to swear such an oath. As such, these systems hold no allegiance to any client, the rule of law, or the laws and Constitution of the United States (or ... the truth)." Hon. Brantley Starr, Mandatory Certification Regarding Generative Artificial Intelligence, www.txnd.uscourts.gov/judge/judge-brantley-starr (last visited June 22, 2023). Additionally, Rule 9011 of the Federal Rules of Bankruptcy Procedure continues to apply to all documents filed with the Court, and the Court construes all filings as a certification by the person signing the filed document of compliance with Rule 9011 (b). SO ORDERED this 20 th day of July, 2025. Sarah A. Hall, Chief United States Bankruptcy Judge O. J. . yd, States Bankruptcy	No	Yes	Yes	No

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TEXAS	Texas, United States of America	Federal	General Rule	Caution about AI inaccuracies, responsibility for document accuracy, mandatory review and verification of AI-generated content, technology must not replace independent legal judgment.	(g) Pro Se . Litigants remain responsible for the accuracy Use of Technology by Litigants and quality of legal documents produced with the assistance of technology (e.g., ChatGPT, Google Bard, Bing AI Chat, or generative artificial intelligence services). Litigants are cautioned that certain technologies may produce factually or legally inaccurate content. If a litigant chooses to employ technology, the litigant continues to be bound by the requirements of Fed. R. Civ. P. 11 and must review and verify any computer-generated content to ensure that it complies with all such standards. See also Local Rule AT-3(m). (m)If the lawyer, in the exercise of his or her professional legal judgment, believes that the client is best served by the use of technology (e.g., ChatGPT, Google Bard, Bing AI Chat, or generative artificial intelligence services), then the lawyer is cautioned that certain technologies may produce factually or legally inaccurate content and should never replace the lawyer's most important asset – the exercise of independent legal judgment. If a lawyer chooses to employ technology in representing a client, the lawyer continues to be bound by the requirements of Federal Rule of Civil Procedure 11, Local Rule AT-3, and all other applicable standards of practice and must review and verify any computer-generated content to ensure that it complies with all such standards.	No	No	No	Yes
United States District Court for the District of Montana, Missoula Division	Montana, United States of America	Federal	Particular Proceeding	Pro hac counsel prohibited from using AI drafting programs; must personally write, sign, and appear.	Use of artificial intelligence automated drafting programs, such as Chat GPT, is prohibited.	Yes	No	No	No
United States District Court for the Eastern District of Pennsylvania	Pennsylvania, United States of America	Federal	Standing Order	Compliance with Federal Rules and ethical standards required for AI use in court filings.	3. Artificial Intelligence: Anyone—counsel or pro se litigant—using Generative Artificial Intelligence ("GAI") in connection with the filing of a pleading, motion, or paper in this Court or the serving/delivering of a request, response, or objection to discovery must comply with Rule 11(b) and Rule 26(g) of the Federal Rules of Civil Procedure, and any other relevant rule, including all applicable ethical rules.	No	No	No	No
Integrated Domestic Violence Court	State of New York, United States of America	State	Standing Order	AI use in legal documents must be disclosed and verified for accuracy before submission.	USE OF ARTIFICIAL INTELLIGENCE (AI) 1. If AI is used to prepare any document submitted for filing with the court that involves substantive legal research and writing (such as a legal memorandum, summation, etc.), counsel or a pro se litigant shall submit an affirmation at the end of the document stating that AI, such as ChatGPT, was used in preparation of the document. 2. The affirmation should also affirm that the legal research and writing in the document was reviewed and verified to ensure accuracy prior to submission to the court.	No	Yes	Yes	No

Illinois Supreme Court	Illinois, United States of America	State	General Policy	AI use allowed if compliant with legal and ethical standards; review required for accuracy and bias; no disclosure needed; judges remain responsible.	Embracing the advancements of artificial intelligence (AI), the Illinois Supreme Court remains steadfast in its commitment to upholding the highest ethical standards in the administration of justice. We acknowledge the rapid development of generative AI technologies capable of producing human-like text, images, video, audio, and other content. The integration of AI with the courts is increasingly pervasive, offering potential efficiencies and improved access to justice. However, it also raises critical concerns about authenticity, accuracy, bias, and the integrity of court filings, proceedings, evidence, and decisions. Understanding the capabilities and limitations of AI technology is essential for the Illinois Judicial Branch. The Illinois Courts will be vigilant against AI technologies that jeopardize due process, equal protection, or access to justice. Unsubstantiated or deliberately misleading AI-generated content that perpetuates bias, prejudices litigants, or obscures truth-finding and decision-making will not be tolerated. The use of AI by litigants, attorneys, judges, judicial clerks, research attorneys, and court staff providing similar support may be expected, should not be discouraged, and is authorized provided it complies with legal and ethical standards. Disclosure of AI use should not be required in a pleading. The Rules of Professional Conduct and the Code of Judicial Conduct apply fully to the use of AI technologies. Attorneys, judges, and self-represented litigants are accountable for their final work product. All users must thoroughly review AI-generated content before submitting it in any court proceeding to ensure accuracy and compliance with legal and ethical obligations. Prior to employing any technology, including generative AI applications, users must understand both general AI capabilities and the specific tools being utilized. The Court acknowledges the necessity of safe AI use, adhering to laws and regulations concerning privacy and confidentiality. AI applications must not compromise sensitive information, such as confidential communications, personal identifying information (PII), protected health information (PHI), justice and public safety	No	No	No	Yes
U.S. District Court for the Northern District of Illinois	Illinois, United States of America	Federal	Standing Order	Court order requires compliance with existing rules when using AI in filings, without extra disclosure requirements.	Anyone —counsel and unrepresented parties alike—using AI in connection with the filing of a pleading, motion, or paper in this Court or the serving/delivering of a request, response, or objection to discovery must comply with Rule 11(b) and Rule 26(g) of the Federal Rules of Civil Procedure, and any other relevant rule, including any applicable ethical rule.	No	No	No	Yes
United States Court of International Trade	New York, United States	Federal	Standing Order	Court submissions using generative AI must disclose the AI program used, specify AI-drafted text, certify no unauthorized disclosure, and allow parties to seek relief if warranted.	Generative artificial intelligence programs that supply natural language answers to user prompts, such as ChatGPT or Google Bard, create novel risks to the security of confidential information. Because generative artificial intelligence programs challenge the Court's ability to protect confidential and business proprietary information from access by unauthorized parties, it is hereby: ORDERED that any submission in a case assigned to Judge Restani that contains text drafted with the assistance of a generative artificial intelligence program on the basis of natural language prompts, including but not limited to ChatGPT and Google Bard, must be accompanied by: (1) A disclosure notice that identifies the program used and the specific portion of text that have been so drafted; (2) A certification that the use of such program has not resulted in the disclosure of any confidential or business proprietary information to any unauthorized party; and it is further ORDERED that, following the filing of such notice, any party may file with the Court any motion provided for by statute or the Rules of the Court of International Trade seeking any relief the party believes the facts disclosed warrant. SO ORDERED. /s/ Jane A. Restani Jane A. Restani, Judge Dated: July 24, 2025 New York, New York	No	Yes	No	No

Court of Common Pleas, Cuyahoga County, Ohio	Ohio, United States of America	State	Standing Order	Attorneys must certify filings are either not AI-generated or are human-verified for accuracy, with responsibility for content regardless of AI use.	I further certify that no portion of any filing in this case will be drafted by generative artificial intelligence or that any language drafted by generative artificial intelligence—including quotations, citations, paraphrased assertions, and legal analysis—will be checked for accuracy, using print reporters or traditional legal databases, by a human being before it is submitted to the Court. Failure to comply will result in a failure to comply hearing set before this Court. I understand that any attorney or pro se litigant who signs any filing in this case will be held responsible for the contents thereof according to applicable rules of attorney discipline, regardless of whether generative artificial intelligence drafted any portion of that filing.	No	No	Yes	No
UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS BROWNSVILLE DIVISION	Texas, United States of America	Federal	Standing Order	Attorneys and litigants must certify AI use in filings, ensure accuracy if AI is used, and filings without certification will be stricken.	8. INITIAL PRETRIAL AND SCHEDULING CONFERENCES C. Mandatory Certificate Regarding Generative Artificial Intelligence (1) All attorneys and pro se litigants appearing before the Court must, together with their proposed scheduling order, file a certificate attesting either that no portion of any filing will be drafted by generative artificial intelligence (such as ChatGPT, Claude, Harvey.AI, or Google Bard) or that any language drafted by generative artificial intelligence will be checked for accuracy, using print reporters or traditional legal databases, by a person. (2) The Court will strike any filing from a party who fails to file a certificate on the docket attesting that they have read the Court's judge-specific requirements and understand that they will be held responsible under Rule 11 for the contents of any filing that they sign and submit to the Court, whether or not generative artificial intelligence drafted any portion of that filing. See APPENDIX, p. 17, for a sample Certificate Regarding Generative Artificial Intelligence (3) See APPENDIX, p. 17, for a sample Certificate Regarding Generative Artificial Intelligence. UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS BROWNSVILLE DIVISION _____, § § Plaintiff, § § v. § Civil Action No. 1:24-cv-0____ § _____, § §	No	Yes	Yes	No
Chautauqua County Court	New York, United States of America	State	Standing Order	Disclosure of generative AI use, human verification of citations, and accuracy check required for court filings.	DISCLOSING USE OF ARTIFICIAL INTELLIGENCE "Artificial intelligence" or "AI" means the capability of computer systems or algorithms to imitate intelligent human behavior. "Generative artificial intelligence" or "Generative AI" means artificial intelligence that is capable of generating new content (such as images or text) in response to a submitted prompt (such as a query) by learning from a large reference database of examples. If generative AI is used to compose or draft any paper presented for filing, the filer must disclose its use and attest that citations of authority have been verified by a human being by using print volumes or traditional legal databases and that the language in the paper has been checked for accuracy by the filer.	No	Yes	Yes	No

New York State Supreme Court, Niagara County	New York, United States of America	State	Standing Order	Disclosure of AI use, specific tool, portion drafted by AI, human review certification, prohibition on AI recording or transcription of proceedings.	ARTIFICIAL INTELLIGENCE Any party who uses generative AI tool in preparation of any documents filed with the court must: (1) disclose the use of AI; (2) disclose the specific AI tool used; (3) identifies the portion of the filing drafted by AI; and (4) include a certification that the AI work product was diligently reviewed by a human being for accuracy and applicability.	No	Yes	Yes	No
Court of Common Pleas Juvenile Division of Defiance County, Ohio; Henry County, Ohio; and Williams County, Ohio	Ohio, United States of America	State	General Rule	Disclosure required for AI use in court filings, including explanation and verification process.	Chapter 1, JR 1.4 Use of Technology (A) Artificial Intelligence (AI) makes is possible for machines to learn from experience, adjust to new inputs and perform human-like tasks. AI mimics human intelligence processes through the creation and application of algorithms built into a computing environment. (B) At the present time, the accuracy of AI is difficult to determine due to the AI programs being unable to determine whether or not the data being analyzed is accurate. (C) The Court acknowledges that the use of Artificial Intelligence (AI) may be used by attorneys and parties in presenting information, exhibits and pleadings to the Court. Due to the concerns of accuracy of the information presented through the use of AI, the Court finds that certain safeguards are necessary. (D) The use of Artificial Intelligence (AI) by attorneys and/or parties in information exchanged or presented to the Court, in exhibits and in pleadings filed with the Court, or as information provided to parties in a pending case, shall include a NOTICE disclosure . stating how Artificial Intelligence was used and the process used by the party/attorney to check for the accuracy of the information provided.	No	Yes	Yes	No
The Circuit Court of Cook County, Illinois, County Department - Law Division	Illinois, United States of America	State	Standing Order	Disclosure of AI use and verification of cited authority required for court submissions.	3. ARTIFICIAL INTELLIGENCE (AI): A party submitting any document, motion, brief, or memoranda to the Court must disclose in writing on the submitted document that AI was used in the creation of the document and that the party has verified the existence and accuracy of any authority cited.	No	Yes	Yes	No
The Circuit Court of Cook County, Illinois, County Department, Law Division	Illinois, United States of America	State	Standing Order	Disclosure of AI use and verification of cited authority required, with possible sanctions for noncompliance.	10. Artificial Intelligence . A party submitting any document, motion, brief or memoranda to the Court must disclose in writing on the submitted document that AI was used in the creation of the document and that the party has verified the existence and accuracy of any authority cited. A failure to do so may result in sanctions.	No	Yes	Yes	No

Hamilton County Court of Common Pleas	Ohio, United States of America	State	General Rule	Local Rule 49 requires disclosure and certification of AI use in court submissions, with responsibility for accuracy and possible sanctions for violations.	Local Rule 49 - Use of Artificial Intelligence in Court Submissions (A) Purpose and Scope This rule is established to govern the use of artificial intelligence (AI) technologies by attorneys and/or parties in the preparation and submission of materials to the Hamilton County Court of Common Pleas. It aims to ensure the ethical use of AI and maintain the integrity of evidence. (B) Definitions Artificial Intelligence (AI): Any technology that uses machine learning, natural language processing, or any other computational mechanism to simulate human intelligence, including document generation, evidence creation or analysis, and legal research. AI-Assisted Material: Any document or evidence prepared with the assistance of AI technologies. (C) Disclosure of AI Assistance Attorneys and/or parties must disclose the use of AI-assisted technology in the creation or editing of any document or evidence submitted to the court. Such disclosure should include a general description of the AI technology used and its role in the preparation of the materials. The disclosure must be made at the time of submission through a certification attached to the document or evidence, indicating the type of AI used and certifying the attorney's final review and approval of the AI-assisted material. (D) Responsibility and Review Attorneys and/or parties remain ultimately responsible for the accuracy, relevance, and appropriateness of AI-assisted materials submitted to the court.	No	Yes	Yes	No
Texas Business Court	Texas, United States of America	State	General Rule	AI use in filings is permitted, but filers remain fully responsible for accuracy and compliance with legal and ethical duties.	(c) Artificial Intelligence. Use of artificial intelligence is not prohibited, but the filing attorney or party is independently responsible for the accuracy of all filings and must comply with all legal and ethical duties, including TRCP 13 and Civil Practice and Remedies Code, Chapters 9–10.	No	No	No	Yes
UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ALABAMA	Alabama, United States of America	Federal	Particular Proceeding	AI-generated documents must be reviewed and verified for accuracy and compliance with legal standards.	XI. Artificial Intelligence – Use of AI to Create Court Submissions Lawyers and pro se litigants who use technology like ChatGPT, Google Bard, Bing AI Chat, or other generative artificial intelligence services to prepare documents that the parties file in the record in this case are cautioned that generative AI technologies sometimes may produce factually or legally inaccurate content. The Court does not prohibit the use of AI, but to comply with Rule 11 of the Federal Rules of Civil Procedure and other applicable legal and ethical standards, attorneys and pro se litigants must review and verify computer-generated content to ensure that it is accurate and complies with all such governing standards.	No	No	No	Yes

United States District Court for the Southern District of Ohio, Western Division, at Dayton	Ohio, United States of America	Federal	Standing Order	Standing order prohibits AI use in court filings, with exceptions for legal research tools and office software, and violations may result in sanctions.	No attorney for a party, or a pro se party, may use Artificial Intelligence ("AI") in the preparation of any filing submitted to the Court. Parties and their counsel who violate this AI ban may face sanctions including, inter alia, striking the pleading from the record, the imposition of economic sanctions or contempt, and dismissal of the lawsuit. The Court does not intend this AI ban to apply to information gathered from legal search engines, such as Westlaw or LexisNexis, Internet search engines, such as Google or Bing, or Microsoft Suite products or the equivalent, such as Word. All parties and their counsel have a duty to immediately inform the Court if they discover the use of AI in any document filed in their case or an opponent's case. The purpose of this provision is not to prevent parties from using 13b. Joint Proposed Final Pretrial Order AI tools, such as legal search engines or Microsoft Suite products but, rather, to prevent counsel and pro se parties from citing false, misleading and/or hallucinated cases and law.	Yes	Yes	No	No
UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF OHIO WESTERN DIVISION, AT DAYTON	Ohio, United States of America	Federal	Standing Order	AI use in court filings is banned except for legal research and productivity tools, with mandatory disclosure and possible sanctions for violations.	VII. ARTIFICIAL INTELLIGENCE ("AI") PROVISION No attorney for a party, or a pro se party, may use Artificial Intelligence ("AI") in the preparation of any filing submitted to the Court. Parties and their counsel who violate this AI ban may face sanctions including, inter alia, striking the pleading from the record, the imposition of economic sanctions or contempt, and dismissal of the lawsuit. The Court does not intend this AI ban to apply to information gathered from legal search engines, such as Westlaw or LexisNexis, or Internet search engines, such as Google or Bing. All parties and their counsel have a duty to immediately inform the Court if they discover the use of AI in any document filed in their case. The purpose of this provision is not to prevent parties from using AI tools, such as legal search engines or Microsoft Suite products but, rather, to prevent counsel and pro se parties from citing false, misleading and/or hallucinated cases and law. XIX. ARTIFICIAL INTELLIGENCE ("AI") PROVISION No attorney for a party, or a pro se party, may use Artificial Intelligence ("AI") in the preparation of any filing submitted to the Court. Parties and their counsel who violate this AI ban may face sanctions including, inter alia, striking the pleading from the record, the imposition of economic sanctions or contempt, and dismissal of the lawsuit. The Court does not intend this AI ban to apply to information gathered from legal search engines, such as Westlaw or LexisNexis, Internet search engines, such as Google or Bing, or Microsoft Suite products or the equivalent, such as Word. All parties and their counsel have a duty to immediately inform the Court if they discover the use of AI in any document filed in their case or an opponent's case. The purpose of this provision is not to prevent parties from using AI tools, such as legal search engines or Microsoft Suite products but, rather, to prevent counsel and pro se parties from citing false, misleading and/or hallucinated cases and law.	Yes	Yes	No	No
New Jersey Supreme Court	New Jersey, United States of America	State	General Policy	Preliminary guidelines clarify lawyers' ethical duties when using AI, including accuracy, confidentiality, oversight, and client disclosure.	N/A	No	No	No	Yes
New Jersey Supreme Court	New Jersey, United States of America	State	General Policy	Preliminary guidelines clarify that existing ethical rules apply to lawyers' use of AI, emphasizing accuracy, confidentiality, and oversight.	N/A	No	No	No	Yes

United States District Court for the District of Nebraska	Nebraska, United States of America	Federal	General Rule	Parties must verify and certify the accuracy of legal briefs if generative AI is used, with noncompliance risking sanctions.	<p>(3) Generative Artificial Intelligence. All parties are responsible for the accuracy and reliability of their legal briefing—including quotations, citations, paraphrased assertions, and legal analysis—regardless of whether generative artificial intelligence programs drafted any portion of that filing. See Fed. R. Civ. P. 11(b). All parties are expected, if using generative artificial intelligence programs, to verify the contents of their filings.</p> <p>(4) Certificate of Compliance. A brief shall include a certificate executed by the author affirming that the brief complies with the requirements of this subsection. (A) Word Limits. The certificate must state how many words the brief contains. Certifying authors may rely on the word-count function of their word-processing software if they certify that the function was applied to include all text, including the caption, headings, footnotes, and quotations, and include the name and version of the word-processing software used. (B) Generative Artificial Intelligence. The certificate must state that no generative artificial intelligence program was used in drafting the document, or that to the extent such a program was used, a human signatory of the document verified the accuracy of all generated text, including all citations and legal authority.</p>	No	Yes	Yes	No
United States District Court for the Eastern District of Michigan	Michigan, United States of America	Federal	General Rule	Disclosure and verification required for use of generative AI in court filings	<p>(4) Disclosing Use of Artificial Intelligence.</p> <p>(A) "Artificial intelligence" or "AI" means the capability of computer systems or algorithms to imitate intelligent human behavior.</p> <p>(B) "Generative artificial intelligence" or "Generative AI" means artificial intelligence that is capable of generating new content (such as images or text) in response to a submitted prompt (such as a query) by learning from a large reference database of examples.</p> <p>(C) If generative AI is used to compose or draft any paper presented for filing, the filer must disclose its use and attest that citations of authority have been verified by a human being by using December 8, 2023 print volumes or traditional legal databases and that the language in the paper has been checked for accuracy by the filer.</p>	No	Yes	Yes	No

Supreme Court of Florida	Florida, United States of America	State	General Rule	Florida Supreme Court amended bar rules to require lawyers to understand, manage risks, and safeguard confidentiality when using generative AI.	Maintaining competence To maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, engage in continuing study and education, including an understanding of the benefits and risks associated with the use of technology, including generative artificial intelligence, and comply with all continuing legal education requirements to which the lawyer is subject. Acting Competently to Preserve Confidentiality Paragraph (e) requires a lawyer to act competently to safeguard information relating to the representation of a client against unauthorized access by third parties and against inadvertent or unauthorized disclosure by the lawyer or other persons who are participating in the representation of the client or who are subject to the lawyer's supervision. See rules 4-1.1, 4-5.1 and 4-5.3. For example, a lawyer should be aware that generative artificial intelligence may create risks to the lawyer's duty of confidentiality. Subdivision (a) requires lawyers with managerial authority within a firm to make reasonable efforts to establish internal policies and procedures designed to provide reasonable assurance that all lawyers in the firm will conform to the Rules of Professional Conduct. Such policies and procedures include those designed to detect and resolve conflicts of interest, identify dates by which actions must be taken in pending matters, account for client funds and property, consider safeguards for the firm's use of technologies such as generative artificial intelligence, and ensure that inexperienced lawyers are properly supervised. A lawyer must give such assistants appropriate instruction and supervision concerning the ethical aspects of their employment, particularly regarding the obligation not to disclose information relating to representation of the client. A	No	No	No	Yes
UNITED STATES COURT OF INTERNATIONAL TRADE	New York, United States	Federal	Standing Order	Disclosure and certification required for AI-drafted text in court submissions, with opportunity for parties to seek relief.	ORDERED that any submission in a case assigned to Judge Vaden that contains text drafted with the assistance of a generative artificial intelligence program on the basis of natural language prompts, including but not limited to ChatGPT and Google Bard, must be accompanied by: (1) A disclosure notice that identifies the program used and the specific portions of text that have been so drafted; (2) A certification that the use of such program has not resulted in the disclosure of any confidential or business proprietary information to any unauthorized party; and it is further ORDERED that, following the filing of such notice, any party may file with the Court any motion provided for by statute or the Rules of the Court of International Trade seeking any relief the party believes the facts disclosed warrant. SO ORDERED.	No	Yes	No	No

The Supreme Court of South Carolina	South Carolina, United States of America	State	General Policy	South Carolina Supreme Court Interim Policy restricts generative AI use in the Judicial Branch, requiring approval, human oversight, and confidentiality protection, with disciplinary consequences for violations.	The Supreme Court of South Carolina Re: Interim Policy on the Use of Generative Artificial Intelligence Appellate Case No. 2025-000043 ORDER In response to the increasing use of artificial intelligence systems in legal research and applications, and in recognition of the potential benefits and risks in utilizing this new technology within the South Carolina Judicial Branch, I find it necessary to issue this Interim Policy regarding the appropriate use and limitations on the use of generative artificial intelligence tools and systems by the judiciary and court personnel. This policy seeks to ensure the responsible and secure integration of these technologies into the judiciary, while safeguarding the integrity of judicial proceedings and protecting the privacy and rights of parties and others involved in matters in all courts in the Unified Judicial System. (a) Application. This Interim Policy applies to all Judicial Officers and Employees of the South Carolina Judicial Branch. Judicial Officers and Employees includes Justices, judges, attorneys, law clerks, administrative assistants, interns, externs, temporary employees, paralegals, and all other employees or volunteers within the Branch regardless of whether they are compensated by state or local funds, including information technology professionals. (b) Definitions. (1) "Artificial Intelligence" or "AI" refers to technologies or software that enable computers and machines to perform tasks that typically require human intelligence. These tasks include, but are not limited to, natural language processing, predictive analytics, and machine learning. (2) "Generative AI" refers to AI tools capable of creating new content or data, such as text, images, audio, video, or code, based on user prompts. Generated or created content may be comparative to what a human creator produces and can include text consisting of entire narratives of naturally reading sentences.	No	No	No	No
UNITED STATES COURT OF INTERNATIONAL TRADE	New York, United States	Federal	Standing Order	Disclosure and certification required for AI-drafted court submissions, with option for parties to seek relief.	Generative artificial intelligence programs that supply natural language answers to user prompts, such as ChatGPT or Google Bard, create novel risks to the security of confidential information. Because generative artificial intelligence programs challenge the Court's ability to protect confidential and business proprietary information from access by unauthorized parties, it is hereby: ORDERED that any submission in a case assigned to Judge Kelly that contains text drafted with the assistance of a generative artificial intelligence program on the basis of natural language prompts, including but not limited to ChatGPT and Google Bard, must be accompanied by: (1) A disclosure notice that identifies the program used and the specific portion of text that have been so drafted; (2) A certification that the use of such program has not resulted in the disclosure of any confidential or business proprietary information to any unauthorized party; and it is further ORDERED that, following the filing of such notice, any party may file with the Court any motion provided for by statute or the Rules of the Court of International Trade seeking any relief the party believes the facts disclosed warrant. SO ORDERED. /s/ Claire R. Kelly Claire R. Kelly, Judge Dated: July 24, 2025 New York, New York	No	Yes	No	No
Westchester County Supreme Court	New York, United States of America	State	Standing Order	Disclosure required for AI-generated portions of written submissions.	L. Artificial Intelligence Counsel and any self-represented party must disclose to the court if any portion of their written submission to the Court was generated by any form of artificial intelligence and if so, what portion thereof utilized this form of technology.	No	Yes	No	No
Westchester County Supreme Court	New York, United States of America	State	Standing Order	Disclosure required for AI-generated written submissions.	VI. Artificial Intelligence A. Counsel and any self-represented party must disclose to the court if any portion of their written submission to the Court was generated by any form of artificial intelligence and if so, what portion thereof utilized this form of technology.	No	Yes	No	No

Court of King's Bench of Manitoba	Manitoba, Canada	N/A	General Rule	Disclosure required for AI use in court filings	<p>With the still novel but rapid development of artificial intelligence, it is apparent that artificial intelligence might be used in court submissions. While it is impossible at this time to completely and accurately predict how artificial intelligence may develop or how to exactly define the responsible use of artificial intelligence in court cases, there are legitimate concerns about the reliability and accuracy of the information generated from the use of artificial intelligence. To address these concerns, when artificial intelligence has been used in the preparation of materials filed with the court, the materials must indicate how artificial intelligence was used.</p> <p>Coming into effect: This Practice Direction comes into effect immediately.</p> <p>ISSUED BY: "Original signed by Chief Justice Joyal" _____ The Honourable Chief Justice Glenn D. Joyal Court of King's Bench (Manitoba) DATE: June 23, 2023</p>	No	Yes	No	No
United States District Court for the Eastern District of Pennsylvania	Pennsylvania, United States of America	Federal	Standing Order	Disclosure of generative AI use and certification of citation accuracy required for all court filings.	<p>VI. Artificial Intelligence</p> <p>Judge Pratter requires that counsel (or a party representing himself or herself) disclose whether he or she has used generative Artificial Intelligence ("AI") in the preparation of any complaint, answer, motion, brief, or other paper filed with the Court, including in correspondence with the Court. He or she must, in a clear and plain factual statement, disclose that generative AI has been used in any way in the preparation of the filing or correspondence and certify that each and every citation to the law or the record in the filing has been verified as authentic and accurate.</p> <p>d. That, if the affiant/declarant has used generative Artificial Intelligence ("AI") in the preparation of any complaint, answer, motion, brief, or other paper filed with the Court, he or she must, in a clear and plain factual statement, disclose that generative AI has been used in any way in the preparation of the filing and certify that each and every citation to the law or the record in the filing has been verified as authentic and accurate;</p>	No	Yes	Yes	No
Court of Common Pleas, Probate Division, Defiance County, Ohio; Fulton County, Ohio; Henry County, Ohio; Williams County, Ohio	Ohio, United States of America	State	General Rule	Disclosure required for AI use, including explanation and verification process.	<p>Rule 80 Use of Technology</p> <p>A. Artificial Intelligence (AI) makes it possible for machines to learn from experience, adjust to new inputs and perform human-like tasks. AI mimics human intelligence processes through the creation and application of algorithms built into a computing environment.</p> <p>B. At the present time, the accuracy of AI is difficult to determine due to the AI programs being unable to determine whether or not the data being analyzed is accurate.</p> <p>C. The Court acknowledges that the use of Artificial Intelligence (AI) may be used by attorneys and parties in presenting information, exhibits and pleadings to the Court. Due to the concerns of accuracy of the information presented through the use of AI, the Court finds that certain safeguards are necessary.</p> <p>D. The use of Artificial Intelligence (AI) by attorneys and/or parties in information exchanged or presented to the Court, in exhibits and in pleadings filed with the Court, or as information provided to parties in a pending case, shall include a NOTICE disclosure stating how Artificial Intelligence was used and the process used by the party/attorney to check for the accuracy of the information provided.</p>	No	Yes	Yes	No

Circuit Court of Cook County, Illinois, County Department - Chancery Division	Illinois, United States of America	State	Standing Order	Disclosure of AI use in court filings required, with possible sanctions for nondisclosure.	Any use of large language model artificial intelligence, such as ChatGPT, in the preparation of briefs or other submissions to the Court must be indicated in the caption on the motion, brief or other filing with the Court. Failure to do so may result in sanctions.	No	Yes	No	No
United States District Court for the Northern District of Illinois	Illinois, United States of America	Federal	Standing Order	Disclosure required for generative AI use in filings, no need to specify tool, Rule 11 compliance remains, applies only to generative AI not standard research tools.	In May 2023, the Court adopted a new requirement in the fast-growing and fast-changing area of generative artificial intelligence ("AI") and its use in the practice of law. The requirement is as follows: "Any party using any generative AI tool in the preparation or drafting of documents for filing with the Court must disclose in the filing that generative AI was used to conduct legal research and/or to draft the document. Further, Rule 11 of the Federal Rules of Civil Procedure continues to apply, and the Court will continue to construe all filings as a certification, by the person signing the filed document and after reasonable inquiry, of the matters set forth in the rule, including but not limited to those- 3 - in Rule 11(b)(2). Parties should not assume that mere reliance on an AI tool will be presumed to constitute reasonable inquiry. Just as the Court did before the advent of AI as a tool for legal research and drafting, the Court will continue to presume that the pre-existing Rule 11 certification is a representation by filers, as living, breathing, thinking human beings, that they themselves have read and analyzed all cited authorities to ensure that such authorities actually exist and that the filings comply with Rule 11(b)(2)." The Court for now is continuing to maintain this disclosure requirement, which includes no separate certification beyond the pre-existing certification imposed by Rule 11. In addition, the requirement is mere disclosure, to aid the Court in its duty in confirming the accuracy of the parties' legal research. It is not intended to discourage use of generative AI. It is not intended to trigger greater judicial scrutiny of any brief containing such a disclosure. It is intended only as a guardrail. The Court does not attempt here to define "generative AI" as applied to legal research and drafting, but nor is such a definition necessary. No party has yet considered itself compelled to disclose use of ubiquitous internet search engines, spelling or grammar check, or computer-assisted legal research tools such as Westlaw or LEXIS, and rightly so, as the Court is confident that parties and attorneys know exactly what the Court intends here. If they do not, today's revised Standing	No	Yes	No	No
United States District Court for the Western District of North Carolina	North Carolina, United States of America	Federal	Standing Order	Certification required that no AI was used in document preparation except standard legal research tools, and all content was checked for accuracy by a legal professional or pro se party.	All attorneys and pro se filers must file a certification with any brief or memorandum submitted to the Court that states the following; 1. Noartificial intelligence wasemployed in doing the research for the preparation of this document, with the exception of such artificial intelligence embedded in the standard on-line legal research sources Westlaw, Lexis, FastCase, and Bloomberg; 2. Every statement and every citation to an authority contained in this document has been checked by an attorney in this case and/or a paralegal working at his/her direction (or the party making the filing if acting pro se) as to the accuracy of the proposition for which it is offered, and the citation to authority provided.	Yes	Yes	Yes	No
United States District Court for the Eastern District of Pennsylvania	Pennsylvania, United States of America	Federal	Standing Order	Disclosure of AI use and certification of citation accuracy required for filings.	IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA STANDING ORDER RE: ARTIFICIAL INTELLIGENCE ("AI") IN CASES ASSIGNED TO JUDGE BAYLSON If any attorney for a party, or a pro se party, has used Artificial Intelligence ("AI") in the preparation of any complaint, answer, motion, brief, or other paper filed with the Court and assigned to Judge Michael M. Baylson, they MUST, in a clear and plain factual statement, disclose that AI has been used in any way in the preparation of the filing and CERTIFY that each and every citation to the law, or the record in the paper, has been verified as accurate. DATED: 6/6/2023 BY THE COURT: /s/ MICHAEL M. BAYLSON MICHAEL M. BAYLSON, U.S.D.J. 1	No	Yes	Yes	No

394th Judicial District Court	State of Texas, United States of America	State	Standing Order	Certification and verification of AI-generated legal content required before court submission, with possible sanctions for noncompliance.	IT IS THEREFORE ORDERED THAT: All self-represented litigants and attorneys who utilize any form of artificial intelligence for legal research or drafting in connection with a case shall before using any AI-generated information in a court submission or proceeding sign and submit the attached form, certifying that: 1. all language, quotations, sources, citations, arguments, and legal analysis created or contributed to by generative artificial intelligence were before submission verified as accurate through traditional (non-AI) legal sources by an attorney licensed to practice law in the State of Texas, and 2. that the person understands and acknowledges that they are and will be held responsible and potentially sanctioned for their or their co-counsel's failure to comply with this Order. This Order is effective immediately for all cases filed or pending in the 394th District Court. This Order remains in effect until rescinded or replaced by this Court. This Order is subject to modification or amendment by the undersigned at any time. This Order shall be posted on the Court's website at www.Texas394th.com, and the district clerks of Brewster, Culberson, Hudspeth, Jeff Davis, and Presidio Counties are hereby directed to file this Order with the Office of Court Administration and in the county administrative orders of the Court, and to post a file-marked copy of this Order as a Public Notice at the County Courthouse.	No	Yes	Yes	No
Illinois Human Rights Commission Administrative Law Section	Illinois, United States of America	State	Standing Order	Use of AI in pleadings is allowed with responsibility for accuracy, no disclosure required, and sanctions possible for false or misleading content regardless of AI use; vigilance about AI limitations is encouraged.	17. POLICY REGARDING THE USE OF GENERATIVE ARTIFICIAL INTELLIGENCE A party to an ALS case is not prohibited from using generative artificial intelligence ("AI") to compose legal pleadings. As generative AI has developed, it has facilitated the composition of court-ordered filings and thereby improved access to justice around the country. However, as most of the country's legal system is now aware, the technology associated with generative AI carries significant risk, particularly in the wake of cases finding that several AI platforms have returned false references (known as "AI hallucinations") when used as a substitute for traditional legal databases curated by human beings. Parties who use AI to prepare legal pleadings are responsible for ensuring the accuracy and validity of those submissions. While parties do not have to disclose their use of AI, the use of generative AI will not serve as a defense for submitting false, misleading, or otherwise inaccurate content. In other words, where the assigned administrative law judge determines that fabricated or deceptive information has been included in a court filing as the result of the use of generative AI, the assigned judge may impose an appropriate sanction as if the party itself had provided untruthful information to this administrative court. Attorneys and self-represented parties are therefore encouraged to remain vigilant and informed about the limitations of AI, such as potential AI hallucinations and embedded biases.	No	No	No	Yes

United States District Court for the Northern District of Georgia, Atlanta Division	Georgia, United States of America	Federal	Standing Order	Disclosure and certification required for any AI use in court filings, with independent review and potential sanctions for noncompliance.	A. Disclosure of Use of Artificial Intelligence (AI) All counsel and pro se parties must disclose the use of artificial intelligence (AI) in any capacity to prepare documents submitted to the Court. If AI was used in any way to prepare a filing or submission to the Court or chambers, counsel and/or pro se parties are REQUIRED to sign and file a Disclosure of Use of Artificial Intelligence stating, as follows: This document was generated with the assistance of [identify AI tool name]. I hereby certify under penalty of perjury that, despite reliance on an AI tool, I have independently reviewed this document to confirm accuracy, legitimacy, and use of good and applicable law, pursuant to Rule 11 of the Federal Rules of Civil Procedure. Counsel and pro se parties are cautioned that mistake, lack of technical expertise, and time constraints are typically not recognized by the Court as a good faith excuse for submission of documents that either violate Rule 11 or this disclosure rule. In particular, arguments in briefs to the Court which are supported by AI-generated caselaw (i.e., cases that do not actually exist) are not acceptable. Failure to comply with this rule may result in appropriate sanctions, up to and including dismissal and/or default judgment.	No	Yes	Yes	No
United States District Court of District of Arizona	Arizona, United States	Federal	Standing Order	AI-generated court filings must be human-verified for accuracy using reliable sources.	ORDER: IT IS ORDERED as follows: If any portion of a pleading or other document filed on this Court's docket has been drafted (in whole or in part) using generative artificial intelligence, including, but not limited to ChatGPT, Harvey.AI, or Google Bard, all attorneys and pro se litigants filingsuch pleadings or other documents shall verify that any language that was generated in any form by AI was checked for accuracy by using print reporters, traditional legal databases, or other reliable means by a human being. Signed by Judge James A Soto on 9/1/2023. (See attached Order for complete information.)(SCA)	No	No	No	No
Superior Court of Cabarrus County, North Carolina	North Carolina, United States of America	State	Standing Order	Attorneys and parties may use generative AI for legal tasks if they verify accuracy, disclose AI-generated evidence pretrial, protect confidentiality, and comply with court rules, with sanctions for violations.	242427 NORTH CAROLINA FILED IN THE GENERAL COURT OF JUSTICE SUPERIOR COURTDIVISION CABARRUS COUNTY 2024 JUL 23 P 3:26 IN RE: CABARRUS CO. C.S.C. GENERATIVE ARTIFICIAL INTELLIGENCE AND ADMINISTRATIVE ORDER1 ITS USE IN THE SUPERIOR COURT OF CABARRUS COUNTY (DISTRICT 25). The undersigned Senior Resident Superior Court Judge for Judicial District 25 (Cabarrus County) enters this administrative order to guide the use of generative artificial intelligence (AI) in the Superior Court in District 25: 1. Technological Competence. "A lawyer should keep abreast of changes in the law and its practice, including the benefits and risks associated with the technology relevantto the lawyer's practice." Comment 8, Rule 1.1 of the Revised Rules of Professional Responsibility. The landscape of generative AI is changing rapidly. Whether a lawyer uses AI tools or not, generative AI is increasingly used by lawyers and others in society. Understanding its uses, benefits, and challenges will soon be essential to the practice of law if it is not already so. 2. Permissible use of Generative AI. Attorneys and pro se parties are permitted to use generative AI tools for legal research, drafting documents, and assisting in the discovery process provided that they do so consistent with the Rules of Civil Procedure and their professional responsibilities. Those using generative AI should be mindful of: a. Duty under Rule 11 of the Rules of Civil Procedure. Attorneys and pro se parties using generative AI tools must confirm the accuracy and reliability of the work produced bythese tools. They are ultimately responsible for everything submitted in a case whether assisted by generative AI or not. Attorneys and pro se parties must understand that these tools hallucinate and can produce inaccurate information. The Opinion and Order on Sanctions in Mata v. Avianca, Inc. should be a cautionary tale for lawyers using AI tools. chatGPT-sanctions-ruling.pdf (courthousenews.com) b. Duty under Rule 26 of the Rules of Civil Procedure. Attorneys and pro se parties may employ generative AI to assist in the discovery process provided that they do so consistent with Rule 26(g)	No	No	No	No

N/A	United States	Federal	General Rule	Responsibility for court filings includes AI-generated content.	By presenting to the Court any pleading, written motion, or other paper – whether by signing, filing, submitting, or later advocating it – self-represented parties and attorneys acknowledge they will be held responsible for its contents, including any portion generated with artificial intelligence. See Fed. R. Civ. P. 11(b).	No	No	No	Yes
UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA SAN FRANCISCO DIVISION	California, United States of America	Federal	Standing Order	Standing Order requires disclosure and recordkeeping for AI-drafted court documents, prohibits unverified AI-generated content, mandates authenticity declarations for AI evidence, and enforces compliance with legal and ethical standards.	C. Artificial Intelligence (AI) and Filings with the Court The Court is aware of recent developments regarding generative AI and its impact on litigation. Accordingly, the Court provides the following guidance for parties and their counsel in this evolving area. If parties have specific proposals for modifying, adding to, or addressing AI- related issues in their matter, counsel are encouraged and expected to raise such proposals as part of the case management procedures above and as appropriate during the progress of an action. AI and specifically generative AI (as referred to herein) denote a category of automated tools that are capable of formulating unique content, such as text that has not been expressly programmed into the computer system at issue. Generative AI is thus distinguishable from other categories of AI, which may operate based on pre-established algorithms and, of particular relevance to the administration of justice, do not generate original content or text. The Court recognizes that generative AI, AI tools, and the applications using such technology are evolving areas, with changing terminology and technical approaches. Therefore, these provisions are to be reasonably construed as these AI tools develop further, with the overarching purpose of the provisions in mind. At one end of the spectrum of available software tools, the provisions herein do not apply to the use of applications, solutions, or tools which implicate AI for tasks unrelated to or at best tangentially related to the practice of law and not involved in or responsible for the creation or drafting of text for submissions to the Court. For example, these provisions do not apply to counsel's use of software, applications, or vendors' offerings which may in some way incorporate a technology labeled as "AI" in performing law firm or lawyer administrative or	No	Yes	No	No
United States District Court of the Central District of California	California, United States of America	Federal	Standing Order	AI-generated filings must have cited authorities verified for accuracy by the signer.	28. GENERATIVE ARTIFICIAL INTELLIGENCE ("AI"). Counsel are hereby put on notice that AI tools used to draft legal briefs can make mistakes (sometimes called "hallucinations"), including citing non-existent legal authorities. As part of counsel's duties under Federal Rule of Civil Procedure 11, anyone who signs a brief or other court filing that was created, in whole or in part, using AI, certifies to the Court that they have checked and verified the accuracy of the cited legal authorities.	No	No	No	No
N/A	California, United States	Federal	Standing Order	AI use in filings requires a declaration disclosing use and certifying accuracy and Rule 11 compliance.	Artificial Intelligence: Any party who uses generative artificial intelligence (such as ChatGPT, Harvey, CoCounsel, or Google Bard) to generate any portion of a brief, pleading, or other filing must attach to the filing a separate declaration disclosing the use of artificial intelligence and certifying that the filer has reviewed the source material and verified that the artificially generated content is accurate and complies with the filer's Rule 11 obligations.	No	Yes	Yes	No
United States District Court of Northern District of Illinois	Illinois, United States of America	Federal	Standing Order	Prohibition on using artificial intelligence for drafting or as authority in court.	Parties may not use Artificial Intelligence to draft their memoranda or as authority to support their motions.	Yes	No	No	No

United States District Court of Middle District of Pennsylvania	Pennsylvania, United States of America	Federal	Standing Order	Order requires Certificate of Use of Generative AI disclosing tool, identifying AI-prepared portions, certifying accuracy check, and warns of sanctions for noncompliance.	Increased use of Artificial Intelligence ("AI"), particularly Generative AI(including, but not limited to, OpenAI's ChatGPT or Google's Bard), in the practice of law raises a number of practical concerns for the Court, including the risk that the generative AI tool might generate legally or factually incorrect information, or that it might create unsupported or nonexistent legal citations. As such, any party, whether appearing pro se or through counsel, who utilizes any generative AI tool in the preparation of any document to be filed in any matter pending before Judge Mehalchick, must include with the document a Certificate of Use of Generative AI in which the party must disclose and certify: The specific AI tool that was used; The portions of the filing prepared by the AI program; and That a person has checked the accuracy of any portion of the document generated by AI, including all citations and legal authority. Failure to comply with this Order may result in sanctions. Further, all parties and counsel are directed to review the conclusions on pages 15 and 16 of the Joint Formal Opinion of the Pennsylvania Bar Association and Philadelphia Bar Association regarding the use of Artificial Intelligence(link is external) and be mindful of their ethical and professional obligations before this Court.	No	Yes	Yes	No
United States District Court of the Northern District of Texas	Texas, United States of America	Federal	Standing Order	Certificate required for AI use in filings; human review and Rule 11 responsibility mandated.	Mandatory Certification Regarding Generative Artificial Intelligence All attorneys and pro se litigants appearing before the Court must, together with their notice of appearance, file on the docket a certificate attesting either that no portion of any filing will be drafted by generative artificial intelligence (such as ChatGPT, Harvey.AI, or Google Bard) or that any language drafted by generative artificial intelligence will be checked for accuracy, using print reporters or traditional legal databases, by a human being. These platforms are incredibly powerful and have many uses in the law: form divorces, discovery requests, suggested errors in documents, anticipated questions at oral argument. But legal briefing is not one of them. Here's why. These platforms in their current states are prone to hallucinations and bias. On hallucinations, they make stuff up—even quotes and citations. Another issue is reliability or bias. While attorneys swear an oath to set aside their personal prejudices, biases, and beliefs to faithfully uphold the law and represent their clients, generative artificial intelligence is the product of programming devised by humans who did not have to swear such an oath. As such, these systems hold no allegiance to any client, the rule of law, or the laws and Constitution of the United States (or, as addressed above, the truth). Unbound by any sense of duty, honor, or justice, such programs act according to computer code rather than conviction, based on programming rather than principle. Any party believing a platform has the requisite accuracy and reliability for legal briefing may move for leave and explain why. Accordingly, the Court will strike any filing from a party who fails to file a certificate on the docket attesting that they have read the Court's judge-specific requirements and understand that they will be held responsible under Rule 11 for the contents of any filing that they sign and submit to the Court, regardless of whether generative artificial intelligence drafted any portion of that filing. A template Certificate Regarding Judge-Specific Requirements is provided here.	No	Yes	Yes	No
Supreme Court of Nova Scotia	Nova Scotia, Canada	N/A	N/A	Supreme Court of Nova Scotia and other Canadian courts have issued statements or directives on generative AI use, but specific content is not provided.	N/A	No	No	No	Yes

United States District Court for the Eastern District of Virginia	Virginia, United States of America	Federal	Particular Proceeding	Parties must disclose AI use in filings and certify citation accuracy.	Should any party utilize artificial intelligence for the preparation of any filing, they must identify the use of the artificial intelligence in the filing and provide a certification that they have reviewed all citations for accuracy.	No	Yes	Yes	No
United States District Court for the Western District of Texas	Texas, United States of America	Federal	Particular Proceeding	Counsel must ensure honesty and validate pleadings regardless of AI use.	In this modern environment of artificial intelligence, counsel are reminded of traditional obligations of professional responsibility to be honest with the Court and opposing counsel, regardless of drafting methodology employed. The signature of Case 5:23-cv-01483-FB-RBF Document 7 Filed 12/06/23 Page 1 of 4 counsel on all pleadings constitutes an affirmation that all of the pleading contents have been validated for accuracy and authenticity.	No	No	No	Yes
United States District Court for the Eastern District of Virginia	Virginia, United States of America	Federal	Particular Proceeding	AI use must be disclosed and citations certified for accuracy.	Should any party utilize artificial intelligence for the preparation of any filing, they must identify the use of the artificial intelligence in the filing and provide a certification that they have reviewed all citations for accuracy.	No	Yes	Yes	No
United States District Court for the Eastern District of Virginia	Virginia, United States of America	Federal	Particular Proceeding	AI use must be disclosed and citations certified for accuracy.	23. Should any party utilize artificial intelligence for the preparation of any filing, they must identify the use of the artificial intelligence in the filing and provide a certification that they have reviewed all citations for accuracy.	No	Yes	Yes	No
United States District Court for the District of Colorado	Colorado, United States of America	Federal	Standing Order	Filings must include a certification about AI use, confirming either no AI was used or that any AI-generated content was reviewed for accuracy, or the court will strike the filing.	2. Certification Re: the Use of Artificial Intelligence (AI) for Drafting In addition to a Certification of Conferral, every motion filed pursuant to Fed. R. Civ. P. 12, Fed. R. Civ. P. 56, and any opposed motion (to include the corresponding response and reply), shall contain a Certification regarding the use, or non-use, of generative artificial intelligence (AI) (such as ChatGPT, Harvey.AI, Google Bard, etc.) in preparing the filing. The preparer of the filing must certify either that (a) no portion of the filing was drafted by AI, or that (b) any language drafted by AI (even if later edited by a human being) was personally reviewed by the filer or another human being for accuracy using print reporters or traditional legal databases and attesting that the legal citations are to actual existing cases or cited authority. The Court will strike any filing from a party who fails to include this certification in the above-mentioned motions.	No	Yes	Yes	No
United States District Court for the Eastern District of Virginia, Richmond Division	Virginia, United States of America	Federal	Particular Proceeding	AI use in filings must be disclosed and citations certified for accuracy.	Should any party utilize artificial intelligence for the preparation of any filing, they must identify the use of the artificial intelligence in the filing and provide a certification that they have reviewed all citations for accuracy.	No	Yes	Yes	No

APPENDIX 9

Ethical Considerations and Recommendations for the Use of Artificial Intelligence by Judges and Judicial Staff

(Revised – November 2025)

I. Introduction

The responsible use of Artificial Intelligence (AI) within the New York State Unified Court System (UCS) requires judges and judicial staff to uphold the highest standards of integrity, independence, confidentiality, competence, and fairness. This document integrates the UCS Interim Policy on the Use of Artificial Intelligence (October 2025) with basic principles of judicial ethics to provide general ethical parameters for the use of AI by judges and judicial staff. It reflects the unique responsibilities of judges and staff, consistent with the Rules Governing Judicial Conduct (22 NYCRR Part 100) and the Rules Governing Conduct of Nonjudicial Court Employees (22 NYCRR Part 50).

This document was prepared without participation by the Advisory Committee on Judicial Ethics.

Judges should contact the Advisory Committee on Judicial Ethics for guidance as specific issues and questions arise. Nonjudicial court employees should contact the Nonjudicial Ethics Helpline.

II. Core Ethical Requirements for Judicial Use of AI

1. Judicial Independence and Integrity

Rule 100.1; Rule 100.2(A)

- Judges must ensure that decisions are based solely on the record, applicable law, and independent judicial analysis.

- Judicial authority and decision-making must not be “delegated” to AI. AI-generated content must not substitute for a judge's reasoning or discretion.
- Judges must avoid even the appearance that AI has compromised their independence or impartiality.

Rule 100.1: Judges are to uphold the integrity and independence of the judiciary.

Rule 100.2(A): A judge must respect and comply with the law and act in a manner that promotes public confidence in the judiciary's integrity and impartiality.

2. Avoiding Improper External Influences

Rule 100.3(B)(1); Rule 100.3(B)(6)

- Judges must not introduce AI outputs into decision-making if they constitute improper external information or *ex parte* communication.
- Generative AI must not be used to conduct independent factual investigations or to supplement the evidence in the record.

Rule 100.3(B)(1): Judges must be faithful to the law and not be swayed by external interests.

Rule 100.3(B)(6): Judges must accord all parties a fair opportunity to be heard, and, with certain exceptions, must not engage in *ex parte* communications. Rule 100.3(B)(6)(b) conditionally allows a judge to obtain the advice of a “disinterested expert on the law,” but **only if** “the judge gives notice to the parties of the person consulted and a copy of such advice if the advice is given in writing . . . , and affords the parties reasonable opportunity to respond.”

3. Competence, Diligence, and Accuracy

Rule 100.3(B)(1); Rule 100.3(B)(7)

- Judges must maintain sufficient knowledge of AI tools to competently evaluate and supervise their use.
- All AI-generated content must be reviewed for legal accuracy, factual reliability, and neutrality.
- Judges must avoid use of AI when it may produce biased, arbitrary, or unverified outcomes.

Rule 100.3(B)(1): Judges must maintain professional competence in the law.

Rule 100.3(B)(7): A judge shall dispose of all judicial matters promptly, efficiently and fairly.

4. Confidentiality and Security

Rule 100.3(B)(1); Rule 100.3(B)(11); CPLR 4503

- Judges and staff must never enter confidential, privileged, sealed, or personally identifiable information into an AI tool that operates on a public model.
- Only UCS-approved AI tools may be used.
- All AI outputs must be reviewed to ensure they do not inadvertently disclose protected information.

Rule 100.3(B)(1): Judges shall be faithful to the law.

Rule 100.3(B)(11): Judges shall not disclose or use, for any purpose unrelated to judicial duties, nonpublic information acquired in a judicial capacity.

5. Avoiding Bias in AI Outputs

Rule 100.2(A); Rule 100.3(B)(4); Rule 100.3(C)(2)

- Judges must remain vigilant against AI-generated content that reflects or reinforces bias, prejudice, or stereotypes.
- Outputs must be assessed for impartiality, particularly in sensitive or adversarial contexts.
- Judges must ensure that AI use does not undermine public confidence in the judiciary's fairness.

Rule 100.2(A): Judges shall avoid impropriety and the appearance of impropriety.

Rule 100.3(B)(4): Judges shall perform judicial duties without bias or prejudice against or in favor of any person. They also shall not, by words or conduct, manifest bias or prejudice, including but not limited to bias or prejudice based upon age, race, creed, color, sex, sexual orientation, gender identity, gender expression, religion, national origin, disability, marital status, or socioeconomic status.

Rule 100.3(B)(4) & 100.3(C)(2): Judges shall require staff and others under their control to refrain from manifesting bias or prejudice.

6. Compliance with Copyright and Legal Restrictions

Rule 100.2(A); Rule 100.3(B)(1)

- Judges and staff must ensure that AI tools are not used in a manner that infringes upon copyright protections or other intellectual property laws.
- Only properly licensed or UCS-approved AI systems may be used.
- Judicial users remain responsible for ensuring compliance with all applicable legal standards.

III. Specific Rules for Use of AI in Judicial Functions

Drafting Judicial Opinions

- Judges must not delegate judicial decision-making, and must always exercise their legal judgment and judicial discretion independently.
- Judges may use UCS-approved AI tools for assistance with drafting or editing, but remain solely responsible for the content of all decisions.
- AI assistance must not obscure or usurp the judge's authorship or legal analysis.

Legal Research

- AI tools may be used to assist with traditional legal research but should not replace it.
- AI-generated outputs must be verified using authoritative sources.
- Where such outputs include purported case citations, quotations or paraphrases, judges and staff may not rely on an AI tool to verify the existence of cited cases or the accuracy and context of quotations or holdings. Similar principles apply when outputs purport to cite, quote, or characterize statutes, rules, or other authorities.

Court Administration and Communication

- Generative AI tools may be used to assist in creating memos, policies, and non-legal communications.
- All AI-generated outputs must be verified for accuracy, clarity, tone, and appropriateness.

Training and Monitoring

- Judges and staff must complete UCS-mandated training before using any generative AI program.
- Ongoing education is essential to maintain ethical and effective use.

IV. Prohibited Uses of AI

- No use of a public-model AI tool for confidential, privileged, or sealed court materials.
- No installation of non-UCS-approved AI software on UCS devices.
- No personal use of AI tools on UCS-owned equipment.

V. Additional Safeguards

Judicial staff must adhere to these standards and act under the supervision of the judge. (22 NYCRR 100.3(C)(2) [A judge shall require staff, court officials and others subject to the judge's direction and control to observe the standards of fidelity and diligence that apply to the judge]).

Judges are ultimately responsible for ensuring that AI use in their chambers remains consistent with ethical and legal obligations.

VI. Conclusion

AI tools can improve efficiency and support judicial work when used responsibly. However, AI must never displace the judgment, discretion, and legal responsibilities required of judges. By using AI with transparency, caution, and legal awareness, judges will preserve public confidence and ensure the administration of justice remains fair, impartial, and lawful. In all events, the use of AI by judges must comply with the highest ethical standards required by the Rules Governing Judicial Conduct.