

A Sampling of AI Court Orders

Judge Brantley Starr, US District Court for the Northern District of Texas:

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 or Harvey.AI) 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.](#)**

<https://www.txnd.uscourts.gov/judge/judge-brantley-starr> (last visited 7/24/2024).

Judge Michael Baylson, US District Court for the Eastern District of Pennsylvania:

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, 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.

<https://www.paed.uscourts.gov/sites/paed/files/documents/procedures/Standing%20Order%20Re%20Artificial%20Intelligence%206.6.pdf> (last visited 7/24/2024).

Magistrate Judge Peter Kang, US District Court for the Northern District of California:

... Any brief, pleading, or other document submitted to the Court the text of which was created or drafted with any use of an AI tool shall be identified as such in its title or pleading caption, in a table preceding the body text of such brief or pleading, or by a separate Notice filed contemporaneously with the brief, pleading, or document. Counsel shall maintain records sufficient to identify, if requested by the Court, those portions of the text of a

pleading, brief, or document submitted to the Court which was created or drafted by an AI tool. Parties and counsel shall not file or otherwise present to the Court any briefs, pleadings, materials, other documents, or argument which contain AI-hallucinated citations to law, case or legal citations which are fictitious or nonexistent, or any uncorroboratable assertions of law or fact. A pro se party or a counsel's failure to confirm or double-check the accuracy, veracity, or even existence of a case or legal citation (or assertion of fact) created by an AI tool is grounds for potential sanctions. ...

<https://cand.uscourts.gov/wp-content/uploads/judges/kang-phk/Civil-Standing-Order-PHK-001.pdf> at pp. 9-12 (last visited 7/24/2024)