



NEW YORK STATE
Unified Court System

OFFICE OF COURT ADMINISTRATION

HON. JOSEPH A. ZAYAS
CHIEF ADMINISTRATIVE JUDGE

HON. NORMAN ST. GEORGE
FIRST DEPUTY CHIEF ADMINISTRATIVE JUDGE

DAVID NOCENTI
COUNSEL

MEMORANDUM

To: All Interested Persons

From: David Nocenti

Re: Request for Public Comment on a proposal to add a new Rule 6(e) to the Rules of the Commercial Division regarding the use of generative artificial intelligence in preparing court documents

Date: June 11, 2025

The Administrative Board of the Courts is seeking public comment on a proposal recommended by the Commercial Division Advisory Council (“CDAC”) to add a new Rule 6(e) to the Rules of the Commercial Division (22 NYCRR § 202.70) regarding the use of generative artificial intelligence (“GenAI”) in preparing court documents.

CDAC states that the proposed rule acknowledges that parties may choose to use GenAI tools to conduct research, and simply requires that “persons filing briefs, letters, and memoranda of law with the Commercial Division verify any information obtained through such tools as they would with information obtained through any other method.” In particular, when GenAI tools are used to prepare materials filed with the court, the proposed rule would require the individual who files the materials to certify “the accuracy and reliability of such materials and any statements made therein.” CDAC believes that that the proposed rule takes a “measured approach,” which “acknowledges the inevitability of GenAI becoming part of the practice of law but simultaneously recognizes that GenAI (like any other technology) can be misused.”

The proposed new rule is attached as Exhibit 1, and a May 15, 2025 memorandum from CDAC providing background on this issue and the reasons for the proposal is attached as Exhibit 2.

Persons wishing to comment on the proposal should e-mail their submissions to rulecomments@nycourts.gov or write to: David Nocenti, Esq., Counsel, Office of Court Administration, 25 Beaver Street, 10th Fl., New York, New York, 10004. Comments must be received no later than Friday, August 8, 2025.

All public comments will be treated as available for disclosure under the Freedom of Information Law and are subject to publication by the Office of Court Administration. Issuance

of a proposal for public comment should not be interpreted as an endorsement of that proposal by the Unified Court System or the Office of Court Administration.

EXHIBIT 1

Proposed Amendments

The Rules of the Commercial Division (22 NYCRR § 202.70) are amended by adding a new Rule 6(e) to read as follows (additions underscored):

Rule 6(e). Use of Generative Artificial Intelligence Tools. The Court recognizes that counsel (or a self-represented party) may determine that the use of generative artificial intelligence tools in preparing to file briefs, letters, or memoranda of law with the Court is in its client's (or its) best interests. However, any person who files material with this Court remains responsible for providing the Court with complete and accurate representations in any such submission consistent with Part 130 of the Rules of the Chief Administrator and any other applicable legal or ethical guidance. Accordingly, any person who files any such material with this Court is certifying the accuracy and reliability of such material and any statements made therein.

EXHIBIT 2

MEMORANDUM

TO: The Administrative Board of the Courts
FROM: Commercial Division Advisory Council
DATE: May 15, 2025
RE: Proposal to add a new Commercial Division Rule regarding the use of generative artificial intelligence in preparing documents filed with the Court

Executive Summary

Given the increasing relevance of Generative Artificial Intelligence (“GenAI”) in the legal profession, the Commercial Division Advisory Council recommends the addition of a new Commercial Division Rule 6(e), in the form attached to this memorandum as Exhibit A, relating to the use of this technology in the Commercial Division.

There is ample reason for the Commercial Division to adopt a rule governing the use of GenAI. Among other things, a relative paucity of courts have addressed the use of GenAI in preparing documents filed with the court. The Commercial Division should take a measured approach – one that acknowledges the inevitability of GenAI becoming part of the practice of law but simultaneously recognizes that GenAI (like any other technology) can be misused.

The proposed new Rule: (i) acknowledges that counsel or a self-represented party may choose to use GenAI tools to conduct research, and (ii) requires that persons filing briefs, letters, and memoranda of law with the Commercial Division verify any information obtained through such tools as they would with information obtained through any other method (e.g., reliance on the Internet to conduct legal research). As drafted, the proposed Rule would allow an attorney or self-represented party to use GenAI tools to *locate* a relevant case but require that the human

preparing the document be responsible for confirming the accuracy and reliability of any statements generated by these tools.

The Reasons This Proposed Commercial Division Rule Should Be Adopted Now

This proposed new Rule is limited in both jurisdiction and scope. It applies only to the Commercial Division.¹ It applies only to briefs, letters, or memoranda of law filed with the Court. It states only that the Court recognizes that counsel (or a self-represented party) may decide to use GenAI in preparing court papers, but it cautions that any person who does so remains responsible for and certifies the accuracy and reliability of the resultant filings.

In keeping with its measured approach, the proposed Rule deliberately does not impose any new obligations on attorneys or self-represented parties. Instead, it relies upon existing obligations that apply to those who file briefs, letters, or memoranda of law with the court -- Section 130-1.1 of the Rules of the Chief Administrator² and any relevant ethical or legal rules.

Because this proposed Rule applies only to the Commercial Division, it intentionally does not address the many other issues which may be raised by the use of GenAI in and by other

¹ Recent precedent exists for technological innovation solely in the Commercial Division where other New York courts may not be ready for such innovation. For example, the Commercial Division Advisory Council previously has proposed extensive changes to the Commercial Division Rules relating to discovery of electronically stored information. That proposal included new Commercial Division Rule 11-c(f), which provides that “[t]he parties are encouraged to use efficient means to identify ESI for production, which may include technology-assisted review in appropriate cases.” Administrative Order of the Chief Administrative Judge of the Courts (Mar. 7, 2022), <https://static.schlamstone.com/docs/New%20CD%20rules.pdf>. The Administrative Board released that proposal for public comment, and it was subsequently adopted by Administrative Order dated March 7, 2022.

² Part 130 of the Rules of the Chief Administrator provides that by signing a document filed with the court, an attorney or self-represented party certifies that “to the best of that person’s knowledge, information and belief, formed after an inquiry reasonable under the circumstances,” the contentions in the document have legal merit and the document does not contain materially false statements of fact. To the extent that filers fail to do so, they are subject to sanctions and the imposition of attorney’s fees.

courts. Litigants in other New York courts may require protections, safeguards, and accommodations from the court system in connection with GenAI which are simply not needed in the Commercial Division. For example, this limited rule does not address issues presented by lack of access to this technology by indigent clients and solo practitioners; the parties and counsel in the Commercial Division generally have access to GenAI. Similarly, the proposed Rule does not address (other than in the most general way by referencing “legal and ethical guidance”³) the numerous ethical issues that may be presented by the incompetent use of GenAI or by the disclosure of confidential information as a result of the use of GenAI.

This proposed Rule is particularly appropriate for a sophisticated business court like the Commercial Division, where parties and their counsel may already be making extensive use of GenAI and would respond negatively to obstacles to achieving GenAI’s potential efficiencies, such as unnecessary disclosure or certification requirements. By drawing upon existing obligations that are well-understood by the commercial bench and bar, the proposed Rule should limit confusion about its application. Additionally, it recognizes the likely impossibility of prohibiting the use of GenAI as well as the inevitability of its incorporation into day-to-day commercial litigation practice.

Other Jurisdictions

³ For attorneys, the reference to “ethical guidance” incorporates any applicable rules of professional conduct, some of which are especially relevant to the use of GenAI. For example, Rule 1.1(a) of the New York State Rules of Professional Conduct provides that “[a] lawyer should provide competent representation to a client,” which “requires the legal knowledge, skill, thoroughness and preparation necessary for the representation.” As Comment 2 to this Rule explains, all legal problems require the application of skills “such as the analysis of precedent, the evaluation of evidence and legal drafting.” Comment 5 to Rule 1.1(a) further explains that “[c]ompetent handling of a particular matter includes inquiry into and analysis of the factual and legal elements of the problem, and use of methods and procedures meeting the standards of competent practitioners.”

Generative artificial intelligence is a machine learning system that ostensibly “mimics human creativity” in its ability to absorb and generate content, which has led some to consider whether or how GenAI can be used to increase efficiency in the legal profession. *See First, What is Generative AI?*, Generative AI, <https://generativeai.net/>; *see also Wolters Kluwer integrates GenAI into its legal research products*, Wolters Kluwer (Dec. 7, 2023), <https://www.wolterskluwer.com/en/news/wolters-kluwer-integrates-genai-into-its-legal-research-products> (announcing the introduction of a GenAI-based legal research tool).

Proponents of the use of GenAI in legal practice cite its potential to increase efficiency and yield more cost-effective legal representation. Indeed, recent courts have referenced the judiciary’s use of GenAI tools in their deliberative process. *See, e.g., Ross v. United States*, 331 A.3d 220, 229 (D.C. 2025) (Howard, J., concurring) (“I join the majority opinion and write separately only to address a point of significant interest, raised by the writings of my colleagues, which together represent the first published discussion involving the use of AI tools in decision making at this court. Following in the recent footsteps of Judge Newsom from the U.S. Court of Appeals for the Eleventh Circuit, the dissent makes use of the ChatGPT large language model artificial intelligence tool by OpenAI, and the majority opinion responds in-kind to contrast the effort.”); *Snell v. United Specialty Ins. Co.*, 102 F.4th 1208, 1221 (11th Cir. 2024) (Newsom, J., concurring) (“Here’s the proposal, which I suspect many will reflexively condemn as heresy, but which I promise to unpack if given the chance: Those, like me, who believe that ‘ordinary meaning’ is the foundational rule for the evaluation of legal texts should consider—consider—whether and how AI-powered large language models like OpenAI’s ChatGPT, Google’s Gemini,

and Anthropic’s Claude might—might—inform the interpretive analysis.”).

However, a series of highly publicized mishaps related to erroneous content generated by AI tools and included in court filings have led to concerns about the use of GenAI to prepare documents filed with a court. These mishaps have also fueled debate about the ethical concerns raised by the use of GenAI in the legal profession. *See, e.g.,* Shweta Watwe, *Judges Reflect on GenAI Use One Year After ChatGPT’s Debut*, Bloomberg Law (Nov. 28, 2023), <https://news.bloomberglaw.com/litigation/judges-reflect-on-genai-use-one-year-after-chatgpts-debut>; Isabel Gottlieb, *California Bar Passes Disclosure and Billing Guidelines for AI*, Bloomberg Law (Nov. 16, 2023), <https://news.bloomberglaw.com/litigation/california-bar-passes-disclosure-and-billing-guidelines-for-ai>; Bob Ambrogi, ‘My Dear Miss Glory, the Robots Are Not People,’ Says Judge in Yet Another Hallucinations Case, LawSites (Mar. 5, 2025), <https://www.lawnext.com/2025/03/my-dear-miss-glory-the-robots-are-not-people-says-judge-in-yet-another-hallucinations-case.html> (citing *Bunce v. Visual Tech. Innov., Inc.*, 2025 WL 662398, at *1 (E.D. Pa. Feb. 27, 2025)).

To address these concerns, a number of courts across the country (e.g., E.D. Mo.⁴, D. Hawaii⁵, Bankr. W.D. Okla.⁶, Bankr. N.D. Tex.⁷, E.D. Tex.⁸, Tex. 394th Judicial Dist. Ct.⁹, and

⁴ *Self-Represented Litigants*, E.D. Mo., <https://www.moed.uscourts.gov/self-represented-litigants-srl>.

⁵ General Order No. 23-01, *In re: The Use of Unverified Sources*, D. Hawaii (Nov. 14, 2023), <https://www.hid.uscourts.gov/cms/assets/23a3ee72-c96c-42c4-b184-e8a748a00f64/General%20Order%20on%20the%20Use%20of%20Unverified%20Sources.pdf>.

⁶ General Order No. 23-01, *In re: Pleadings Using Generative Artificial Intelligence*, Bankr. W.D. Okla. (July 25, 2023), <https://www.okwb.uscourts.gov/sites/okwb/files/GenOrder23-01.pdf>.

W.D.N.C.¹⁰) have implemented requirements addressing the use of GenAI in documents filed with the court. These requirements vary but generally fall into three categories: (1) a complete prohibition on the use of GenAI in preparing documents filed with the court; (2) a requirement that any person who uses GenAI to prepare documents filed with the court independently verify the accuracy of all generated material; and (3) an independent verification requirement as well as an additional requirement that any person who uses GenAI to prepare documents filed with the court disclose the use of GenAI.

Of the courts that have addressed this issue, only the Western District of North Carolina appears to prohibit the use of GenAI. The Western District of North Carolina’s “AI Standing Order” requires “[a]ll attorneys and pro se filers” to “file a certification with any brief or memorandum” affirming that, “[n]o artificial intelligence was employed in doing 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.”¹¹

Other courts that have promulgated rules to address GenAI acknowledge that an attorney

⁷ General Order No. 2023-03, *In re: Pleadings Using Generative Artificial Intelligence*, Bankr. N.D. Tex. (June 21, 2023), <https://www.txnb.uscourts.gov/sites/txnb/files/general-ordes/General%20Order%202023-03%20Pleadings%20Using%20Generative%20Artificial%20Intelligence-signed.pdf>.

⁸ General Order No. 23-11, *General Order Amending Local Rules*, E.D. Tex. (Oct. 30, 2023), <https://www.txed.uscourts.gov/sites/default/files/goFiles/GO%2023-11%20Amending%20Local%20Rules%20Effective%20December%201%2C%202023.pdf>.

⁹ *Standing Order Regarding the Use of Generative Artificial Intelligence*, Tex. 394th Jud. Dist. Ct. (June 9, 2023), <https://img1.wsimg.com/blobby/go/2f8cb9d7-adb6-4232-a36b-27b72fdcd38/downloads/Standing%20order%20Regarding%20Use%20of%20Artificial%20Int.pdf?ver=1702005034427>.

¹⁰ *AI Standing Order*, W.D.N.C. (June 18, 2024), <https://www.ncwd.uscourts.gov/sites/default/files/general-orders/AI%20Standing%20Order.pdf>.

¹¹ *In re Use of Artificial Intelligence*, W.D.N.C. (June 18, 2024), <https://www.ncwd.uscourts.gov/sites/default/files/general-orders/AI%20Standing%20Order.pdf>.

(or a self-represented party) may use GenAI in preparing materials to file with the court, while reiterating that the introduction of GenAI does not extinguish the filer's obligation to ensure that all information included in documents filed with the court is true and accurate to the best of the attorney's knowledge. The Eastern District of Texas, for example, amended its Local Rule 11(g) and Local Attorney Standards of Practice 3(m) to confirm that when a self-represented party or an attorney uses GenAI, the person submitting material to the court remains responsible for its contents under Federal Rule of Civil Procedure 11¹²:

E.D. Tex. L.R. 11(g)

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 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).

E.D. Tex. AT-3(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.

¹² General Order No. 23-11, *General Order Amending Local Rules*, E.D. Tex. (Oct. 30, 2023), <https://www.txed.uscourts.gov/sites/default/files/goFiles/GO%2023-11%20Amending%20Local%20Rules%20Effective%20December%201%2C%202023.pdf>.

Similarly, the Eastern District of Missouri’s website for “Self-Represented Litigants” cautions that, regarding the “Use of Generative Artificial Intelligence (including ChatGPT, Harvey.AI, and Google Bard),” “[b]y 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.”¹³

The District of Hawaii, Western District of Oklahoma Bankruptcy Court, Northern District of Texas Bankruptcy Court, and Texas 394th Judicial District Court all impose an additional disclosure requirement, whereby anyone who submits a document prepared using GenAI must disclose its use.¹⁴ When the court expressly permits the use of GenAI to draft materials submitted to the court, the disclosure requirements tend to be onerous. For example, under the Western District of Oklahoma Bankruptcy Court’s General Order No. 23-01, any

¹³ *Self-Represented Litigants (SRL)* (E.D. Mo.), <https://www.moed.uscourts.gov/self-represented-litigants-srl>. Interestingly, as of January 26, 2024, this page contained a prohibition on the use of GenAI in filings by pro se litigants, but this prohibition has since been removed. See *Self-Represented Litigants (SRL)*, E.D. Mo., Wayback Machine (Jan. 26, 2024), <https://web.archive.org/web/20240126163128/https://www.moed.uscourts.gov/self-represented-litigants-srl> (stating that “[n]o portion of any pleading, written motion, or other paper may be drafted by any form of generative artificial intelligence”).

¹⁴ On November 22, 2023, the U.S. Court of Appeals for the Fifth Circuit also proposed an amendment to its local rules, which would require any person filing a document with the court to attest that no GenAI was used to draft the document, or that it was used, but a human reviewed the material generated and verified its accuracy. On June 12, 2024, the Fifth Circuit announced that it would not adopt the proposed announcement, explaining: “The court, having considered the proposed rule, the accompanying comments, and the use of artificial intelligence in the legal practice, has decided not to adopt a special rule regarding the use of artificial intelligence in drafting briefs at this time.” The Fifth Circuit also stated that, “[p]arties and counsel are reminded of their duties regarding their filings before the court under Federal Rule of Appellate Procedure 6(b)(1)(B),” including that “[p]arties and counsel are responsible for ensuring that their filings with the court, including briefs, shall be carefully checked for truthfulness and accuracy as the rules already require.” Court Decision on Proposed Rule, U.S. Court of Appeals for the Fifth Circuit (June 12, 2024), <https://www.ca5.uscourts.gov/docs/default-source/default-document-library/court-decision-on-proposed-rule.pdf?sfvrsn=5967c92d>.

person who files material with the court that was prepared with the assistance of a GenAI tool must disclose the use of GenAI, identify the tool used, specify the portions of the document generated using GenAI, confirm that a human checked the material for accuracy using non-GenAI sources, and certify that the use of GenAI did not result in the disclosure of any confidential information:¹⁵

Bankr. W.D. Okla. Gen. Order No. 23-01

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).” (citation omitted).

Several judges throughout the country have also adopted their own standing orders concerning the use of GenAI to prepare documents filed in their cases. Again, these generally fall into (the same) three categories: (1) a complete bar on the use of GenAI in preparing documents filed with the court; (2) a requirement that any person who uses GenAI to prepare documents filed with the court independently verify the accuracy of all generated material; and

¹⁵ General Order No. 23-01, *In re: Pleadings Using Generative Artificial Intelligence*, Bankr. W.D. Okla. (July 25, 2023), <https://www.okwb.uscourts.gov/sites/okwb/files/GenOrder23-01.pdf>.

(3) an independent verification requirement as well as an additional requirement that any person who uses GenAI to prepare documents filed with the court disclose the use of GenAI.

However, there is significant variation among the specific requirements imposed by judges who have incorporated GenAI provisions into their individual rules.¹⁶ For example, in July 2023, U.S. District Judge Arun Subramanian (S.D.N.Y.) implemented Individual Practices Rule 8(F), which provides that the use of “ChatGPT and 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.”¹⁷ Judge Subramanian’s rule does not include a disclosure requirement. Among the judges whose individual rules do include a disclosure requirement, this requirement can be as simple as U.S. Magistrate Judge Jeffrey Cole’s (N.D. Ill.) requirement that “[a]ny 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,”¹⁸ or as onerous as U.S. District Judge Evelyn Padin’s (D.N.J.) requirement that “[t]he use of any GAI (e.g., OpenAI’s ChatGPT or Google’s Bard) for

¹⁶ Some judges have repealed standing orders that they issued in 2023 on the topic. For example, in July 2023, U.S. District Judge Michael Newman (S.D. Ohio) implemented Standing Order No. VI, which provides that “[n]o attorney for a party, or a *pro se* party, may use Artificial Intelligence (“AI”) in the preparation of any filing submitted to the Court.” *Standing Order Governing Civil Cases*, Hon. Michael J. Newman, S.D. Ohio (July 14, 2023),

<https://web.archive.org/web/20231114053910/https://www.ohsd.uscourts.gov/sites/ohsd/files/MJN%20Standing%20Civil%20Order%207.14.23%20Final.pdf>. However, Judge Newman has since taken down this standing order.

¹⁷ *Individual Practices in Civil Cases*, Hon. Arun Subramanian, S.D.N.Y. (July 29, 2023), https://www.nysd.uscourts.gov/sites/default/files/practice_documents/AS%20Subramanian%20Civil%20Individual%20Practices.pdf.

¹⁸ *The Use of “Artificial Intelligence” in the Preparation of Documents Filed Before this Court*, Hon. Jeffrey Cole, N.D. Ill., <https://www.ilnd.uscourts.gov/assets/documents/forms/judges/Cole/Artificial%20Intelligence%20standing%20order.pdf>.

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.”¹⁹

Although much remains unsettled regarding the use of GenAI in the legal system, there is no indication that the debate is ending. For example, on January 7, 2025, the Advisory Committee on the Federal Rules of Evidence reported to the Judicial Conference of the United States’ Standing Committee on Rules of Practice and Procedure that the Advisory Committee had “convened two panels of experts to educate the committee about artificial intelligence and how it affects admissibility,” with a focus on “reliability issues concerning machine learning and algorithms” and so-called “deepfakes.”²⁰ With respect to reliability issues concerning machine learning and algorithms, the Advisory Committee noted that it was considering a new Rule 707 to address “machine outputs” by evaluating their reliability in a manner similar to the way the Federal Rules of Evidence approach expert testimony.²¹

Conclusion

The proposed Rule should be adopted; by doing so, New York would continue to burnish the reputation of its Commercial Division as the preeminent forum for the resolution of business disputes. Adoption of this new Rule will powerfully demonstrate to the business community the

¹⁹ *General Pretrial and Trial Procedures*, Hon. Evelyn Padin, D.N.J. (Feb. 20, 2025), <https://www.njd.uscourts.gov/sites/njd/files/EPPProcedures.pdf>.

²⁰ *Meeting Minutes, Committee on Rules of Practice and Procedure* (Jan. 7, 2025), https://www.uscourts.gov/sites/default/files/2024-12/2025-01_standing_committee_agenda_book_final_12-19.pdf.

²¹ *Id.*

Commercial Division's commitment to innovation, cost-effectiveness, and avoidance of unnecessary regulation and bureaucracy. The Commercial Division attracts businesses to litigate in New York State and to do business in our State. The respect and enthusiasm of the business community for the Commercial Division generates tax revenues and provides jobs. This new Rule provides an excellent opportunity for New York to demonstrate to businesses throughout the United States and in other countries that the New York Courts are innovative and cost-effective. GenAI presents a particularly valuable opportunity at this time because many other courts outside New York State have promulgated GenAI rules which are manifestly inappropriate for business litigants represented by sophisticated counsel. New York should take advantage now of this excellent opportunity to demonstrate the Commercial Division's recognition of technology's ability to benefit business litigants and to contrast the Commercial Division's approach to GenAI with other courts' GenAI rules which would be inefficient, unnecessary, or unworkable in the Commercial Division.

EXHIBIT A

The Proposed Amendment

The Commercial Division Advisory Council proposes inserting the Rule as a new Rule 6(e) of the Commercial Division Rules. The Rule would have the following text:

Rule 6(e)

The Court recognizes that counsel (or a self-represented party) may determine that the use of generative artificial intelligence tools in preparing to file briefs, letters, or memoranda of law with the Court is in its client's (or its) best interests. However, any person who files material with this Court remains responsible for providing the Court with complete and accurate representations in any such submission consistent with Part 130 of the Rules of the Chief Administrator and any other applicable legal or ethical guidance. Accordingly, any person who files any such material with this Court is certifying the accuracy and reliability of any statements made therein.