



**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 Part 161 to the Rules of the Chief Administrator of the Courts regarding the use of generative artificial intelligence in preparing court documents

Date: November 17, 2025

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The Administrative Board of the Courts is seeking public comment on a proposal to add a new Part 161 to the Rules of the Chief Administrator of the Courts regarding the use of generative artificial intelligence in preparing court documents.

This proposal was recommended by the Advisory Committee on Artificial Intelligence and the Courts (“AI Advisory Committee”), and includes both: (1) a statewide policy on the use of generative AI tools by attorneys and parties in preparing papers to be submitted to a court; and (2) a proposed model rule on that subject.

The AI Advisory Committee recognizes that, although generative AI tools can produce fictitious information or citations, commonly known as hallucinations, such tools have many legitimate uses in the legal arena, and thus their use should not be prohibited altogether. The AI Advisory Committee notes that attorneys and parties are already required to ensure that papers they sign are reviewed for accuracy. If the attorney or party submits a paper containing false or fictitious matter, they are already subject to sanctions or discipline, regardless of whether AI technology was used in the preparation of the paper.

Accordingly, the AI Advisory Committee believes that the best way to address the issue of AI-generated fabrications is 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 22 NYCRR § 130-1.1a. That approach is reflected in the proposed model rule.

Under the proposed policy, attorneys and parties would not be required to disclose their use of generative AI “upon submitting papers,” but this would not prevent a court from later asking an attorney or party to disclose whether they used generative AI. Moreover, the proposed policy would not apply to evidentiary materials submitted by a party.

The AI Advisory Committee states that its objective is to establish a “uniform standard,” consistent throughout the court system, providing that any use of generative AI technology by an attorney or litigant must be undertaken in a responsible manner.

The proposed new Part 161 is attached as Exhibit A, and a memorandum from the AI Advisory Committee dated October 24, 2025 is attached as Exhibit B.

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Persons wishing to comment on the proposal should e-mail their submissions to [rulecomments@nycourts.gov](mailto:rulecomments@nycourts.gov) or write to: David Nocenti, Esq., Counsel, Office of Court Administration, 25 Beaver Street, 10<sup>th</sup> Fl., New York, New York, 10004. Comments must be received no later than December 29, 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 A**

### Proposed Amendments

The Rules of the Chief Administrator of the Courts are amended by adding a new Part 161 (22 NYCRR Part 161) and a new Appendix A of that Part to read as follows (additions underscored):

## 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**

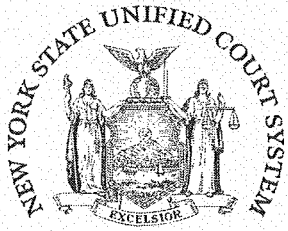
A court may, in its discretion, implement a part rule governing the use by attorneys and parties of generative AI tools in preparing papers submitted to the court. If a court determines that such a rule is appropriate, the court is encouraged to adopt the model rule set forth in Appendix A of this Part.

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### **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.

## **EXHIBIT B**



## 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

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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.