

MAGISTRATE JUDGE JEFFREY COLE
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**THE USE OF “ARTIFICIAL INTELLIGENCE”
IN THE PREPARATION OF DOCUMENTS FILED BEFORE THIS COURT**

I have adopted the following Standing Order regarding the use of artificial intelligence (“AI”) in the event AI is used in the preparation of documents in cases assigned to this court. The Rule is based upon the Rule adopted by Judge Brantley Starr. *See* Hon. Brantley Starr, “Mandatory Certification Regarding Generative Artificial Intelligence [Standing Order],” (N.D. Tex.) (unlike attorneys, “generative artificial intelligence ... hold[s] no allegiance to any client, the rule of law, or the laws and Constitution of the United States (or, as addressed above, the truth.”)) (www.txnd.uscourts.gov/judge/judge-brantley-starr). 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 Mata v. Avianca, Inc.*, 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.”); *Mata, supra*, 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 or in contravention of the particular proposition.