

Generative Artificial Intelligence (AI) Use Clause

Generative artificial intelligence (AI) tools have been used in the [preparation / drafting] of this [type of filing (e.g., complaint, answer, motion, brief, or other paper filed with the court)]. Specifically, [tool name (e.g., ChatGPT, Bard)] was used to [conduct legal research / draft the document]. The undersigned hereby certifies that each and every legal assertion and/or citation to the law or the record has been independently verified as accurate.

Drafting Notes & Alternate Clauses

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Drafting Notes

Drafting Note to Clause

Generative AI apps are known to sometimes provide misinformation or entirely made-up responses—known as hallucinations—when the large language model does not know the answer. These AI "hallucinations," provided authoritatively and without qualification, can give litigators a false sense of security that the information provided is in fact true. Additionally, generative large language models like ChatGPT are trained on data from across the internet. As a source, the internet is prone to biases and rife with inaccurate and incorrect information that can be injected into generative AI outputs.

Concerns about these issues have led some courts to explore or enact requirements that attorneys who use generative AI to prepare legal filings carefully review and independently confirm the veracity and accuracy of information the large language model provides. To that end, if you use a generative AI tool to prepare or draft a court filing, your judge may require you to:

- Disclose in the court filing that you used generative AI to prepare or draft the document
- Identify the generative AI tool used –and–
- Certify that you checked all legal assertions and/or law and record citations

In addition to any judge-specific requirements, you should also consider the following before using generative AI in your litigation:

- **Protect confidential information.** Do not enter any information that is protected by the attorney client privilege or contains your client's confidential, sensitive, or propriety information. Use caution when inputting case-specific facts into any large language model. Generative AI apps, such as ChatGPT, allow developers to see and potentially use information you input to further train the app. This disclosure could constitute a breach of your duty of confidentiality and risk your client's confidential information becoming public.

- **Ensure client needs are met.** ChatGPT and other generative large language models can be a helpful tool litigators can leverage in their daily case work. Note, though, these models are not reading and interpreting cases or secondary sources to provide an informed response to your request. Instead, the apps use machine learning to predict the most likely next word in a sentence. Accordingly, be sure to supplement all generative AI outputs with your own research and analysis to meet your client's legal needs.

- **Understand plagiarism risks.** Litigators may be tempted to use generative AI apps to drafts briefs, pleadings, and other memoranda. However, any large language model's

sources are not readily apparent to end users. When drafting legal documents, use generative AI tools with caution to ensure you are not plagiarizing an existing source and exposing you or your firm to liability.

For additional resources on generative AI, see [Generative Artificial Intelligence \(AI\) Resource Kit](#).