394th Judicial District Court
The Honorable Roy Ferguson
Judge Presiding

STANDING ORDER REGARDING USE OF ARTIFICIAL INTELLIGENCE

This Standing Order of the 394th Judicial District Court applies to every pending or hereafter filed case in the 394th Judicial District Court of Brewster, Culberson, Hudspeth, Jeff Davis, and Presidio Counties. Nothing in this Order should be construed as to relieve an attorney or self-represented litigant of any legal or ethical obligation required by law, statute, or rule, including rules of procedure, evidence, or the Texas Disciplinary Rules of Professional Conduct.

Generative artificial intelligence systems (such as ChatGPT, Harvey.AI,, Claude, Google Copilot, TensorFlow, OpenAI, Bing, Lexis+AI, Westlaw AI-Assisted Research, Ask Practical Law AI, and many others) are being incorporated into common professional use. The abilities of these systems vary widely depending on the application, version, and specific underlying technology used. While the technology is developing quickly, it is currently unreliable and prone to bias, and often fabricates information. The creators of these systems are not attorneys of record, licensed and in good standing to practice law in the State of Texas, and are not bound by the Texas Disciplinary Rules of Professional Conduct.

WHEREAS the signing of a pleading or motion in Texas certifies that each claim, defense, or other legal contention in the pleading or motion is warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;

WHEREAS courts have the inherent power to sanction parties for violation of rules, orders, standing orders, and statutory obligations; and

WHEREAS a court on its own initiative may direct a court participant to show cause why his or her conduct has not violated a rule, order, standing order or statutory obligation;

IT IS THEREFORE ORDERED THAT:

All self-represented litigants and attorneys who utilize any form of artificial intelligence for legal research or drafting in connection with a case shall <u>before using any AI-generated information in a court submission or proceeding</u> sign and submit the attached form, certifying that:

1. all language, quotations, sources, citations, arguments, and legal analysis created or contributed to by generative artificial intelligence were before submission verified as accurate through traditional (non-AI) legal sources by a human being, and

2. that the self-represented litigant or attorneys submitting such information understands and acknowledges that they are and will be held responsible and potentially sanctioned for their or their co-counsel's failure to comply with this Order.

This Order is effective immediately for all cases filed or pending in the 394th District Court. This Order remains in effect until rescinded or replaced by this Court. This Order is subject to modification or amendment by the undersigned at any time.

This Order shall be posted on the Court's website at www.Texas394th.com, and the district clerks of Brewster, Culberson, Hudspeth, Jeff Davis, and Presidio Counties are hereby directed to file this Order with the Office of Court Administration and in the county administrative orders of the Court, and to post a file-marked copy of this Order as a Public Notice at the County Courthouse.

Signed the 1st day of August, 2024.

Roy B. Ferguson
Judge, 394th Judicial District Court

CAUSE NO. _____

PLAINTIFF	§	IN THE DISTRICT COURT
	§	
v.	§	_____ COUNTY
	§	
DEFENDANT	§	394TH JUDICIAL DISTRICT COURT

<u>CERTIFICATION REGARDING USE OF ARTIFICIAL INTELLIGENCE</u>

I, an attorney or self-represented litigant in the 394th Judicial District Court, hereby certify as follows:

1.   I reviewed and understand this Court's Standing Order Regarding Artificial Intelligence. I will comply with the Standing Order throughout this case.

2.   All information created or contributed to by generative artificial intelligence—including language, quotations, sources, citations, arguments, and legal analysis—was before submission to this Court verified as accurate using traditional (non-AI) legal sources by a human being.

3.   I understand that I will be held responsible and subject to possible sanction under Texas Disciplinary Rules of Professional Conduct, Texas Rules of Civil Procedure, Texas Civil Practice and Remedies Code Chp. 10, and the inherent power of the Court, or for contempt of court, for failing to comply with the Court's Standing Order or this certification.

Signed on: _____

_____
[ATTORNEY NAME]