

STANDING ORDER ON USE OF GENERATIVE ARTIFICIAL INTELLIGENCE

I. *The Duty Rests With The Lawyer/Litigant, Not the Robot.*

To practice law in Texas, every attorney must swear under oath to “honestly demean myself in the practice of law,” accepting a duty to serve their client “to the best of my ability,” while “conducting myself with integrity and civility in ... communicating with the Court and all Parties.” **Generative Artificial Intelligence (AI) takes no such oath.**

Licensed lawyers in Texas owe a duty of competence to their clients, diligently representing them with the necessary skill and training¹. **Generative AI owes no such duty.**

Licensed Lawyers in Texas owe a duty of confidentiality to their clients, securing privileged information². **Generative AI owes no such duty.**

Licensed Lawyers in Texas owe a duty to file meritorious claims, ensuring their pleadings have a basis in law and fact³. **Generative AI owes no such duty.**

Licensed Lawyers in Texas owe a duty of candor towards the Court and Counsel, communicating honestly without misrepresenting their position⁴. **Generative AI owes no such duty.**

Generative AI is a computer program that creates new content from a user communicating through prompts. The AI program uses machine learning to digest large language text and analyze the text through a self-refining database (memory storage of inputs). It can be used to create images, edit images, create music, and summarize voluminous documents. There are numerous Generative AI software, including Google Gemini, ChatGPT, Microsoft Copilot, and Anthropic (Claude). Generative AI is even used in electronic legal research such as Lexis Nexis + and Westlaw Precision.

Although self-represented litigants take no such oath, nor owe duties to clients, they are still subject to the same statutory requirements as attorneys when it comes to filing good faith pleadings without misrepresentations to the Court.

II. *You Are Put On Notice And Cannot Claim Ignorance.*

If an attorney or self-represented litigant chooses to use Generative AI in their work product, research, or drafting of pleadings with the Court, that person is put on notice that Generative AI suffers from Hallucinations. *Hallucinations* occur when Generative AI provides answers to user prompts that are either wholly or partially inaccurate. Studies have shown that 100% of

¹ See Rule 1.01 of the Texas Disciplinary Rules of Professional Conduct.

² See Rule 1.05 of the Texas Disciplinary Rules of Professional Conduct.

³ See Rule 3.03 of the Texas Disciplinary Rules of Professional Conduct.

⁴ See Rule 3.04 of the Texas Disciplinary Rules of Professional Conduct.

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Deputy

Generative AI programs suffer from Hallucinations. These Hallucinations have appeared in legal filings as misstating statutes, misrepresenting case law holdings, as well as citing nonexistent case law. The following three links explain some of the dangers of using Generative AI:

<https://www.legalethicstexas.com/resources/opinions/opinion-705/> [click: download pdf]

<https://www.ca5.uscourts.gov/opinions/pub/25/25-20086-CV0.pdf>

<https://www.cbsnews.com/news/anthropic-ai-safety-transparency-60-minutes/>

For purposes of practicing law in this Court, it makes no difference why Generative AI hallucinates. It does not matter if AI hallucinates due to a motivation for its prompter to be successful in its argument (counter intuitive because there is no success in misrepresenting to the Court) or because of a more sinister motivation to disrupt our legal system and see how far it can mislead humanity. Either way, if a lawyer or self-represented litigant chooses to use Generative AI in their pleadings and the Court finds those pleadings contain misrepresentations, ***the filer cannot later claim ignorance*** to these issues. Further, it is the filer who is subject to a show cause order and potential sanctions, not the robot.

Although there are many advancements in the field of AI, it is in its infancy with dedicated teams of researchers still working out the kinks. In addition to Hallucinations, AI suffers from other human characteristics such as Panic Attacks and Self Preservation. Another major flaw is its lack of accountability to anyone or any set of ethical values. Even at its best, AI is subject to the whims of the prompter and has taken no offense to being used as a tool in both corporate and political espionage. Needless to say, this unrestrained robot that retains information that can be used for nefarious purposes with no moral compass nor allegiance to authority can very easily misuse someone's confidential information (including information from you personally, your client, firm, and witness, anyone associated with the opposing side, and even this Court/Court staff).

III. *AI Users Must Verify Their Pleadings.*

As a result of Generative AI's tendency to fabricate and malfunction, ***the Court hereby ORDERS*** any attorney or self-represented litigant that chooses to use Generative AI in their work product, research, or drafting must include the following verification in bold in their pleadings:

"Verification Regarding Use of Generative Artificial Intelligence

My name is _____, my address is _____, I am over 18 years of age, of sound mind, and capable of making this verification. I swear under penalties of perjury that the statements contained in this verification are true and correct and

based on my personal knowledge. I have used _____ (list Generative AI programs used) in either my work product, research, and/or drafting of this pleading before the Court. I have reviewed the entire pleading and represent to the Court and opposing side that it contains no misstatements of law, misrepresentations of legal holdings, nor improper citations. I further verify that this pleading contains no sensitive, confidential information from any person involved, nor have I attached evidence that was created, edited, enhanced, or altered using Generative AI.

So Sworn on _____ (date)

(Signature of Affiant/Filer)

{Printed Name of Affiant/Filer}"

If an attorney or self-represented litigant uses Generative AI in their work product, research, or drafting of a pleading and that pleading fails to contain the above verbatim verification in bold, it will not be considered by the Court.

IV. *Court Ordered Prohibitions Using Generative AI.*

The Court, hereby ORDERS it is a violation of this Standing Order if an attorney or self-represented litigant uses Generative AI in their work product, research, or drafting of a pleading and fails to include the above verbatim verification in bold in paragraph III.

The Court further ORDERS attorneys and self-represented litigants are prohibited from filing pleadings that contain misstatements of law, misrepresentations of case law holdings, and cites to non-existent case law. It is a violation of this Standing Order if an attorney or self-represented litigant uses Generative AI in their work product, research, or drafting of a pleading and that pleading misstates the law, misrepresents case law holdings, or cites non-existent case law.

The Court further ORDERS attorneys and self-represented litigants are prohibited from entering any sensitive, confidential information of any person involved in the case into a Generative AI program. It is a violation of this Standing Order if an attorney or self-represented litigant enters sensitive, confidential information of any person involved in the case into any Generative AI program.

The Court further ORDERS attorneys and self-represented litigants are prohibited from filing pleadings that contain a person's sensitive, confidential information. It is a violation of this Standing Order if an attorney or self-represented litigant uses Generative AI in its work product, research, or drafting of pleadings, and that pleading contains sensitive, confidential information from anyone involved in the case.

The Court further ORDERS attorneys and self-represented litigants are prohibited from using Generative AI to create or edit/enhance/alter evidence to be admitted in any contested hearing (oral or submission) or trial. It is a violation of this Standing Order if any attorney or self-represented litigant offers to admit or attach evidence in any contested hearing or trial that has been created, edited, enhanced, or altered by Generative AI.

The Court further ORDERS attorneys and self-represented litigants are prohibited from using an interpreter that relies on voice recognition AI programs to translate documents to be admitted as evidence or during live interpretation in hearings or trial. It is a violation of this Standing Order if any attorney or self-represented litigant offers to admit or attach evidence in any contested hearing or trial that used an interpreter that relied upon voice recognition AI to translate a document or piece of live testimony.

The Court further ORDERS attorneys and self-represented litigants are prohibited from using an expert that relies on generative AI programs in their methodology and work product in forming opinions to be admitted as evidence during hearings or trial. It is a violation of this Standing Order if any attorney or self-represented litigant offers to admit or attach evidence in any contested hearing or trial that used an expert that relied upon Generative AI in forming their opinions.

V. *Violations Of This Standing Order.*

The Court does not have to reinvent the wheel as it pertains to attorneys and self-represented litigants using Generative AI to file misleading pleadings. Texas already has Statutes on the books to handle these issues. In addition to the Court's inherent authority to guard against abuses of the judicial process, *Chapter 10 of the Civil Practices and Remedies Code* (CPRC) deals with Sanctions for frivolous pleadings and motions, and *Rule 13 of the Texas Rules of Civil Procedure* (TRCP) deals with the effect of signing pleadings, motions and other papers and sanctions. Texas already has Statutes on the books to handle attorneys and self-represented litigants that offer fictitious evidence. Section 37.02 of the Texas Penal Code deals with Perjury regarding testimony in affidavits/declarations, and Section 37.09 deals with Tampering with or Fabricating Physical Evidence in an official court proceeding. This is not to mention the rules for mishandling sensitive information and Texas Disciplinary Rules for Lawyers referenced above in paragraph I.

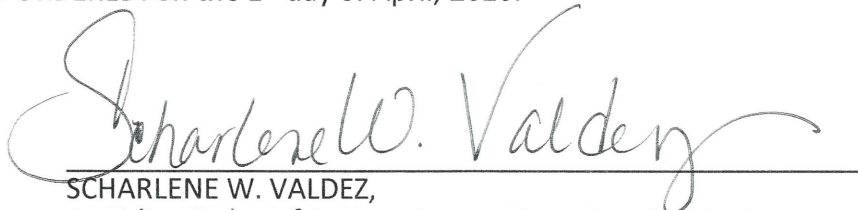
If an attorney or self-represented litigant is found to have violated any portion of this Standing Order, the Court will consider all possible sanctions available under the law after a duly noticed show cause hearing. This includes death penalty sanctions. Due to the potential to use Generative AI to cut corners while billing clients for work on their case, this Court may Order attorneys to produce to the Court all invoices and time logs pertaining to the pleading in question to ensure there was no fraudulent billing to clients. The Court may also consider requiring the at-fault attorney or self-represented litigant to attach copies of all case law cited with highlighted

portions referenced in all future pleadings with the Court. The Court may also consider reporting violations of the law and disciplinary rules to the appropriate authorities.

VI. *Conclusion.*

The Court is not permitted to use Generative AI in its drafting of Orders or while using County equipment. The Court is not asking those that practice before it to do anything the law does not already require or that the Court is not obligated to do. Every attorney and self-represented litigant must follow this Standing Order to avoid wasting valuable judicial resources and preventing the erosion of public trust for the legal profession and judicial proceedings. To my fellow attorneys, remember, you went to law school to serve and for clients to rely on your judgment, not to be replaced by a faulty microchip. I look forward to you all practicing ethically and responsibly in the zealous pursuit of truth and justice.

SO ORDERED: on the 1st day of April, 2026.


SCHARLENE W. VALDEZ,
Presiding Judge of County Court at Law No. Six, Montgomery County