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New York State
Unified Court System

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Using AI Responsibly: New Guidance for Attorneys

A New York State Courts' Advisory Group's Guide on the Benefits and Risks of AI Tools

NEW YORK—The Advisory Committee on Artificial Intelligence and the Courts, appointed by Chief Administrative Judge Joseph A. Zayas to examine the fast-evolving role of artificial intelligence in the judiciary, has released *The Risks of Using Artificial Intelligence in Preparing Court Papers: What Every Attorney Should Know.* The new document aims to guide and support attorneys in the responsible and informed use of generative AI tools when preparing court filings. Reviewed and approved for public distribution by the Unified Court System's judicial leadership, it addresses the opportunities and risks presented amid the increasing prevalence of AI-assisted drafting tools across the legal profession and underscores the critical professional obligations that remain unchanged in this new environment.

The document stems from the Committee's development of a Model Rule, adopted by the court system earlier this year, which dictates that attorneys who choose to use generative AI tools must understand the capabilities and limitations of those tools and independently ensure the accuracy and reliability of any information generated. The new guide advances that understanding, offering attorneys a practical, accessible resource to guide their use of this powerful new technology.

"The release of this guidance reflects our continued commitment to providing attorneys with the tools they need to navigate changing technology while upholding the highest standards of professionalism," said Chief Administrative Judge Zayas. "AI tools can help enhance efficiency, but they also carry risks that demand caution and informed oversight. This document lays out a clear, common-sense approach to using AI responsibly. Crucially, it reinforces the bedrock principle that attorneys remain fully accountable for the accuracy of the papers they submit to the courts."

The guidance comes as courts across the country confront a rise in filings containing AI-generated fabrications — so-called "hallucinations" — such as nonexistent case citations or inaccurate quotations. These errors, often difficult to detect without careful review, pose significant risks for attorneys and litigants alike and can undermine the integrity of the judicial process. The Advisory Committee's publication explains why such errors occur, how they can be avoided, and what duties attorneys must adhere to when integrating AI into their work.

First Deputy Chief Administrative Judge Norman St. George emphasized the broader implications of the guidance. “As the legal profession confronts the accelerating infusion of AI into daily practice, safeguarding the integrity of filings — and, by extension, the fairness of judicial proceedings — is paramount,” he said. “This guidance, developed through the Advisory Committee’s thorough research and deliberation, helps ensure that practitioners have a foundational understanding of how generative AI works, the risks it presents, and the steps necessary to prevent misuse. It is an important milestone in our judiciary’s ongoing thoughtful approach to technological change.”

Among the key points highlighted in the guidance are:

- **Understanding AI’s limitations**. Generative AI tools, including widely available large language models, generate text by predicting likely word patterns rather than verifying facts, creating the possibility of fabricated cases, inaccurate quotations, or misleading legal statements.
- **Existing professional responsibilities remain unchanged**. The use of AI does not alter an attorney’s obligations under the Rules of Professional Conduct or 22 NYCRR Part 130; attorneys remain fully responsible for ensuring that every factual and legal assertion submitted to a court is accurate and properly supported.
- **New York’s approach centers on informed, responsible use**. The Unified Court System has adopted an informational model that permits AI use but requires independent verification of any AI-generated content. Attorneys are not required to disclose AI use at the time of filing, or to provide separate certifications, beyond the implicit certification made when signing a filing.
- **Best practices for verification and review**. The guidance urges attorneys to confirm all AI-generated citations and quotations through authoritative legal research tools, scrutinize AI-generated text for bias or inappropriate content, and document the steps taken to verify material produced with AI assistance.
- **Broader evolution of AI in legal practice**. The guidance situates attorney responsibilities within the rapidly developing regulatory landscape and highlights ongoing initiatives in AI training, CLE programming, and policy development across the court system.

The Advisory Committee on Artificial Intelligence and the Courts — comprising judges, attorneys, technologists, scholars, and other experts — was established to study the practical, ethical, and operational challenges posed by AI and to develop thoughtful recommendations that support the fair, efficient, and responsible administration of justice. The Committee continues to craft educational materials — including an upcoming series of CLE programs titled *Artificial Intelligence, Bias, and Equity in Legal Practice* — as well as policy proposals and model rules designed to ensure that AI tools are integrated into court operations and legal practice in ways that promote accuracy, transparency, fairness, and public trust.

The seven-page guide, *The Risks of Using Artificial Intelligence in Preparing Court Papers: What Every Attorney Should Know*, is available at www.nycourts.gov/media/44201.

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