

Legislative Commission on Data Practices and Personal Privacy

Minnesotans for Open Government

Written Testimony of Matt Ehling, Board Member - December 11, 2025

Artificial Intelligence (AI) use by government entities (Agenda Item #4)

Co-chairs Feist and Scott, and members of the Commission,

Minnesotans for Open Government (MNOG) submits the following written comments on the use of artificial intelligence (AI) systems by Minnesota government entities:

Executive Summary

Concept #1: Commission a study on the use of AI by Minnesota government entities.

A study could be undertaken by non-partisan legislative staff, with the aim of conducting a survey of AI use by Minnesota government entities, and then preparing a report with findings. The report would be presented to relevant legislative commissions and committees for appropriate follow-up (including follow-up legislation). This would be similar to the study of government data use undertaken in the early days of the Data Practices Act, except that the relevant study was undertaken by the Department of Administration. (See Exhibit A for suggested bill language drafted by MNOG).

Concept #2: Enact “labeling” requirements for specific uses of generative AI by government entities. Upon further study, determine how and whether to expand this type of requirement.

Government entities are beginning to use “generative” AI systems (AI that can generate “new” content formulations from data sets made of existing content) for a variety of purposes — including creating “first drafts” of police reports from body camera footage. Such technical capabilities create new challenges for government accountability.

Due to concerns over the potential for generative AI systems to create erroneous content, the Legislature should require that the use of generative AI by government be disclosed in specific circumstances — such as in the creation of police reports, charging memos, or other scenarios where government data impacts the rights of individuals. (Certain federal district court judges, for instance, have already required the disclosure of AI use in the drafting of legal briefs — see Exhibit C). This requirement could be applied to specific government tasks at a first, and then expanded, pending the outcome of further study. (Such study could lead to even stronger regulatory actions going forward, such as prohibited use cases, etc.)

**Minnesotans for Open Government is a non-partisan, nonprofit organization with an all-volunteer board of directors that focuses on government transparency issues.*

Extended Comments

Concept #1. AI use by Minnesota Government Entities: Study Commissioned

ISSUE: Artificial intelligence (AI) is being positioned for potentially expansive use by the private sector, and public sector use is growing as well. AI systems are now available to perform multiple tasks for government entities, ranging from surveillance (i.e., facial recognition technology) to creating memos and other documents via the use of “generative” AI (AI systems which can assemble “new” iterations of text, visual, or other content from large databases of similar content.)

The use of such technologies poses policy issues that will require regulation. Facial recognition technology, for instance, has raised questions over its accuracy and reliability, and some jurisdictions have already moved to implement legal guardrails. Given the propensity for “generative AI” tools to create inaccurate (or in some cases completely fabricated) information, the use of such tools by government raises multiple questions of transparency, accountability, and due process (depending on the application the technology is used for).

Within Minnesota, some government entities are already utilizing AI systems, but the full scope of AI use has not been comprehensively studied. As Minnesota lawmakers grapple with AI regulation — a matter that may occupy the Legislature for the foreseeable future as the technology evolves — it would behoove lawmakers to gather information on current and proposed AI use, to help drive decisions about future policy creation. While some AI regulation could be accomplished prior to a formal study being completed, a well-designed legislative study would set the table for some of the more complex regulatory questions that are on the horizon.

CONCEPT: MNOG recommends that the Minnesota Legislature commission a study of the use of AI by Minnesota government entities. This could be modeled after the Department of Administration study conducted during the early days of the Minnesota Government Data Practices Act. That study created a survey tool aimed at state agencies, along with subsets of municipal and county entities. The survey results were then integrated into a report that was presented to the legislature, with follow-up committee hearings.

Staff time would be required to undertake the study. MNCOGI recommends at least 2 FT staffers be assigned for a 12 month period. The study could be run through the Data Practices and Personal Privacy Commission, and/or the Cyber-Security Commissions.

Staff would have one year to conduct the study and produce the report. Findings of the report should be presented at public hearings of the two commissions, with appropriate legislative committee hearings to follow.

Concept #2. Labeling use of generative AI by government

ISSUE: Government entities are beginning to use “generative” AI systems (AI that can generate “new” content formulations from data sets comprised of existing content) for a variety of purposes — including creating “first drafts” of police reports from body camera footage.** Such technical capabilities create new challenges for government accountability.

One of these challenges is that generative AI systems are inherently limited by the data sets used to “train” them, and as such, they can generate inaccurate or fabricated content when used. This has posed real-world problems for the legal profession in recent years. For instance, in a 2023 federal case (*Mata v. Avianca, Inc.*) counsel for one of the parties was sanctioned for including fake legal citations in a brief, and then acting deceptively when confronted about the matter. The fabricated citations were created wholesale by Open AI’s ChatGPT, which attached the names of actual judges to the fake cases.

Given the possibility for generative AI to create inaccurate or wholly fabricated content, the use of such tools by government raises serious questions about accountability — particularly if AI tools are generating memos, recommendations, or other documents that have legal effect; or have other real-world impacts on the rights of citizens.

The use of generative AI creates uncertainty in both authorship and outcome, and can “muddy the waters” of who is responsible for governmental work product — whether that product is a legal memo, or a determination about the provision of public health benefits. At base, citizens should be put on notice about whether generative AI was used in a process that affects them, so that they have the ability to understand the genesis of the information provided to them; and to have a basis to probe further if needed.

CONCEPT: During the Biden administration, the White House issued guidance on the “watermarking” (or labeling) of AI-generated content, to ensure information transparency. Some federal district court judges have done the same. At some point, Minnesota will have to enact a disclosure requirement around the use of AI — generative AI in particular — by government entities. An evaluation of this issue should be included in the legislative study described in Concept #1, and then follow-up legislation should be undertaken. The Legislature may wish to move faster on labeling requirements (or more stringent regulations, such as prohibitions) for specific use cases, such as the creation of government data that has an impact on individual rights.

***See Exhibit B for an excerpt from the user guide for “Draft One” — an AI-based software package that AXON pairs with its body cameras. Draft One creates the initial draft of a police report relating to a particular incident that is documented on body camera footage. Exhibit B was obtained through a Data Practices Act request made to the City of Bloomington. The Bloomington Police Department is not currently using Draft One, but MNOG is aware that at least one Minnesota city — Eagan — has integrated Draft One into its policing operations.*

FURTHER READING:

Artificial Hallucinations in ChatGPT: Implications in Scientific Writing

<https://www.cureus.com/articles/138667-artificial-hallucinations-in-chatgpt-implications-in-scientific-writing#!/>

When AI Gets it Wrong: Addressing AI Hallucinations and Bias

<https://mitsloanedtech.mit.edu/ai/basics/addressing-ai-hallucinations-and-bias/>

Generative AI is a Math Problem. Left Unchecked, it Could be a Real Problem

<https://www.heinz.cmu.edu/media/2023/July/generative-ai-is-a-math-problem-left-unchecked-it-could-be-a-real-problem>

Facial Recognition Technology and Privacy Concerns

<https://www.isaca.org/resources/news-and-trends/newsletters/atisaca/2022/volume-51/facial-recognition-technology-and-privacy-concerns>

Generative AI's looming Crap In, Crap Out Data Problem

<https://www.constellationr.com/blog-news/insights/generative-ais-looming-crap-crap-out-data-problem>

AI is creating fake legal cases and making its way into real courtrooms, with disastrous results

<https://theconversation.com/ai-is-creating-fake-legal-cases-and-making-its-way-into-real-courtrooms-with-disastrous-results-225080>

Mata v. Avianca, Inc.

<https://law.justia.com/cases/federal/district-courts/new-york/nysdce/1:2022cv01461/575368/54/>

Michael Cohen says he unwittingly sent AI-generated fake legal cases to his attorney

<https://www.npr.org/2023/12/30/1222273745/michael-cohen-ai-fake-legal-cases>

FURTHER READING (CONT):

Executive Order on the Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence

<https://www.whitehouse.gov/briefing-room/presidential-actions/2023/10/30/executive-order-on-the-safe-secure-and-trustworthy-development-and-use-of-artificial-intelligence/>

Artificial Intelligence in the Workplace: Spotlight on Confidentiality Concerns

<https://natlawreview.com/article/artificial-intelligence-workplace-spotlight-confidentiality-concerns>

Artificial Intelligence Poses Threat to Business Data Privacy and Confidential Information

<https://www.ifrahlaw.com/ftc-beat/artificial-intelligence-poses-threat-to-business-data-privacy-and-confidential-information/>

Space Force Pumps the Brakes on ChatGPT-Like Technology with Temporary Ban

<https://www.airandspaceforces.com/space-force-chatgpt-technology-temporary-ban/>

AI hits trust hurdles with U.S. military

<https://www.axios.com/2024/05/01/pentagon-military-ai-trust-issues#:~:text=The%20Space%20Force%20paused%20use,recommended%20for%20operational%20use%20cases.%22>

Generative AI's Biggest Security Flaw is Not Easy to Fix

https://www.wired.com/story/generative-ai-prompt-injection-hacking/?gad_source=1&gbraid=0AAAAADCvt4_CyZeNvl6yegzPOecpUPKbo&gclid=EAlaIQobChMI6P_oLYiAMV60X_AR2YnQ4fEAMYAiAAEgJLfPD_BwE

EXHIBIT A
MNOG draft language for AI use in government study

A bill for an act
commissioning a study of artificial intelligence use by Minnesota
government entities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF
MINNESOTA:

Section 1. **DEFINITIONS.**

Subdivision. 1 **Artificial intelligence.** “Artificial intelligence” or “AI” means a machine-based system that can, for a given set of human-defined objectives, make predictions, recommendations, or decisions influencing real or virtual environments. Artificial intelligence systems use machine and human-based inputs to perceive real and virtual environments; abstract such perceptions into models through analysis in an automated manner; and use model inference to formulate options for information or action.

Subd. 2. **County entity.** “County entity” means a component of county government, including, but not limited to, a county attorney’s office, county sheriff’s office, county auditor’s office, county recorder’s office, or similar.

Subd. 3. **Generative AI.** “Generative AI” means the class of AI models that emulate the structure and characteristics of input data in order to generate derived synthetic content. This can include images, videos, audio, text, and other digital content.

Subd. “4. **Government entity.** “Government entity” means a state entity, county entity, or municipal entity.

Subd. 5. **Metropolitan area.** “Metropolitan area” means the physical area encompassed by the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Subd. 6. **Municipal entity.** “Municipal entity” means a department of a home rule charter or statutory city, or a school district.

A “municipal entity” may include a police department, city planning office, city assessor’s office, school district, or similar.

Subd. 7. **State entity.** “State entity” means any office, department, division, bureau, board, commission, authority, district, or agency of the state, or any component of the University of Minnesota.

Subd. 8. **INSERT ENTITY.** “INSERT ENTITY” means (insert the appropriate legislative component that will house the staff and receive the appropriated funds.)

Section 2. **REPORT COMMISSIONED.**

(a) (INSERT ENTITY) shall study the use of AI by government entities in Minnesota, and create a report summarizing its findings.

(b) The report required under paragraph (a) must contain:

(i) a summary of information gathered through the use of the survey instrument described in section 3;

(ii) a summary of common trends and relevant findings gathered from the information; and

(iii) an appendix containing all of the raw information captured by the survey instrument.

(c) The report shall be completed by April 15, 2027.

(d) Copies of the report shall be distributed no later than April 30, 2027 to the ranking majority and minority members of the Senate Judiciary and Public Safety Committee, the Senate State and Local Government and Veterans Committee, the House Judiciary Finance and Civil Law Committee, the House State and Local Government Finance and Policy Committee, and the chairs of the Legislative Commission on

Cybersecurity and the Legislative Commission on Data Practices.

(e) By at least October 31, 2027, the Senate Judiciary and Public Safety Committee and the House Judiciary Finance and Civil Law Committee shall hold a joint public hearing to receive and discuss the contents of the report.

Section 3. **SURVEY INSTRUMENT.**

(a) **(INSERT ENTITY)** shall create a written survey instrument to be administered through interviews with relevant employees of a surveyed government entity. The survey instrument shall seek to gather at least the following information:

(i) The nature and type of existing AI systems currently utilized by the government entity, including the use of any generative AI systems;

(ii) A description of the functions that existing AI systems perform for the government entity;

(iii) An overview of data sets that are used by the government entity's existing AI systems;

(iv) An overview of the types of government personnel who interact with the government entity's existing AI systems;

(v) Job duties that have been replaced (in whole or in part) by the government entity's existing AI systems;

(vi) Job duties that have been created (in whole or in part) to manage the government entity's existing AI systems;

(vii) An overview of the members of the public who interact with the government entity's existing AI systems;

(viii) Whether notice is provided to members of the public about the government entity's use of its existing AI systems;

(ix) An overview of the data output provided by the government entity's existing AI systems;

(x) A description of the policies and procedures for the use of the government entity's existing AI systems;

(xi) A description of human employee review of a government entity's existing AI system performance, operation, and output;

(xii) A list of the government entity's current artificial intelligence vendors;

(xiii) A list of the government entity's current artificial intelligence systems;

(xiv) An overview of key terms and conditions contained in contracts with the government entity's existing artificial intelligence system vendors;

(xv) An overview of any AI content "labeling" used by a government entity's existing AI vendors;

(xvi) The approximate total cost of the government entity's operation of all existing AI systems;

(xvii) A list of anticipated future functions the government entity expects to be handled by AI systems within the next 2-3 years;

(xviii) A list of planned purchases of AI systems by the government entity within the next 2-3 years.

Section 4. SURVEY SCOPE.

(a) In order to gather the information for the report required by section 2, **(INSERT ENTITY)** shall use the survey instrument to study the following government entities:

- (i) At least twenty state entities;
- (ii) At least twenty county entities within the metropolitan area;
- (iii) At least forty county entities outside the metropolitan area;
- (iv) At least twenty municipal entities within the metropolitan area;
- (v) At least forty municipal entities out of the metropolitan area.

Section 5. STAFF.

(a) **(INSERT ENTITY)** shall allocate the necessary number of nonpartisan staff to conduct the survey required by section 4, and to prepare the report required by section 2.

EFFECTIVE DATE. This act is effective the day following final enactment.

EXHIBIT B

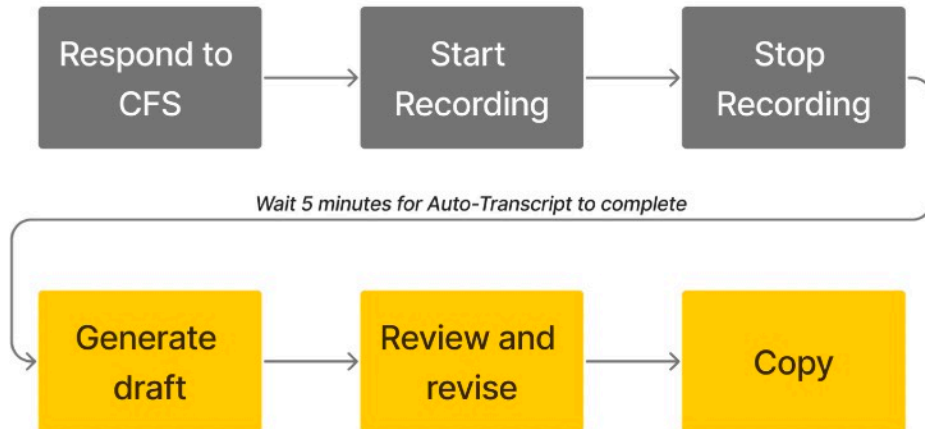
Page from “User Guide” to AXON’s Draft One software

Draft One User Guide

Draft One Overview in Axon Evidence

You can now use an AI-powered Draft One to quickly [create draft narratives](#) in Axon Evidence that can be carefully [reviewed and revised](#), then [copied](#) into your incident reports.

These drafts are generated from your body camera's footage of the incident. As soon as you stop recording after responding to a CFS, the audio from your videos is automatically uploaded to Axon Evidence. Once the upload is complete, the audio is Auto-Transcribed, which takes about 5 minutes. As soon as that Auto-Transcript is available, you can open Axon Evidence and use Draft One to create a draft narrative.



Administrators can [configure safeguards](#) for Draft One and assign [permissions](#) to ensure that the appropriate users can access it.

Once Draft One is enabled, you can see when it has been used by [generating an audit trail](#) for a user or a report.

EXHIBIT C

Page one of standing order of Federal Magistrate Judge Peter H. Kang, U.S. District Court, Northern District of California

<div>United States District Court Northern District of California</div>	<div>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28</div> <div><p style="text-align: center;">UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA SAN FRANCISCO DIVISION</p><p style="text-align: center;">STANDING ORDER FOR CIVIL CASES BEFORE MAGISTRATE JUDGE PETER H. KANG</p><p style="text-align: center;"><i>(Effective on July 14, 2023)</i></p><p>I. APPLICABILITY OF STANDING ORDER</p><p>Unless otherwise indicated by the Court, this Standing Order applies to all categories of civil cases before Magistrate Judge Peter H. Kang. The Parties shall follow the Federal Rules of Civil Procedure, as well as the Northern District of California’s Local Rules and General Orders, except as expressly modified herein. Counsel shall also comply with the Northern District of California’s Guidelines for Professional Conduct. See https://www.cand.uscourts.gov/professional-conduct-guidelines. Counsel shall review and be familiar with this Standing Order. Failure to comply with any of the applicable rules and orders, including this Standing Order, may be deemed sufficient grounds for sanctions (monetary or otherwise), revocation of <i>pro hac vice</i> admission, referral to appropriate state or local bar authorities, dismissal, entry of default judgment, or other appropriate sanctions. Plaintiff (or in the case of removed cases, any removing Defendant) is directed: (a) to serve copies of this Standing Order and Judge Kang’s Standing Order for Discovery in Civil Cases upon all other Parties to the action within seven (7) calendar days of the appearance of these other Parties, including any subsequently joined Parties, pursuant to Federal Rules of Civil Procedure 4 and 5; and (b) to file with the Clerk of the Court a certificate reflecting such service, in accordance with Civil Local Rule 5-5.</p><p>II. CONSENT CASES</p><p>In civil cases that are randomly assigned to Judge Kang for all purposes, the Parties will be provided a Clerk’s notice of the deadline to consent or decline magistrate judge jurisdiction. The form for “Consent or Declination to Magistrate Judge Jurisdiction” is available at: https://cand.uscourts.gov/mj-consent-declination-form-10-2020/. All Parties should promptly file this form indicating their written consent to assignment of a magistrate judge for all purposes, or</p></div>
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EXHIBIT C

Excerpt from standing order of Federal Magistrate Judge Peter H. Kang, U.S. District Court, Northern District of California (Portions of AI disclosure section)

<div>United States District Court Northern District of California</div>	<div>1 excerpts of deposition transcripts in support of or opposition to a motion for summary judgment, 2 they shall highlight the relevant portions for ease of reference.</div> <div>3 Unless otherwise ordered, the Parties shall meet and confer no later than forty-five (45) 4 calendar days before the end of fact discovery to determine if they will file cross-motions for 5 summary judgment. If so, only four briefs will be allowed: (1) opening brief by the plaintiff side; 6 (2) opening/opposition brief by the defense side; (3) opposition/reply brief by the plaintiff side; and 7 (4) reply brief by the defense side. The Parties may agree to reverse the briefing sequence, and may 8 have the defense side file its opening brief first, without order of the Court. The first two briefs are 9 limited to twenty-five (25) pages each; the third brief is limited to twenty (20) pages; and the fourth 10 brief is limited to fifteen (15) pages. Before the first brief is filed, the Parties shall submit a 11 stipulation and proposed order setting a briefing schedule for the cross-motions and a general, one- 12 sentence description of the subject matter of each of the cross-motions. The proposed schedule shall 13 require that the fourth brief must be filed at least twenty-one (21) calendar days before the hearing 14 date on the cross-motions. If the parties agree to change the procedure or scheduling for cross- 15 motions for summary judgment, they may submit a stipulation and proposed order explaining the 16 grounds for such requested change.</div> <div>17</div> <div>18 C. Artificial Intelligence (AI) and Filings with the Court</div> <div>19 The Court is aware of recent developments regarding generative AI and its impact on 20 litigation. Accordingly, the Court provides the following guidance for parties and their counsel in 21 this evolving area. If parties have specific proposals for modifying, adding to, or addressing AI- 22 related issues in their matter, counsel are encouraged and expected to raise such proposals as part of 23 the case management procedures above and as appropriate during the progress of an action.</div> <div>24 AI and specifically generative AI (as referred to herein) denote a category of automated tools 25 that are capable of formulating unique content, such as text that has not been expressly programmed 26 into the computer system at issue. Generative AI is thus distinguishable from other categories of AI, 27 which may operate based on pre-established algorithms and, of particular relevance to the 28 administration of justice, do not generate original content or text. The Court recognizes that</div> <div>8</div>
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1 generative AI, AI tools, and the applications using such technology are evolving areas, with
2 changing terminology and technical approaches. Therefore, these provisions are to be reasonably
3 construed as these AI tools develop further, with the overarching purpose of the provisions in mind.
4 At one end of the spectrum of available software tools, the provisions herein do not apply to the use
5 of applications, solutions, or tools which implicate AI for tasks unrelated to or at best tangentially
6 related to the practice of law and not involved in or responsible for the creation or drafting of text
7 for submissions to the Court. For example, these provisions do not apply to counsel's use of
8 software, applications, or vendors' offerings which may in some way incorporate a technology
9 labeled as "AI" in performing law firm or lawyer administrative or ministerial tasks (*e.g.*,
10 timekeeping, invoicing, HR, accounting, business development, and similar back office or business
11 of law solutions). Nor do these provisions apply to counsel's or a *pro se* party's use of traditional
12 legal research, word processing, spellchecking, grammar checking, or formatting software tools
13 (*e.g.*, Lexis, Westlaw, Microsoft Word, or Adobe Acrobat).

14 **AI and Briefs/Pleadings Filed with the Court:** As a baseline matter, consistent with
15 Federal Rule of Civil Procedure 11, the Court's Education Guidelines as set forth in ESI Guideline
16 3.01, and any other applicable legal or ethical guidelines, it is expected that counsel for the parties,
17 including all counsel who have appeared, as well as all others responsible for making representations
18 to the Court or opposing counsel (whether or not they make an appearance) and *pro se* parties, shall
19 competently and responsibly use automated, computer-based software or hardware applications in
20 drafting briefs, pleadings, or other documents to be submitted to the Court, whether such tools are
21 labelled as AI, generative AI, language model, natural language processing tool, machine learning
22 tool, artificial neural network, deep learning neural network, or any other automated generator of
23 text. Counsel and *pro se* parties shall make use of such tools with competent training, knowledge,
24 and understanding of the limitations and risks of such automated tools. Counsel are expected to
25 abide by existing and evolving California State Bar guidance and advisory opinions on the use of
26 AI in the legal profession, and counsel should conduct themselves in a manner consistent with ABA
27 Resolution 604's (Feb. 6, 2023) admonishment regarding accountability of individuals and
28 organizations for any use of AI products, systems, and capabilities (and the Resolution's provisions

1 regarding operators of AI systems and capabilities). See <https://perma.cc/A6WC-6X6P>. As with
2 any prudent approach in an evolving area of law, counsel and *pro se* parties are expected to be
3 competent and knowledgeable about evolving judicial and legal standards in the use of generative
4 AI tools, including case law and opinions addressing such issues (not limited to case law imposing
5 sanctions for failure to use generative AI in an ethical manner).

6 Any brief, pleading, or other document submitted to the Court the text of which was created
7 or drafted with any use of an AI tool shall be identified as such in its title or pleading caption, in a
8 table preceding the body text of such brief or pleading, or by a separate Notice filed
9 contemporaneously with the brief, pleading, or document. Counsel shall maintain records sufficient
10 to identify, if requested by the Court, those portions of the text of a pleading, brief, or document
11 submitted to the Court which was created or drafted by an AI tool. Parties and counsel shall not file
12 or otherwise present to the Court any briefs, pleadings, materials, other documents, or argument
13 which contain AI-hallucinated citations to law, case or legal citations which are fictitious or non-
14 existent, or any uncorroboratable assertions of law or fact. A *pro se* party or a counsel's failure to
15 confirm or double-check the accuracy, veracity, or even existence of a case or legal citation (or
16 assertion of fact) created by an AI tool is grounds for potential sanctions.

17 **AI and Evidence:** The Court recognizes that, as AI tools proliferate generally in society,
18 there may arise situations in which AI-generated documents or materials (for example, created by a
19 Party prior to the commencement of litigation) are or may become exhibits, evidence, or the subject
20 of factual disputes in an action. In such situations, a *pro se* party or counsel shall follow the
21 procedures below with regard to proffering evidence, documents, or other factual material which
22 that Party or counsel knows or has any reasonable basis to believe is or was created in whole by a
23 generative AI or any AI tool for creating text, documents, images, video, graphics, audio, or any
24 other material:

- 25 1) If a Party or counsel seeks to file or otherwise present to the Court any such AI-generated
26 evidentiary material, no such material shall be considered unless previously disclosed or
27 produced timely in discovery (or, with respect to demonstrative exhibits, by the deadline for
28 exchange or disclosure of demonstrative exhibits).

- 1 2) Contemporaneous with the production or disclosure of any such AI-generated evidentiary
2 material, counsel shall serve a Notice to the opposing Party or side identifying such material
3 with sufficient specificity to locate it (such as by Bates or production number, by attaching
4 a copy to such Notice, by promptly responding to any request for counsel to provide a copy
5 of such material, or by any other means which reasonably permits the other Party or side to
6 identify and locate the material promptly). Any such AI-generated material which does not
7 have an accompanying Notice shall not be considered by the Court. Absent stipulation
8 between the Parties or other order of the Court on scheduling, at the time of the submission
9 or filing of any such material to the Court, the Party or counsel proffering such AI-generated
10 material to the Court shall file and serve any declarations, affidavits, or sworn testimony to
11 address the material's authenticity under the Federal Rules of Evidence.
- 12 3) If a Party or counsel chooses to use an AI or other automated tool as part of a process for
13 creating exhibits, demonstratives, or other material to be filed or presented to the Court, they
14 shall only do so consistent with their ethical and legal obligations and shall use such tools
15 responsibly and with competent training, knowledge, and understanding of the limitations
16 and risks of such automated tools. Parties and counsel shall not file, proffer, or otherwise
17 present to the Court exhibits, demonstratives, or other evidentiary or factual material which
18 contain AI-hallucinated assertions of fact, uncorroboratable statements as to factual matters
19 or evidence, or any fictitious or non-existent references or citations to law or fact. *A pro se*
20 party's or a counsel's failure to confirm or double-check the accuracy, veracity, or even
21 existence of a basis for an assertion of fact or evidence created by an AI tool is grounds for
22 potential sanctions. Any exhibit, demonstrative, or other material to be filed or presented to
23 the Court which was created or drafted with any assistance or use of an AI tool shall be
24 identified as such in its title or caption, in a table preceding the body of exhibit,
25 demonstrative, or other material, or by a separate Notice filed contemporaneously with the
26 document or material. Counsel shall maintain records sufficient to identify, if requested by
27 the Court, those portions of that exhibit, document, or material created or drafted by use of
28 an AI tool.