

Guidelines for AI in NY, NJ, and PA Courts

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As the use of Artificial Intelligence.

(“AI”) expands and becomes more prevalent in everyday life, court systems across the country have started to promulgate policies and procedures to adapt. The courts are recognizing that AI, particularly in the legal profession, is an important tool for efficiency and enhanced research methods. At the same time, there is a danger in unregulated use or abuse of AI, as shown in cases across the country where ‘hallucinated’ AI cases have been cited in legal briefs and arguments. Attorneys and practitioners need to be mindful of the proper ways to utilize AI in a manner that benefits their clients but does not endanger their cases.

Effective June 1st, 2026, the **New York State** Unified Court System has adopted a new rule, Part 161: Use of Artificial Intelligence Technology. The rule essentially allows for the use of AI in court submissions, but all attorneys and parties must “carefully review the paper and independently ensure that it contains no fabricated or fictitious cases, statutes, or other material.”

“Section 161.3 Policy

It is the policy of the Unified Court System that the use by attorneys and parties of artificial intelligence tools in preparing papers submitted to a court should not be prohibited, as long as such use is in accordance with the duties and responsibilities that apply to individuals who submit papers to a court. Since those duties and responsibilities already apply to all submissions, regardless of whether AI tools were used, attorneys and parties should not be required, upon submitting papers, to disclose to the court that they have used AI in the preparation of such papers.”

This rule applies statewide but also allows for individual judges across the state to set their own rules for the use of AI in their courtroom. At least one judge in New York requires a certification signed by counsel submitting papers that AI was either not used in the preparation of the motion papers or, if AI was used, that all case law and other references provided by AI were thoroughly checked for accuracy and validity. Time will tell if other judges follow suit or additional requirements concerning the use of AI will continue to spread across New York state.

In **New Jersey** the Supreme Court issued Notices on January 24, 2024 (Preliminary Guidelines on the Use of AI) and on March 30, 2026 (Responsible Use of AI & Related Technologies – Benefits of AI Policies) as to the responsible use of AI. The latter Notice states:

The Supreme Court of New Jersey encourages attorneys and law firms to develop, adopt, and periodically update internal policies and practices governing the use of AI and related technologies as part of maintaining professional competence and ethical compliance

Well-designed AI use policies can help attorneys and firms:

- Understand the capabilities and limitations of AI tools they choose to use
- Recognize and remediate the risks presented by third-party use of AI
- Protect client and other confidential information
- Ensure that all AI-assisted work is reviewed for accuracy
- Provide appropriate guidance and training
- Revisit and update internal practices as technology evolves

Attorneys remain fully responsible for their work product and professional obligations under the Rules of Professional Conduct (including RPCs 1.1, 1.6, 5.1, 5.3, and 3.3).

New Jersey's AI disclosure is court-dependent and individual judges may impose their own requirements as there's no uniform rule from the New Jersey Supreme Court or the Administrative Office of the Courts. The governing professional conduct rule is NJ Court Rules R. 1:4-8 (certification of papers filed), alongside ABA Model Rule 3.3 (candor toward the tribunal) which allows for the imposition of sanctions when there is an AI-generated issue such as incorrect citations.

The **Pennsylvania Supreme Court** adopted an interim policy regulating the use of generative artificial intelligence (GenAI) within its unified judicial system, which encompasses the courts of common pleas that handle mortgage foreclosure actions. Specifically, the Supreme Court of Pennsylvania issued an order approving the “Interim Policy on the

Use of Generative Artificial Intelligence by Judicial Officers and Court Personnel” which took effect on December 8, 2025. This policy regulates the conduct of “Personnel of the Unified Judicial System,” which is defined as “all judicial officers (such as judges of the courts of common pleas), their staff, state-level court employees, and county-level court employees under the supervision of a judicial district's President Judge.”

Personnel may only use Generative AI as permitted by this Policy if the use does not violate other policies, rules, regulations, or statutes. Permitted uses of GenAI by personnel include, but are not limited to, the following: (a) to summarize documents; (b) to conduct preliminary legal research, provided the GenAI tool used was trained on a comprehensive, up-to-date collection of reputable legal authorities; (c) to draft initial versions of documents, such as communications, and memoranda; (d) to edit and assess the readability of public documents; and (e) to provide interactive chatbots or similar services to the public and self-represented litigants. This policy is only applicable to court personnel and has not yet been incorporated to apply to litigants.

Additionally, in 2024, the Pennsylvania Bar Association and Philadelphia Bar Association issued Joint Formal Opinion 2024-200 which provides guidance to practitioners regarding the use of AI.

Pennsylvania permits the counties within the Commonwealth to adopt their own rules and regulations to implement policies. Three counties – Butler, Lancaster, and Westmoreland – have gone beyond the interim policy and adopted their own regulations regarding the use of Generative AI within the filings made in the respective county courts. All three counties have adopted specific administrative rules or affidavit requirements regarding the use of generative artificial intelligence in their Courts of Common Pleas.

Butler County adopted an administrative order (MSD No. 2024-40258) dated September 10, 2024 which stated that “attorneys and pro se litigants shall disclose any use of generative [AI] in the preparation of any complaint, answer, motion, brief, or other pleading and/or filing submitted to the court. Counsel and any pro se litigant is to attach to each such filing [an] Affidavit Regarding Generative Artificial Intelligence attesting that generative AI has not been utilized in any way in the preparation of the filing, or, if generative AI has been used in the preparation of the filing, that each and every citation to the law or the record in the filing has been verified by a human being as authentic and accurate.” The Administrative Order provided a specific template that should be utilized by litigants when filing the Affidavit Regarding Generative AI.

Lancaster County adopted an Administrative Order (Court Docket No. CI-25-07564) on October 6, 2025, mandating clear disclosure and an Affidavit of Use of Generative AI for any filings prepared using AI tools. The Administrative Order did not promulgate a specific template and stated that

“Attorneys and/or pro se litigants (a party representing himself or herself) shall disclose, in clear and plain factual statement, any use of generative Artificial Intelligence (“AI”) in the preparation of any complaint, answer, motion, brief, or other paper filed with the Court. If counsel (or a party representing himself or herself) has used generative AI, he or she must include with the document an Affidavit of Use of Generative AI in which the party must disclose and certify by affidavit attached to this administrative order:

- a. The specific AI tool that was used;
- b. Precisely which portions of the filing were prepared by the AI program;
- c. That a human being has checked the accuracy of any portion of the document generated by AI, including all citations and legal authority.

Failure to comply with this Order may result in sanctions.”

Westmoreland County implemented a court Administrative Order in early 2026 requiring all filings across civil, criminal, family and orphans’ court to include an Affidavit Regarding Generative AI which has an easy to fill template available on the county court’s website.

As the use of AI continues to expand, Gross Polowy will be monitoring ongoing court developments and rules that are enacted to ensure compliance and responsible use of any AI in all cases.