



ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS

HONORABLE ROBERT J. CONRAD, JR.
Director

WASHINGTON, D.C. 20544

October 21, 2025

Honorable Charles W. Grassley
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

I want to thank you and the Judiciary Committee again for your prompt consideration of judicial nominees to the Western District of North Carolina. On another note, in light of the Committee's recent communications with the Administrative Office of the United States Courts (AO) and others in the Judiciary regarding the use of generative artificial intelligence ("AI"), I would like to share with the Committee information about how we as a branch are engaged in evaluating and addressing AI's application in federal courts. In addition, Judges Neals and Wingate have provided me their enclosed responses to your October 6, 2025, letters to them inquiring about specific cases assigned to them.

With the increasing use of AI platforms such as OpenAI's ChatGPT and Google Gemini, and integration of AI functions in legal research tools, AI use has become more common in the legal landscape. AI presents a host of opportunities and potential benefits for the judicial branch, as well as concerns around maintaining high ethical standards, preserving the integrity of judicial opinions, safeguarding sensitive Judiciary data, and ensuring the security of the Judiciary's IT systems. Earlier this year I established an advisory AI Task Force (Task Force) to enable the Judiciary to thoroughly and effectively—but responsibly—address AI as a transformative force. The Task Force is made up of judges, court unit executives, and information technology and chambers staff from all court types across the country. The Task Force has been charged with identifying the issues that AI presents for the judicial branch and recommending new or updated policies accordingly.

The AO and the Task Force have taken several steps to address the rapidly evolving adoption of AI tools, including sharing information on, encouraging awareness of, and establishing guidelines around the risks of AI use. Since last year, the AO has

broadly identified for courts potential risks that using AI tools in the Judiciary present for sensitive information, judicial opinions, and procurement. In addition, background information, issues to consider, and resources regarding the use of AI tools for court filings by litigants has been provided. Resources, including information provided by the National Institute of Standards and Technology's Trustworthy & Responsible AI Resource Center, have been provided to judges, court executives, and other Judiciary staff regarding the impact of artificial intelligence and related technologies on the work of the Judiciary.

The Task Force developed interim guidance on the use of AI, which were broadcasted Judiciary-wide on July 31, 2025. The guidance, which is intended for all federal judges, chambers staff, and other Judiciary personnel, contains general, non-technical suggestions on the use, procurement, and security of AI tools. The guidance includes recommendations around oversight of and accountability for AI use, confidentiality and security of Judiciary data, and AI education, among other areas. The guidance aims to allow for the use of and experimentation with AI tools while preserving the integrity and independence of the federal courts and the judicial process. It is not exhaustive and is intended to provide temporary guideposts while more permanent guidance and policy are developed.

The interim guidance cautions against delegating core judicial functions to AI, including decision-making or case adjudication, and it recommends that users exercise extreme caution especially if using AI to aid in addressing novel legal questions. It recommends that users review and independently verify all AI-generated content or output, and it reminds judges and Judiciary users and those who approve the use of AI that they are accountable for all work performed with the assistance of AI. The guidance recommends that AI users consider whether the use of AI should be disclosed, to whom it should be disclosed, and whether transparency policies or practices are consistent with other ethical considerations, local rules, practices, professional obligations, confidentiality, and protecting the integrity of the Judiciary. More broadly, the guidance encourages courts to consider defining the tasks for which locally approved AI tools may be used.

The AI Task Force is evaluating and may recommend development of an online AI information sharing site for the Judiciary. Such a site could potentially share information from courts, judges, chambers staff, and other Judiciary personnel on local uses of AI, as well as local rules, orders, policies, and guidance on AI use by judges, Judiciary personnel, and litigants. Such a site might be useful to provide courts with a forum to share their thoughtful uses of AI and encourage court units to discuss safe and responsible ways to use AI in court administration and operations.

One broader concern under consideration by the Judicial Conference Advisory Committee on Rules of Evidence is the use of AI to generate evidence for use in federal trials. The Advisory Committee has been considering this issue since 2023 and it was included in the agenda materials for the Advisory Committee's May 2025 meeting, available via [this link](#). Specifically, the Advisory Committee is currently considering possible amendments to the Federal Rules of Evidence to address two evidentiary challenges: (1) whether changes to the authenticity rules are necessary to deal with "deepfakes"; and (2) whether a change is needed to give courts authority to regulate opinion evidence that is the product of machine learning when no expert witness is proffered to testify. The Advisory Committee's consideration of the first issue is ongoing.

The Advisory Committee's consideration of the second issue resulted in a proposed new Rule 707, which was published for public comment beginning on August 15, 2025, with the comment period set to close on February 12, 2026. The Advisory Committee is also currently scheduled to hold public hearings on the proposed new Rule 707 on January 15, 2026, and January 29, 2026. In addition, although there are no pending proposals to address AI concerns before the Advisory Committees on Civil Rules, Criminal Rules, Appellate Rules, and Bankruptcy Rules, this is an issue that may receive attention in the future if a determination is made by the appropriate Committees that existing procedural rules do not adequately address concerns raised by the use of AI in court proceedings.

Regarding litigants' use of AI, the Code of Conduct for U.S. Judges, at Canon 3B(6), provides that judges should "take appropriate action" if they have reliable information suggesting that an attorney has violated rules of professional conduct. Such "appropriate action" may include making a referral to state bar disciplinary authorities. In addition to the ability to refer concerns to state disciplinary authorities, judges have authority through their contempt power and the rules of procedure to address attorney misconduct. For example, Rule 11 of the Federal Rules of Civil Procedure authorizes judges to issue sanctions against attorneys or litigants (if self-represented and signing pleadings and motions on their own behalf) who file motions, pleadings, or other documents that fall below the standards set forth in Rule 11(b). For example, by signing and filing motions, pleadings, or papers with the court, the attorney or unrepresented party affirmatively represents that the filing is not interposed for improper purposes and is warranted by existing law or non-frivolous. The AO collects data relating to sanctions issued by judges against attorneys only in the bankruptcy context where the AO annually publishes statistics on Rule 9011 sanctions, as required by 28 U.S.C. § 159(c)(3)(H).

We are aware anecdotally of incidents in which judges have taken official action (such as those described above) relating to the integrity of court filings in which the use

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of AI tools was in question, although we currently do not systematically track such activity at the national level.

Thank you for the opportunity to address this important issue. We look forward to continued dialogue with the Committee. If we may be of assistance to you in this or any other matter, please contact us through our Office of Legislative Affairs at 202-502-1700.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert J. Conrad, Jr.", written in a cursive style.

Robert J. Conrad, Jr.
Director

Enclosures

Identical letter sent to: Honorable Richard Durbin