

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
501 EAST COURT STREET
SUITE 6.750
JACKSON, MISSISSIPPI 39201

HONORABLE HENRY T. WINGATE
UNITED STATES DISTRICT COURT JUDGE

TELEPHONE: 601-608-4100
WINGATE_CHAMBERS@MSSD.USCOURTS.GOV

October 21, 2025

Honorable Robert J. Conrad, Jr.
Director
Administrative Office of the U.S. Courts
Washington, DC 20544

Dear Judge Conrad:

By letter dated October 6, 2025, United States Senator Charles E. Grassley, in his capacity as Chairman, Committee on the Judiciary, wrote to me regarding the impact, if any, of generative artificial intelligence (“GenAI”) in preparing the Temporary Restraining Order (TRO) issued in *Jackson Federation of Teachers, et al. v. Lynn Fitch, et al.*, Case No. 3:25-cv-00417, and the related actions taken by the Court. I appreciate the Senate Judiciary Committee's commitment to safeguarding litigants’ rights and ensuring the fidelity of judicial proceedings. In the interest of aiding the Committee’s oversight duties, I provide you with the following answers to the questions raised by Senator Grassley for you to transmit to him.

In the case of the Court’s Order issued July 20, 2025, a law clerk utilized a generative artificial intelligence (“GenAI”) tool known as Perplexity strictly as a foundational drafting assistant to synthesize publicly available information on the docket. The law clerk who used GenAI in this case did not input any sealed, privileged, confidential, or otherwise non-public case information.

The standard practice in my chambers is for every draft opinion to undergo several levels of review before becoming final and being docketed, including the use of cite checking tools.¹ In this case, however, the opinion that was docketed on July 20, 2025, was an early draft that had not gone through the standard review process. It was a draft that should have never been docketed. This was a mistake. I have taken steps in my chambers to ensure this mistake will not happen again, as described below. The root cause of the errors identified in Defendant’s unopposed motion to clarify/correct was a lapse in human oversight, specifically the posting of a draft opinion instead of a final one and the failure to put the draft opinion through the final review process.

¹ The vendor that supplies the cite checking tool incorporates AI technology into that feature, but my law clerks review and verify the work of the cite checking tool.

After the Defendants filed their unopposed motion to clarify, the law clerk and Clerk of Court maintained transparency and the chronology of the docket in the case by noting that the original July 20, 2025, Order had been removed and was replaced on July 23, 2025. *See* 21-cv-417-HTW-LGI at ECF No. 51. While there are no applicable policies regarding marking a corrected or amended opinion with a notation reflecting that the decision was substantively altered, the law clerk ensured the docket reflected an accurate history and chronology of the case by entering a Text Order on July 23, 2025, granting the defendant's unopposed motion to clarify and by updating the July 20, 2025, docket entry to reflect the Order had been replaced. I thought that it would be confusing to leave a flawed opinion on the record because of the errors and inaccuracies that existed in the Order. Because it was not the final opinion, I did not want parties, including pro se litigants, to believe this draft order should be cited in future cases. For these reasons, I removed the inaccurate Order from public view and will not re-docket it. However, I have verified that the clerk's office will maintain a copy of the errant Order in accordance with applicable record retention requirements. *See* [Records Disposition Schedule](#). The errant Order is also attached as an exhibit to a motion. *See* 21-cv-417-HTW-LGI at ECF No. 58. The term "clerical," which was used in the August 1, 2025, Order, was intended to signify that the mistakes were due to a failure to confirm the accuracy of certain information rather than errors in core legal reasoning or the ultimate judgment on the merits.

Consistent with the Code of Conduct for United States Judges, I have taken appropriate action to address the law clerk's conduct that resulted in the mistake. Additionally, I immediately implemented corrective measures in my chambers, including a plan whereby all draft opinions, orders, and memorandum decisions undergo a mandatory, independent review by a second law clerk before submission to me. All cited cases are printed from Westlaw and attached to a final draft.

I cannot speak to litigants' use of GenAI tools in drafting their filings and do not have any rules regarding this in my chambers. The Southern District of Mississippi has not yet issued a specific local rule regarding the use of GenAI by litigants. It is my job to ensure the veracity of all cases cited and relied upon in my opinions and orders.

I manage a very busy docket and strive to maintain the public's trust by administering justice in a fair and transparent manner. Given that I hold myself and my staff to the highest standards of conduct, I do not expect that a mistake like this one will occur in the future. I trust that these responses will provide the Committee with the necessary information to conclude its inquiry into this matter.

Respectfully,

/s/Henry T. Wingate

United States District Judge