

**THE MATTER OF CREATION OF SUPREME COURT
CHAPTER 76 (USE OF ARTIFICIAL INTELLIGENCE
TOOLS)**

Petitioner respectfully requests that the Wisconsin Supreme Court create Supreme Court Chapter 76 - Use of Generative Artificial Intelligence in Wisconsin Courts to clarify the application of existing professional responsibility rules to the use of generative artificial intelligence (AI) technology by lawyers, judges, judicial clerks, research attorneys, court staff, and self-represented litigants in connection with court proceedings.

Proposed Chapter Title

SCR CHAPTER 76 – Use of Generative Artificial Intelligence Tools In Wisconsin Courts

Proposed Rule Title - 76.01 Use of Generative Artificial Intelligence Tools In Wisconsin Courts

Proposed Rule Text

The petitioner proposes creation of the following Supreme Court Rule:

SCR 76.01 Use of Artificial Intelligence Tools

(a) Scope.

- (1) This rule applies to a lawyer's use of generative artificial intelligence tools in connection with the representation of a client or in connection with any matter before a tribunal of this state.
- (2) Judges, court commissioners, and court staff remain subject to the Code of Judicial Conduct and any other applicable rules when using such tools.
- (3) Self-represented litigants who use generative artificial intelligence tools in connection with a matter before a tribunal of this state remain fully responsible for all documents and arguments they submit and are subject to applicable statutes, rules of procedure, and rules of court concerning frivolous filings, false statements, or abusive litigation.

For purposes of this rule, "generative artificial intelligence tool" means computer software or services capable of generating new content, including text, images, audio, or code, in response to user prompts. This rule does not apply to the routine use of non-generative tools such as word-

processing software, spell-checkers, citation-formatting tools, or traditional legal research databases that do not generate substantive content.

(b) Application of Existing Duties. A lawyer who uses a generative artificial intelligence tool shall comply with all existing duties under these Rules, including but not limited to:

- (1) competence under SCR 20:1.1, including acquiring and maintaining sufficient understanding of the capabilities and limitations of any generative artificial intelligence tool the lawyer uses;
- (2) confidentiality under SCR 20:1.6, including taking reasonable steps to prevent the disclosure of information relating to the representation of a client when using generative artificial intelligence tools; and
- (3) candor toward the tribunal under SCR 20:3.3, including the duty not to submit false statements of fact or law or false evidence generated in whole or in part by a generative artificial intelligence tool.

(c) Verification and Disclosure.

- (1) A lawyer shall not submit to a tribunal, or cause to be submitted, any filing, document, or other written work product that relies on or incorporates content generated by a generative artificial intelligence tool unless the lawyer has independently reviewed and verified the accuracy of all statements of fact and law and the authenticity of all citations. A lawyer's use of generative artificial intelligence tools shall be treated as the use of a non-lawyer assistant for purposes of SCR 20:5.3.
- (2) When a lawyer submits to a tribunal a filing or document that relies on or incorporates substantive content generated by a generative artificial intelligence tool, the lawyer shall include, either within the document or in a separate certification filed simultaneously, a statement disclosing:
 - a. that a generative artificial intelligence tool was used in preparing the filing or document;
 - b. the specific tool or system used; and
 - c. a brief description of the purposes for which the tool was used.
- (3) A self-represented litigant who uses a generative artificial intelligence tool in preparing any filing, document, or other written work product for submission to a tribunal of this state should independently review and verify the accuracy of all statements of fact and law and the authenticity of all citations before filing, and shall disclose such use in the same manner

described in paragraph (2). A self-represented litigant remains personally responsible for the content of all submissions.

(d) Judicial and Staff Use. Judges, court commissioners, and court staff who use generative artificial intelligence tools in connection with the drafting of orders, opinions, or other court documents remain personally responsible for the content of such documents and shall ensure that any AI-assisted content is independently reviewed for accuracy and consistency with applicable law and the record.

(e) No presumption from use. The use of a generative artificial intelligence tool, standing alone, does not create a presumption of misconduct or impropriety by a lawyer, judge, court staff member, or self-represented litigant. Misconduct, sanctionable conduct, or other adverse consequences may arise only from a person's failure to comply with applicable duties, statutes, or rules, including those specified in this rule, when using such tools.

(f) Education and Public Information. The Office of Lawyer Regulation and the Judicial Education Office are encouraged to provide ongoing educational programming concerning generative artificial intelligence tools and the application of these Rules to their use. The Director of State Courts is encouraged to make publicly available, in plain language, information for self-represented litigants regarding responsible use of generative artificial intelligence tools in Wisconsin courts.

(g) Form of Disclosure. The court may approve a standard disclosure and certification form for use under paragraph (c). In the absence of such a form, a disclosure substantially in the following form satisfies paragraph (c)(2) and (3):

AI DISCLOSURE AND CERTIFICATION

The undersigned discloses that generative artificial intelligence tools were used in preparing this filing. The tools used included [identify tools, e.g., large-language-model-based legal drafting assistance]. AI was used to [briefly describe uses, such as organizing arguments, suggesting draft language, or editing for clarity and consistency].

Generative AI systems can generate errors, may reflect outdated law, and may contain biases or limitations based on their design and training; they do not replace independent legal judgment or Wisconsin-specific legal research. The undersigned certifies that all AI-assisted content in this filing has been independently reviewed, edited, and verified for accuracy, appropriateness, and

compliance with Wisconsin law and applicable court rules, and that the undersigned accepts full responsibility for the contents of this document.

Comment

This rule clarifies the application of existing professional responsibility rules to the use of generative artificial intelligence technology. Artificial intelligence, particularly generative artificial intelligence, is increasingly used by legal practitioners, courts, and self-represented litigants to draft documents, conduct legal research, analyze data, and perform other tasks. While such tools can enhance efficiency and access to justice, they also present risks, including the generation of inaccurate legal citations, fabrication of non-existent authorities, disclosure of confidential information, and perpetuation of bias.

This rule emphasizes that existing “ethical duties” competence, confidentiality, candor, and supervisory responsibility apply fully to the use of AI tools. Lawyers, judges, and self-represented litigants remain personally responsible for their work product and must independently verify AI-generated content before relying on or submitting it. The disclosure requirement in subsection (c) ensures transparency and promotes accountability while carving out routine non-generative tools.

The rule is consistent with ABA Formal Opinion 512 (2024) and with policies and local rules adopted by the Illinois Supreme Court, Kenosha County Circuit Court, federal district courts, and other jurisdictions. The disclosure requirement is modeled on Kenosha County Circuit Court Rule CR 02-12, which has proven workable in practice.

This rule promotes responsible innovation while protecting the integrity of the legal system, public trust in the judiciary, and the rights of litigants.

Dated: February 15, 2026

Respectfully submitted,



Jay Stone
10501 82nd St.
Pleasant Prairie, WI 53158
262-455-0027
JayJoelStone@gmail.com