

SEP 28 2026

CLERK OF SUPREME COURT
OF WISCONSIN**STATE OF WISCONSIN
IN SUPREME COURT****In re: Proposed Creation of Supreme Court Rules 76.20–76.24 Relating to Equal Access to
Artificial Intelligence in Legal Proceedings**

SUPPORTING MEMORANDUM**I. INTRODUCTION AND STATEMENT OF THE PROBLEM**

Artificial intelligence (“AI”) tools have become increasingly integrated into the legal system. Attorneys use AI-powered research platforms such as Westlaw and LexisNexis, as well as generative AI tools such as ChatGPT, Claude, and CoCounsel, for legal research, document analysis, case summarization, and drafting. Judges and court personnel likewise use AI tools to assist in research and analysis. The use of these tools confers significant advantages in research speed, analytical depth, precedent identification, and argument structuring.

Courts across the country — particularly federal district courts — have responded to the growing use of AI with a rapidly expanding and inconsistent patchwork of standing orders. Some orders ban AI use outright for every filer in a case, some require disclosure and certification from every filer, and some courts and jurisdictions have declined to adopt any AI-specific rule at all, concluding that existing rules of professional conduct and Rule 11 already suffice. Wisconsin itself currently has no statewide rule; only a small number of circuit courts have adopted local disclosure requirements.

This inconsistency disproportionately harms self-represented litigants. A represented party has counsel to track which standing orders apply, to build compliant disclosure language into every filing, and to verify AI-assisted work as a matter of routine practice. A self-represented litigant typically has none of that infrastructure, and may not learn that a disclosure or verification obligation applied to their filing until after a court has already penalized them for missing it. At the same time, no court or jurisdiction reviewed by the petitioner requires a judge to disclose the judge’s own use of AI in reaching a decision — even as litigant-facing disclosure obligations multiply. This petition seeks to establish uniform Wisconsin rules that guarantee equal access, prohibit discrimination based on AI use, require transparency from every participant in the system — including the judiciary — and preserve existing obligations of accuracy and candor.

II. THE PROBLEM OF INCONSISTENT AND ONE-SIDED AI RULES

The core problem addressed by this petition is not that any single rule formally exempts attorneys from disclosure while binding only self-represented litigants — in fact, as discussed in Section IX below, most of the federal standing orders reviewed by the petitioner apply their disclosure or certification requirements to attorneys and pro se litigants alike. The problem is narrower, but no less real:

First, no jurisdiction reviewed by the petitioner imposes any disclosure obligation on judges. Litigants — represented and self-represented alike — are increasingly required to disclose their use of AI, verify citations, and certify accuracy, often under threat of sanctions or dismissal. No comparable obligation exists anywhere for the judges deciding their cases, even though judges and court staff use the same research and drafting tools. SCR 76.23 closes that gap.

Second, the existing patchwork falls unevenly in practice, even where it is even on its face. A rule that binds “any attorney or pro se party” equally in text still burdens a self-represented litigant more heavily in practice: the litigant must independently discover that a particular judge’s standing order exists, correctly interpret what it requires, and build compliant disclosure language into a filing without the benefit of a firm’s practice-management systems or a colleague to check the work. A missed or malformed disclosure can result in a filing being struck or a sanction being imposed on a party who had no institutional support to get it right — a risk represented parties rarely face to the same degree.

Third, the rules that do exist are wildly inconsistent from court to court, ranging from outright prohibition to mandatory disclosure to no rule at all, as detailed in Section IX. That inconsistency leaves self-represented litigants — who move between courts, or who cannot afford to research each judge’s individual standing order — with no reliable way to know what is expected of them.

The problem is not hypothetical for the petitioner. The petitioner has personally experienced the consequences of this disparity in Kenosha County Circuit Court Case No. 2025SC002971 (*IJS Storage, LLC v. Fagan*), where Judge David P. Wilk read the county’s AI disclosure rule (CR 02-12) on the record at a hearing on November 4, 2025. The petitioner complied in good faith by filing a Supplemental Notice of AI Compliance on November 5, 2025, disclosing his use of DeepSeek as a legal research and drafting tool. Despite this good-faith compliance, Judge Wilk has not enforced CR 02-12 consistently or uniformly against other litigants in his courtroom. The petitioner’s compliance was then weaponized against him: on August 23, 2026, a local publication published an article mocking the petitioner’s AI-generated filings as a “mountain of AI-generated paper” and using the petitioner’s court-filed compliance as evidence against him. On September 9, 2026, the publisher refused to retract the article, citing the petitioner’s CR 02-12 compliance as a basis for the refusal. This creates a perverse Catch-22: local rules require litigants to disclose AI use, but the disclosure is then weaponized against them in both judicial and public settings.

III. LEGAL AUTHORITY FOR THE PROPOSED RULES

This petition is directed to the Supreme Court’s rule-making authority under Wis. Const., art. VII, sec. 3(1) and Wis. Stat. § 751.12.

Article VII, Section 3(1) of the Wisconsin Constitution grants the Supreme Court “superintending and administrative authority over all courts.” Wis. Stat. § 751.12 provides that

the Supreme Court “may prescribe rules of pleading, practice and procedure in judicial proceedings in all courts.”

The Supreme Court’s Internal Operating Procedures, Section V, confirm that the Court may consider petitions for the creation or amendment of rules governing “pleading, practice and procedure in judicial proceedings in all courts,” provided that the court deems the petition to have arguable merit.

These rules address pleading, practice, and procedure in judicial proceedings — specifically, the manner in which filings are prepared and submitted, the standards applied to their evaluation, and the transparency obligations of all parties. These matters fall squarely within the Supreme Court’s rule-making authority.

IV. THE EQUAL ACCESS PRINCIPLE

A. The Right to Use AI Tools

The proposed SCR 76.20 establishes the right of all litigants — including self-represented litigants — to use AI tools in the preparation of filings, subject to disclosure and verification requirements. This right is fundamental to ensuring equal access to justice.

The principle is simple: if attorneys may use AI tools to research, draft, and analyze legal documents, self-represented litigants must have the same right. The tools available to both groups are identical — ChatGPT, Claude, Westlaw AI, LexisNexis AI — yet, absent this rule, whether and how a litigant may use them can vary by county, by courthouse, and by the individual judge assigned to the case.

B. Prohibition on Inconsistent Standards

The proposed SCR 76.20(2) prohibits courts from adopting any standing order, local rule, or policy that restricts AI use by litigants while permitting AI use by attorneys or judges. Any such inconsistent policy is declared void and unenforceable.

This provision does not prohibit AI use by anyone — it simply requires that whatever rules apply to one group apply equally to all, and it forecloses the possibility of a future order that does draw that line, even if none currently does so explicitly on its face.

C. Court Obligation to Inform Self-Represented Litigants

The proposed SCR 76.20(4) requires courts to provide written notice to self-represented litigants of their right to use AI tools and of the disclosure obligations that come with it. This directly addresses the practical disparity identified in Section II: a self-represented litigant cannot be expected to comply with a standing order they were never informed exists.

V. THE DISCLOSURE FRAMEWORK

A. Litigant Disclosure Requirement

The proposed SCR 76.22 requires any litigant who uses AI in the preparation of a filing to include a written disclosure identifying the AI tool(s) used, the nature of the AI assistance, and a certification that the litigant has reviewed the filing and takes full responsibility for its content.

This disclosure framework serves multiple purposes:

1. **Transparency:** It ensures that the court and opposing parties are aware when AI was used, promoting trust in the process.
2. **Accountability:** It reinforces that the litigant — not the AI tool — is responsible for the content of the filing. AI is a tool, not a litigant. The human who uses the tool bears full responsibility for what it produces.
3. **Deterrence of misuse:** By requiring disclosure, the rule discourages the submission of fabricated content. A litigant who must disclose AI use and certify responsibility is less likely to submit unverified or fabricated material.

B. Verification of Citations

The proposed SCR 76.22(3) specifically addresses the issue of fabricated citations — a problem that has arisen in numerous cases involving AI-generated filings, discussed further in Section IX below. The rule requires any litigant who uses AI to generate or identify legal citations to verify their existence and accuracy before submitting the filing.

Importantly, the rule provides that the mere use of AI to identify citations is not itself a basis for sanctions. Sanctions apply only when citations are fabricated or inaccurate — regardless of whether AI was used. This ensures that the rule targets the problem (false content) rather than the tool (AI).

C. Equal Application to Attorneys

The proposed SCR 76.22(7) makes clear that the disclosure requirements apply equally to attorneys. No attorney is exempt from disclosing AI use. This ensures Wisconsin's rule does not create the asymmetry that a narrower, litigant-only rule would risk creating.

VI. JUDICIAL TRANSPARENCY

A. Judicial Disclosure of AI Use

The proposed SCR 76.23 requires any judge who uses AI tools in the research, analysis, or preparation of any ruling, order, or opinion to disclose such use to the parties.

This provision is based on a simple principle of fairness: if litigants must disclose their use of AI, judges must do the same. The public's confidence in the judicial system depends on

transparency. If a judge uses an AI tool to research precedents, summarize case materials, or draft an opinion, the parties have a right to know. As detailed in Section IX, the petitioner is not aware of any existing federal or state court rule that imposes this obligation on judges; SCR 76.23 would make Wisconsin the first to do so.

B. No Secret AI Usage

The proposed SCR 76.23(3) prohibits judges from using AI tools without disclosure. The use of AI tools by judges without disclosure may be grounds for a motion to reconsider any ruling so affected.

This provision is not intended to discourage judicial use of AI — it is intended to ensure that such use is transparent and subject to the same scrutiny that litigants face.

C. Recusal

The proposed SCR 76.23(4) addresses the potential conflict of interest when a judge uses an AI system developed, maintained, or influenced by a party to the case or an entity with a financial interest in the outcome. In such circumstances, the judge must recuse themselves or not use such AI system in connection with the case.

VII. PRESERVATION OF EXISTING OBLIGATIONS

The proposed SCR 76.24 makes clear that the new rules do not modify any existing obligations regarding the accuracy of filings, the duty of candor to the court, or the obligation to verify all citations and legal authorities.

This section is critical because it addresses one of the primary concerns raised by opponents of AI use in legal proceedings — the fear that AI-generated filings may contain fabricated content. The rules do not excuse such conduct. They simply ensure that the consequence for submitting false content is the same regardless of whether AI was used to produce it.

The rules also preserve all constitutional rights, including the right to due process, equal protection, access to the courts, and the right to a human decision-maker. Nothing in the rules authorizes AI to render binding judgments or replace human adjudicators.

VIII. EFFECT ON PROCEDURAL AND SUBSTANTIVE RIGHTS

Rules that the Supreme Court promulgates to regulate pleading, practice, and procedure “shall not abridge, enlarge, or modify substantive rights of any litigant.” Wis. Stat. § 751.12(1). The proposed rules are consistent with this limitation.

Procedural rights. The proposed rules affect procedural rights only in the sense that all rules of pleading and practice do: they establish a uniform disclosure format (SCR 76.22(2)) and a uniform standard for evaluating AI-assisted filings (SCR 76.21(2)). They do not alter any deadline, any standard of review on the merits, or any burden of proof. Every litigant remains

subject to the same substantive standards that would apply to an identical filing prepared without AI assistance.

Substantive rights. The proposed rules do not create, eliminate, or modify any substantive right. SCR 76.24(4) expressly preserves all constitutional rights, including due process, equal protection, access to the courts, and the right to a human decision-maker. No litigant gains or loses a cause of action, a defense, or any substantive entitlement as a result of these rules. The rules govern only the manner in which a filing prepared with AI assistance is disclosed and evaluated — not the substance of what may be filed or how it is ultimately decided.

IX. EXPERIENCE OF OTHER JURISDICTIONS

The petitioner has reviewed publicly available standing orders and rules from a sample of other federal and state courts. That review confirms both the need for uniform treatment and the wide inconsistency that currently exists:

Outright prohibition. The U.S. District Court for the Northern District of Ohio (Judge Christopher A. Boyko) and the U.S. District Court for the Southern District of Ohio (Judge Michael J. Newman) have each adopted standing orders that prohibit any attorney or pro se party from using AI in the preparation of any filing, subject to sanctions including striking the pleading or dismissal.

Mandatory disclosure and certification. The U.S. District Court for the Eastern District of Pennsylvania (Judge Michael M. Baylson; Judge Kai N. Scott), the U.S. District Court for the District of New Mexico (Judge Margaret I. Strickland), the U.S. District Court for the District of Colorado (Judge Nina Y. Wang), the U.S. Court of International Trade (Judge Jennifer Choe-Groves), and the U.S. District Court for the Southern District of Texas (General Order 2025-04) have each adopted standing orders requiring disclosure of AI use and certification of accuracy, applicable to attorneys and self-represented litigants alike.

No rule adopted. The U.S. Court of Appeals for the Fifth Circuit proposed a certification requirement in November 2023, opened it for public comment, and declined to adopt it in June 2024, concluding that existing attorney obligations already covered the concern. The Illinois Supreme Court’s “Illinois Supreme Court Policy on Artificial Intelligence,” effective January 1, 2025, goes further in the opposite direction, affirmatively recommending that Illinois state court judges *not* require disclosure of AI use in pleadings.

Judicial disclosure. The petitioner is not aware of any federal or state court rule, in any jurisdiction reviewed, that requires a judge to disclose the judge’s own use of AI in reaching a decision. SCR 76.23 would be a novel provision in this respect.

This sample illustrates the point made in Section II: the governing standard for an identical filing can range from an outright ban to a detailed certification requirement to no rule at all, depending solely on which judge or court happens to be assigned to the case. Uniform statewide rules would replace that unpredictability with a single, known standard.

X. RELATED PENDING PETITION

The petitioner is aware of one related petition currently pending before this Court: **Petition 26-02**, filed by self-represented litigant Jay Stone, which would require a self-represented litigant who uses a generative AI tool to independently verify the accuracy of the filing and disclose that use in the same manner as an attorney, and which would also require disclosure by the court.

Petition 26-02 and this petition address overlapping subject matter but are not duplicative. Petition 26-02 is framed primarily as a disclosure and verification obligation applicable to self-represented litigants. This petition is broader: it establishes an affirmative right to use AI tools (SCR 76.20), an anti-discrimination rule protecting litigants who comply with disclosure requirements from adverse treatment based on AI use alone (SCR 76.21), and a rule voiding any local standing order that treats litigants and attorneys inconsistently (SCR 76.20(2)) — none of which, to the petitioner’s knowledge, are addressed in Petition 26-02. The two petitions are complementary, and the petitioner respectfully suggests the Court may wish to consider them together.

XI. FISCAL AND ADMINISTRATIVE IMPACT

The proposed rules create no new committee, office, program, or appropriation. The petitioner anticipates the following limited administrative impact:

1. Courts and the Director of State Courts Office may need to update self-help materials, forms, and website content to include the written notice to self-represented litigants required by SCR 76.20(4).
2. Courts may need to review and, where necessary, rescind or amend existing local rules or standing orders that are inconsistent with SCR 76.20(2).
3. No new staff, funding, or infrastructure is required to implement or enforce these rules. Compliance is self-executing: litigants and attorneys include the disclosure in their own filings, and judges include the disclosure in their own rulings.

The petitioner is not aware of any fiscal impact beyond the limited, one-time administrative steps described above.

XII. CONSULTATION

As of the date of this filing, the petitioner has not formally consulted with the Director of State Courts Office, the State Bar of Wisconsin, or any other committee, agency, or organization regarding this specific proposal. The petitioner welcomes input from these bodies, from the bench and bar generally, and from the public during any comment period the Court may order, and would be glad to confer with the Director of State Courts Office or any interested committee prior to a public hearing.

XIII. THE NEED FOR EXPEDITED CONSIDERATION

This petition is not an abstract exercise in rule-making. The absence of uniform rules governing the use of artificial intelligence in Wisconsin courts is causing immediate, documented, and continuing harm to self-represented litigants. The petitioner requests expedited consideration for the following reasons:

A. A Wisconsin Circuit Court Has Already Used AI as a Basis for Adverse Treatment

In Kenosha County Circuit Court Case No. 2025SC002971 (*IJS Storage, LLC v. Fagan*), Judge David P. Wilk read Kenosha County Local Rule CR 02-12 on the record at a hearing on November 4, 2025. (See Exhibit A.) The rule requires litigants to disclose when they use AI in preparing court filings. The petitioner complied in good faith by filing a Supplemental Notice of AI Compliance on November 5, 2025, disclosing his use of DeepSeek as a legal research and drafting tool, including for “legal research, brainstorming arguments, drafting textual content, checking for clarity, and formatting citations.” (See Exhibit A.)

Despite the petitioner’s good-faith compliance, Judge Wilk has not enforced CR 02-12 consistently or uniformly. As a local publication reported, Judge Wilk “did nothing meaningful” to enforce the disclosure rule and “made clear through his handling of [the petitioner] and other AI-dependent litigants that he will not enforce the disclosure rule, at least in his courtroom.” (See Exhibit C.) The result is that the petitioner complied with a rule that is not uniformly enforced — and his compliance was then used against him.

The proposed SCR 76.21(1)(e) directly addresses this problem by prohibiting courts from referring to a litigant’s use of AI in a manner that disparages, prejudices, or otherwise negatively characterizes such use. The proposed SCR 76.20(2) addresses the inconsistent-enforcement problem by voiding any local rule, standing order, or policy that is inconsistent with the uniform statewide standards established by these rules.

B. AI Disclosure Is Being Weaponized Against Litigants

On August 23, 2026, a local publication (Kenosha County Eye) published an article publicly mocking the petitioner’s use of AI in court filings, characterizing AI-generated filings as a “mountain of AI-generated paper” and stating that “AI can make stupid people sound smart in court documents, at least temporarily.” (See Exhibit C.) The article also criticized Judge Wilk for not enforcing the disclosure rule, while simultaneously using the petitioner’s compliance with that same rule as a basis for public disparagement.

On September 9, 2026, the publisher refused to retract the article. (See Exhibit D.) In his refusal letter, the publisher cited the November 4, 2025 transcript — in which Judge Wilk asked the petitioner about his AI use on the record — and the petitioner’s November 5, 2025 Supplemental Notice of AI Compliance as evidence against him. The publisher wrote: “You acknowledged that you had asked questions, received answers, and taken some of those answers and edited them for use.” The publisher used the petitioner’s court-filed disclosure — filed in good-faith compliance with CR 02-12 — as the primary basis for refusing to retract. (See Exhibit D.)

This creates a perverse Catch-22 for self-represented litigants: local rules require disclosure of AI use, but the disclosure is then weaponized against the litigant in both judicial proceedings and the court of public opinion. Without uniform statewide rules establishing that (1) AI use is permissible and (2) disclosure cannot be used as a basis for adverse treatment, self-represented litigants face an untenable choice: comply with local disclosure rules and risk having that compliance used against them, or forego AI tools entirely and face the inherent disadvantages of proceeding without legal counsel.

The proposed SCR 76.21(4) addresses this problem by creating a rebuttable presumption of good faith where a litigant has complied with disclosure requirements. The proposed SCR 76.22(5) provides that a litigant who makes a good-faith disclosure shall not be subject to any penalty, sanction, or adverse inference solely on the basis of the disclosure.

C. The Underlying State Court Case Is Still Active

Case No. 2025SC002971 is not a closed matter. The petitioner has a motion pending before Judge Wilk for the return of his \$1,000 surety bond (undertaking), filed on August 27, 2026. (See Exhibit A.) As of September 3, 2026, Judge Wilk’s judicial assistant confirmed that the judge is “doing some research on the topic and will let me know when he has an answer.” (See Exhibit B.)

The case remains on Judge Wilk’s docket, and the petitioner continues to appear before a judge who has read the AI disclosure rule on the record but has not enforced it uniformly — and who has not been provided with any uniform statewide standard governing how AI use may and may not be considered in evaluating filings. Every filing the petitioner makes in this active case is potentially subject to the same arbitrary, inconsistent treatment that has already caused documented harm.

D. Local AI Rules Are Enforced Inconsistently

Kenosha County Local Rule CR 02-12 requires disclosure of AI use in court filings. On November 4, 2025, Judge Wilk read the AI rule on the record in Case No. 2025SC002971. (See Exhibit A.) The petitioner filed a Supplemental Notice of AI Compliance on November 5, 2025, in good-faith compliance with the local rule. (See Exhibit A.)

However, the same local publication that later attacked the petitioner noted that Judge Wilk “did nothing meaningful” to enforce the disclosure rule and “made clear through his handling of [the petitioner] and other AI-dependent litigants that he will not enforce the disclosure rule, at least in his courtroom.” (See Exhibit C.) This means that even where local rules exist, they are enforced inconsistently from courtroom to courtroom — creating arbitrary and unpredictable standards that deny litigants due process and equal protection.

The proposed SCR 76.20(2) addresses this problem by voiding any local rule, standing order, or policy that is inconsistent with the uniform statewide standards established by these rules.

E. A Related Pending Petition Addresses Only Half the Problem

Petition 26-02 (Jay Stone) addresses AI disclosure by self-represented litigants and the court. However, that petition does not address the equal access principle — the right of all litigants to use AI tools on the same terms as attorneys and judges. If the Court acts on Petition 26-02 without simultaneously addressing equal access, the result would be a rule requiring self-represented litigants to disclose AI use while providing no protection against that disclosure being used as a basis for adverse rulings, negative characterization, or public disparagement. This would compound the two-tiered problem rather than resolve it.

F. The Harm Is Ongoing and Worsening

The number of self-represented litigants using AI tools in Wisconsin courts is increasing. The number of local courts adopting ad hoc AI policies — some conflicting with others — is also increasing. Each day that passes without uniform statewide rules results in additional inconsistent rulings, additional harm to litigants, and additional entrenchment of the two-tiered system. The Wisconsin Supreme Court has previously recognized that unique, time-sensitive circumstances support expedited procedures. See Supreme Court Order 422 (expediting appeals in competency restoration cases due to short statutory timelines). The circumstances here are analogous: every day without rules, litigants are being harmed by the absence of standards.

G. The Petitioner Is Personally Experiencing the Harm in Active State Court Litigation

The petitioner is a self-represented litigant with an active case in Wisconsin state court — Kenosha County Circuit Court Case No. 2025SC002971 (*IJS Storage, LLC v. Fagan*), with a pending motion before Judge Wilk for the return of his \$1,000 surety bond. (See Exhibit A.) In this case, the petitioner’s use of AI has been referenced, characterized, and weaponized — by the court, by opposing counsel, and by the media — in the absence of any uniform rules governing how AI use may and may not be considered. (See Exhibits B, C, D.) The harm is not abstract. It is happening now, to this petitioner, in an active case before a Wisconsin circuit court judge who has already read the AI disclosure rule on the record but lacks uniform statewide guidance on how to apply it.

XIV. EXHIBIT INDEX

The following exhibits are appended to this Supporting Memorandum in support of the factual assertions set forth above, particularly in Section XIII. The exhibits are submitted to document the urgency of the harm described in this petition and to support the request for expedited consideration.

Exhibit	Description	Relevance
Exhibit A	Selected pages from the CCAP case record for Kenosha County Circuit Court Case No. 2025SC002971 (<i>IJS Storage, LLC v. Fagan</i>), showing the	Documents the existence of the case, Judge Wilk’s reading of the AI disclosure rule on the record, the petitioner’s good-faith compliance, and the pending

Exhibit	Description	Relevance
	November 4, 2025 hearing entry (where Judge Wilk read CR 02-12 on the record), the November 5, 2025 Supplemental Notice of AI Compliance filing, the August 27, 2026 motion for return of \$1,000 surety bond, and the August 28, 2026 addendum cover letter regarding prior AI compliance	motion demonstrating the case remains active
Exhibit B	Email exchange between the petitioner and Judge Wilk’s judicial assistant (Hanna Christensen), dated August 26–September 3, 2026, confirming the pending motion for return of the \$1,000 surety bond and that Judge Wilk is “doing some research on the topic” as of September 3, 2026	Documents that the case is still active and that the petitioner continues to appear before Judge Wilk in a matter where AI use has been raised
Exhibit C	Article published in Kenosha County Eye on August 23, 2026, by Kevin Mathewson, titled “Federal Judge Buries Mt. Pleasant Man’s AI-Generated RICO Case After Judge Wilk Allowed Eviction Fight To Spiral Out Of Control”	Documents the weaponization of the petitioner’s AI disclosure — the article mocks the petitioner’s “mountain of AI-generated paper,” uses his CR 02-12 compliance against him, and notes Judge Wilk’s failure to enforce the disclosure rule
Exhibit D	Letter from Kevin Mathewson to the petitioner dated September 9, 2026, refusing to retract the August 23, 2026 article, accompanied by a cover sheet explaining the limited purpose for which this exhibit is submitted	Documents the Catch-22: the publisher cites the petitioner’s November 4, 2025 hearing transcript and November 5, 2025 Supplemental Notice of AI Compliance — both products of good-faith compliance with CR 02-12 — as the primary basis for refusing to retract the disparaging article

Note regarding Exhibit D: Exhibit D contains references to federal court proceedings and to a separate state court case (Kenosha County Circuit Court Case No. 2025CV000918). These references are not adopted by the petitioner and are not relevant to this petition. The petitioner’s resort to federal court was necessitated by the inability to obtain a fair and unbiased hearing in related state court proceedings, including Kenosha County Circuit Court Case No. 2025CV000918, which the petitioner voluntarily dismissed for that reason. Exhibit D is submitted solely to document the weaponization of the petitioner’s state-court AI disclosure in Case No. 2025SC002971. This petition addresses only the petitioner’s experience in that state court case before Judge David P. Wilk.

XV. CONCLUSION

The proposed rules address a genuine and growing problem in the Wisconsin judicial system: a rapidly expanding, inconsistent, and one-sided patchwork of AI-related standards that leaves self-represented litigants uncertain of their rights, imposes no comparable transparency obligation on the judges deciding their cases, and offers no statewide guidance at all. This disparity undermines the principle of equal justice under law and disproportionately harms those who can least afford institutional support in navigating it.

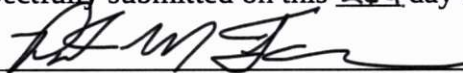
The rules are narrowly tailored to address this problem without creating unnecessary administrative burdens. They do not establish a pilot program, oversight committee, or other administrative infrastructure — such mechanisms may be addressed through separate legislation or subsequent rule petitions if deemed necessary.

The rules accomplish four objectives:

1. **Equal access:** All litigants may use AI tools, subject to the same disclosure requirements.
2. **Anti-discrimination:** No filing may be penalized solely because AI was used in its preparation.
3. **Transparency:** All parties — including judges — must disclose their use of AI.
4. **Preservation of obligations:** Existing duties of candor, accuracy, and verification remain fully in effect.

The petitioner respectfully requests that the Supreme Court deem this petition to have arguable merit, grant the request for expedited consideration set forth in Section 13 of the Cover Sheet and Section XIII of this Memorandum, schedule this petition for public hearing at the earliest practicable date, and proceed with the rule-making process as set forth in the Court's Internal Operating Procedures. The expedited consideration is sought because the petitioner is currently experiencing the harm addressed by this petition in an active Wisconsin state court case — Kenosha County Circuit Court Case No. 2025SC002971 — where he appeared before Judge David P. Wilk, who read the county's AI disclosure rule (CR 02-12) on the record but has not enforced it uniformly, and where the petitioner's good-faith compliance with that rule was subsequently weaponized against him in both judicial and public settings. Every day without uniform statewide rules, the petitioner and other self-represented litigants face the same arbitrary, inconsistent treatment.

Respectfully submitted on this 26th day of September, 2026.



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SEP 28 2026

**STATE OF WISCONSIN
IN SUPREME COURT**CLERK OF SUPREME COURT
OF WISCONSIN**In re: Proposed Creation of Supreme Court Rules 76.20–76.24 Relating to Equal Access to
Artificial Intelligence in Legal Proceedings**

EXHIBIT A — COVER SHEET**IDENTIFICATION OF EXHIBIT**

Exhibit A consists of selected pages from the publicly available Consolidated Court Automation Programs (CCAP) case record for Kenosha County Circuit Court Case No. 2025SC002971 (IJS Storage, LLC v. Fagan), accessed on September 20, 2026. The pages selected include:

1. Case summary page — showing the case filing date (October 2, 2025), case type (Small Claims, Eviction), responsible official (Wilk, David, Branch 5), and party information (IJS Storage, LLC as plaintiff; Patrick Fagan as defendant), with Attorney John Michael McTernan representing IJS Storage, LLC.
2. November 4, 2025 hearing entry — showing the hearing before Judge Wilk with court reporter Janet Leibhan, at which Judge Wilk “reminds parties of local rules and reads AI portion on the record,” and the transcript of that hearing (filed November 13, 2025).
3. November 5, 2025 filing entry — showing the “Supplemental Notice of AI Compliance and Objection to Enforceability of Local Rule CR 02-12 with Exhibits A–C” filed by the defendant, demonstrating the petitioner’s good-faith compliance with the local AI disclosure rule.
4. August 27, 2026 motion entry — showing “Defendant’s motion for return of undertaking and request for order without hearing. Forwarded to Court,” demonstrating the pending motion before Judge Wilk.
5. August 28, 2026 filing entry — showing “DE’s Addendum Cover Letter Regarding Prior AI Compliance Notice,” referencing the November 5, 2025 filing.
6. October 31, 2025 receipt entry — showing receipt of \$1,000.00, documenting the surety bond (undertaking) posted by the petitioner.

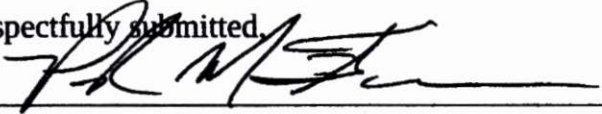
PURPOSE OF THIS EXHIBIT

This exhibit is submitted to document the following factual assertions made in Section XIII of the Supporting Memorandum:

1. The case exists and is assigned to Judge David P. Wilk, Branch 5, Kenosha County Circuit Court.
2. Judge Wilk read CR 02-12 on the record at the November 4, 2025 hearing, placing the petitioner on notice of the local AI disclosure requirement.
3. The petitioner complied in good faith by filing the Supplemental Notice of AI Compliance on November 5, 2025, disclosing his use of DeepSeek as a legal research and drafting tool.
4. The case remains active with a pending motion for return of the petitioner's \$1,000 surety bond, filed August 27, 2026, and an addendum filed August 28, 2026, referencing the prior AI compliance notice.
5. The petitioner posted a \$1,000 surety bond (undertaking) on October 31, 2025, which remains in the custody of the Clerk of Court pending Judge Wilk's ruling on the return motion.

This exhibit is submitted solely to document the factual record of the petitioner's experience with AI disclosure in this state court case. No reference to any federal court proceeding is contained in this exhibit.

Respectfully submitted,



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Dated: September 26th, 2026

Kenosha County Case Number 2025SC002971 IJS Storage, LLC vs. Patrick Fagan

Case summary

Filing date 10-02-2025	Case type Small Claims	Case status Closed - Appeal
----------------------------------	----------------------------------	---------------------------------------

Class code description Small Claims, Eviction	Responsible official Wilk, David	Branch ID 5
--	--	-----------------------

Party summary

Party type Plaintiff Defendant	Party name IJS Storage, LLC Fagan, Patrick	Party status
---	---	---------------------

Civil Judgment(s)

Type	Debtor name	Multiple debtors	Amount	Satisfaction	Judgment status	Date
Judgment for eviction	Fagan, Patrick	No				
Judgment for eviction	Fagan, Patrick	No		Partial	Writ returned partially satisf	

Parties

Plaintiff: IJS Storage, LLC**Date of birth****Sex****Race****Address (last updated 10-02-2025)**

4623 - 75th Street, Suite 4 #150, Kenosha, WI 53142 US

Attorneys**Attorney name****Guardian ad litem****Entered**

McTernan, John Michael

No

10-02-2025

Defendant: Fagan, Patrick**Date of birth****Sex****Race****Address (last updated 10-31-2025)**

3943 PINEHILL BLVD, Mount Pleasant, WI 53403

Court record

Date	Event	Court official	Court reporter	Amount
08-28-2026	Other papers Additional text: DE's Addendum Cover Letter Regarding Prior AI Compliance Notice Field November 5, 2025 - Attached as Exhibit A			
08-27-2026	Motion Additional text: Defendant's motion for return of undertaking and request for order without hearing. Forwarded to Court.			

08-13-2026 Order of Court of Appeals

Additional text:

Dated 6/19/26 IT IS ORDERED that the court will take no action on the appellant's additional filings. This court's review is complete.

07-08-2026 Order Wilk, David

Additional text:

No action taken. Matter closed. Writ executed. Appeal to Court of Appeals denied.

06-25-2026 Other papers

Additional text:

Demand for Immediate and Unconditional Return of Property Cease and Desist Unlawful Demands for Payment filed by the DE

06-25-2026 Exhibit

Additional text:

Exhibit A,B, C filed by the DE

06-25-2026 Exhibit

Additional text:

Exhibit D filed by the DE

06-25-2026 Exhibit

Additional text:

Exhibit E filed by the DE

06-25-2026 Exhibit

Additional text:

Exhibit D filed by the DE

06-25-2026 Exhibit

Additional text:

Exhibit C filed by the DE

06-25-2026 Exhibit

Additional text:

Exhibit B filed by the DE

06-25-2026 Exhibit

Additional text:

Exhibit A filed by the DE

06-25-2026 Other papers

Additional text:

Demand for Immediate and Unconditional Return of Property Cease
and Desist Unlawful Demands for Payment filed by the DE

06-25-2026 Receipt

\$1.25

Additional text:

26R 018963

06-22-2026 Affidavit/Declaration of
mailing

Additional text:

Affidavit of Mailing - Letter to Court with Copies to Fagan on 06-22-
2026

06-22-2026 Letters/correspondence

Additional text:

Letter to Court with Enclosures filed by Attorney Michael McTernan

06-17-2026 Other papers

Additional text:

DE - Emergency Motion for Relief

Filed by DE

Notice to the Court Regarding Procedural Irregularities and
Preemptive Denial of Due Process

11-07-2025 Receipt \$6.25

Additional text:

25R 034590

11-06-2025 Proposed Order

11-06-2025 Affidavit/Declaration of
mailing

Additional text:

Letter and Proposed Order as to Patrick Fagan on 11-06-2025.

11-06-2025 Letters/correspondence

Additional text:

Letter to Court with copy to Defendant re Proposed Order filed by
Attorney J. Michael McTernan

11-05-2025 Other papers

Additional text:

SUPPLEMENTAL NOTICE OF AI COMPLIANCE AND OBJECTION
TO ENFORCEABILITY OF LOCAL RULE CR 02-12 WITH
EXHIBITS A - C FILED BY DEF. kp

11-04-2025 Other papers

Additional text:

Filed by DE

Defendant's Formal Notice of Rent Abatement and Habitability
Defense Under 704.07 (4)
(West Side Electrical and Center Bay Failure since February 2025)

Exhibit A-E

11-04-2025 Return of
unclaimed/undelivered
mail service

Additional text:

Notice of Motion and Motion for Stay as to Patrick Fagan returned
from USPS. Mailed to updated address on file.

11-04-2025 Hearing Wilk, David Leibhan,
Janet

Additional text:

2:35 PM Plaintiff Steven Bilik on behalf of IJS Storage, LLC in court.
Attorney John Michael McTernan in court for IJS Storage, LLC.
Defendant Patrick Fagan in court. Clerk: H. Fontaine. Matter set today
to address the undertaking filed previously. Parties make arguments
as to their positions. Court orders the defendant to submit proof of
payment for utilities every month to comply with undertaking.
Defendant to have insurance coverage complying with leave within 30
days. Defendant to comply with lease. Surety bond has been paid.
Rent to be paid by the 15th of every month. Bills to be paid within 14
days of receipt. Defendant submitted a document and provided it to
PL counsel. Court will not schedule motions prior to indication from
court of appeals. Atty McTernan makes record of issues in this case.
Defendant responds. Court reminds parties of local rules and reads Al
portion on the record. Response by defendant. Atty McTernan to
submit order under 5 day rule.
Review scheduled for January 20, 2026 at 08:00 am.

11-03-2025 Motion

Additional text:

to Dismiss filed by DE

Exhibits A-H

11-03-2025 Transcript

Leibhan,
Janet

Additional text:

Transcript - Court Trial - 10/21/2025

10-31-2025 Other papers

Additional text:

FILED BY DEF

10-31-2025 Change of address
notification for Fagan,
Patrick

Additional text:

ADDRESS INFO for Patrick Fagan

Current: 3943 PINEHILL BLVD, Mount Pleasant, WI 53403 United
States (Effective: 10-31-2025)

Prior: 1915 - 53rd Street, Kenosha, WI 53140 US

10-31-2025 Receipt

\$1.25

Additional text:

25R 033625

10-31-2025 Receipt

\$1.25

Additional text:

25R 033623

10-31-2025 Receipt

\$1,000.00

Additional text:

25R 033623

10-31-2025 Notes

Additional text:

Defendant to pay \$1,000 to the Clerk of Court's Office to hold.

Case search results

You searched for: **Last name:** Fagan, **First name:** Patrick, **County:** Kenosha

Showing 1 to 2 of 2 entries

Case number	Filing date	County name	Case status	Name	Date of birth	Caption
<u>2025SC002971</u>	10-02-2025	Kenosha	Closed	Fagan, Patrick		IJS Storage, LLC vs. Patrick Fagan <u>Patrick</u>
<u>2025CV000918</u>	08-12-2025	Kenosha	Closed	Fagan, Patrick		<u>Fagan vs.</u> Cage Home Investments, LLC et al

SEP 28 2026

STATE OF WISCONSIN
IN SUPREME COURT

CLERK OF SUPREME COURT
OF WISCONSIN

**In re: Proposed Creation of Supreme Court Rules 76.20–76.24 Relating to Equal Access to
Artificial Intelligence in Legal Proceedings**

EXHIBIT B — COVER SHEET

IDENTIFICATION OF EXHIBIT

Exhibit B consists of an email exchange between the petitioner, Patrick Fagan, and Hanna Christensen, Judicial Assistant to Judge David P. Wilk, Kenosha County Circuit Court, Branch 5, spanning August 26, 2026 through September 3, 2026. The exchange includes the following communications:

1. August 26, 2026 (11:03 AM): Petitioner emails Ms. Christensen inquiring about the procedure for obtaining the return of his \$1,000 surety bond.
2. August 26, 2026 (12:48 PM): Ms. Christensen responds that “the filing will need to be brought to 204, mailed in, faxed or efiled” and that she “will forward to Judge as soon as I receive it.”
3. August 27, 2026 (1:02 PM and 3:03 PM): Petitioner follows up after faxing his motion for return of undertaking. Ms. Christensen confirms receipt: “When the small claims clerk processed the document and I receive it I will forward it to the Judge. This is the same process as usual.”
4. September 3, 2026 (8:11 AM): Petitioner emails Ms. Christensen following up on the status of the pending motion: “it’s been a week now..... (surety bond \$1K return). What’s the word or the status on this?”
5. September 3, 2026 (10:20 AM): Ms. Christensen responds: “Judge is doing some research on the topic and will let me know when he has an answer.”

PURPOSE OF THIS EXHIBIT

This exhibit is submitted to document the following factual assertions made in Section XIII of the Supporting Memorandum:

1. The case remains active. As of September 3, 2026 — less than three weeks before the filing of this petition — Judge Wilk had a pending motion before him from the petitioner and was actively researching the matter.

2. **The petitioner continues to appear before Judge Wilk** in a matter directly arising from the same case in which the AI disclosure issue arose (2025SC002971), and in which the petitioner's use of AI has been referenced and characterized.
3. **The \$1,000 surety bond remains in the custody of the Clerk of Court**, and the petitioner's motion for its return is pending before Judge Wilk as of the date of this filing.
4. **The harm is ongoing.** The petitioner is not describing a closed or historical matter. He is currently before a Wisconsin circuit court judge who read the AI disclosure rule on the record but has not enforced it uniformly and who has not been provided with any uniform statewide guidance on how AI use may and may not be considered in evaluating filings.

This exhibit is submitted solely to document the ongoing nature of the petitioner's state court case. No reference to any federal court proceeding is contained in this exhibit.

Respectfully submitted,



Patrick Fagan
3943 Pinehill Blvd
Mount Pleasant, Wisconsin 53403
Email: passportsilver@icloud.com
Telephone: (920) 256-2096

Dated: September 26th 2026

From: **Hanna Christensen** Hanna.Christensen@wicourts.gov
Subject: **RE: [E] \$1,000.00 Surety Bond Return**
Date: **Sep 3, 2026 at 10:20:26 AM**
To: **Patrick Fagan** passportsilver@icloud.com

Good morning Mr. Fagan,

Judge is doing some research on the topic and will let me know when he has an answer.

Hanna Christensen

Judicial Assistant to Judge David P. Wilk
912 56th Street, Room 205
Kenosha, WI 53140
Email: Hanna.Christensen@wicourts.gov
Phone: 262-653-2739

From: Patrick Fagan <passportsilver@icloud.com>
Sent: Thursday, September 3, 2026 8:11 AM
To: Hanna Christensen <Hanna.Christensen@Wlcourts.gov>; Hanna Christensen <Hanna.Christensen@Wlcourts.gov>
Subject: Re: [E] \$1,000.00 Surety Bond Return

[E] CAUTION: This email originated from outside the Wisconsin Judicial Branch. Do not click links or attachments unless you recognize the sender and know the content is safe. If this email appears suspicious, or is asking you to provide sensitive information, contact the CCAP Call Center for further guidance.

Good Morning 🌞

Dear Hanna,

I hope I'm not bugging you but it's been a week now..... (surety bond \$1K return)

What's the word or the status on this ?
Please advise...

Thanks for your time.

Respectfully

Patrick Fagan
Sent from my iPhone

On Aug 27, 2026, at 3:03 PM, Hanna Christensen
<Hanna.Christensen@wicourts.gov> wrote:

Good afternoon,

When the small claims clerk processed the document and I receive it I will forward it to the Judge. This is the same process as usual.

Hanna Christensen

Judicial Assistant to Judge David P. Wilk
912 56th Street, Room 205
Kenosha, WI 53140
Email: Hanna.Christensen@wicourts.gov
Phone: 262-653-2739

From: Patrick Fagan <passportsilver@icloud.com>
Sent: Thursday, August 27, 2026 1:02 PM
To: Hanna Christensen <Hanna.Christensen@Wlcourts.gov>; Hanna Christensen <Hanna.Christensen@Wlcourts.gov>
Subject: Re: [E] \$1,000.00 Surity Bond Return

[E] CAUTION: This email originated from outside the Wisconsin Judicial Branch. Do not click links or attachments unless you recognize the sender and know the content is safe. If this email appears suspicious, or is asking you to provide sensitive information, contact the CCAP Call Center for further guidance.

Good Afternoon 🌻

Hanna,

The Fax was forwarded to You the Clerk said
I do not see it on CCAP

CLERK SAID YOU HAVE TO ENTER IT ?

Sorry for being a pain....

Patrick

12:55



◀ FaxFile Status **Fax Detail**



Fax Date August 27, 2026
8:15 AM CDT

Fax To (262) 653-2435

Status DELIVERED

Pages Sent 8

Started August 27, 2026 8:15 AM CDT

Sender (920) 256-2096

**Files Motion_for_Return_of_Under
taking.pdf (5)**

☺ 20260827-0731.pdf (2)

CoverPage20260827.pdf (1)

Sent from my iPhone

On Aug 26, 2026, at 12:48 PM, Hanna Christensen
<Hanna.Christensen@wicourts.gov> wrote:

Good afternoon,

The filing will need to be brought to 204, mailed in, faxed or efiled. I will forward to Judge as soon as I receive it.

Hanna Christensen

Judicial Assistant to Judge David P. Wilk

912 56th Street, Room 205

Kenosha, WI 53140

Email: Hanna.Christensen@wicourts.gov

Phone: 262-653-2739

From: Patrick Fagan <passportsilver@icloud.com>

Sent: Wednesday, August 26, 2026 11:03 AM

To: Hanna Christensen <Hanna.Christensen@Wlcourts.gov>; Hanna Christensen <Hanna.Christensen@Wlcourts.gov>

Subject: [E] \$1,000.00 Surety Bond Return

Mimecast Attachment Protection has deemed this file to be safe, but always exercise caution when opening files.

[E] CAUTION: This email originated from outside the Wisconsin Judicial Branch. Do not click links or attachments unless you recognize the sender and know the content is safe. If this email appears suspicious, or is asking you to provide sensitive information, contact the CCAP Call Center for further guidance.

Good Morning ☺ ! ! !

Please Reply per information or instructions
As you and Judge Wilk require.....

Thank You Very Much

Patrick Fagan

SEP 28 2026

STATE OF WISCONSIN
IN SUPREME COURT

CLERK OF SUPREME COURT
OF WISCONSIN

**In re: Proposed Creation of Supreme Court Rules 76.20–76.24 Relating to Equal Access to
Artificial Intelligence in Legal Proceedings**

EXHIBIT C — COVER SHEET

IDENTIFICATION OF EXHIBIT

Exhibit C consists of an article published in Kenosha County Eye on August 23, 2026, by Kevin Mathewson, titled “Federal Judge Buries Mt. Pleasant Man’s AI-Generated RICO Case After Judge Wilk Allowed Eviction Fight To Spiral Out Of Control.” The article is a publicly accessible web publication available at kenoshacountyeye.com.

RELEVANT CONTENT OF THE ARTICLE

The article contains the following statements relevant to this petition:

1. Mocking the petitioner’s AI-generated filings: The article characterizes the petitioner’s filings as a “mountain of AI-generated paper” and states that “AI can make stupid people sound smart in court documents, at least temporarily.”
2. Using the petitioner’s CR 02-12 compliance against him: The article notes that the petitioner “acknowledged in court that he uses artificial intelligence to produce his legal filings” and that “[h]is cases have included hundreds, and sometimes thousands, of pages of AI-generated arguments, motions, supplements and accusations.”
3. Criticizing Judge Wilk for non-enforcement of CR 02-12: The article states that “Wilk also did nothing meaningful about Fagan’s undisclosed use of artificial intelligence despite a Kenosha County local court rule requiring disclosure when AI is used to prepare court filings” and that “Wilk has made clear through his handling of Fagan and other AI-dependent litigants that he will not enforce the disclosure rule, at least in his courtroom.”
4. Using the petitioner’s good-faith compliance as a basis for public disparagement: The article simultaneously criticizes Judge Wilk for not enforcing the disclosure rule while using the petitioner’s compliance with that same rule as evidence against the petitioner — demonstrating the Catch-22 described in Section XIII(B) of the Supporting Memorandum.

PURPOSE OF THIS EXHIBIT

This exhibit is submitted to document the following factual assertions made in Section XIII of the Supporting Memorandum:

1. **AI disclosure is being weaponized against litigants.** The petitioner's good-faith compliance with Kenosha County Local Rule CR 02-12 — including his November 4, 2025 courtroom acknowledgment and his November 5, 2025 written Supplemental Notice of AI Compliance — was used as the basis for a public article that mocks and disparages the petitioner for using AI tools in court filings.
2. **The Catch-22 is real and documented.** The article simultaneously (a) criticizes Judge Wilk for not enforcing the disclosure rule and (b) uses the petitioner's compliance with that rule as evidence against him — proving that a self-represented litigant who complies with local AI disclosure requirements faces public disparagement for doing so, while a litigant who does not comply faces no consequences from the court. This is the precise Catch-22 that the proposed rules are designed to address.
3. **The article confirms inconsistent enforcement of CR 02-12.** The article's own reporting acknowledges that Judge Wilk "did nothing meaningful" to enforce the disclosure rule and "will not enforce the disclosure rule, at least in his courtroom" — documenting the inconsistent enforcement problem described in Section XIII(D) of the Supporting Memorandum.

MATERIALS NOT ADOPTED BY THE PETITIONER

The article attached as Exhibit C contains references to federal court proceedings in the United States District Court for the Eastern District of Wisconsin, including Case No. 25-cv-1974 and orders issued by Judge Brett H. Ludwig. The article also references a separate state court case, Kenosha County Circuit Court Case No. 2025CV000918, and describes Judge Angelina Gabriele's dismissal of that case.

The petitioner does not adopt, incorporate, or rely upon any of these references for any purpose in this petition. The references to federal court proceedings and to Case No. 2025CV000918 within Exhibit C are not relevant to this petition, which addresses only the petitioner's experience with AI disclosure and its consequences in Kenosha County Circuit Court Case No. 2025SC002971 before Judge David P. Wilk. Exhibit C is submitted solely to document the weaponization of the petitioner's state-court AI disclosure.

Respectfully submitted,



Patrick Fagan
3943 Pinehill Blvd
Mount Pleasant, Wisconsin 53403
Email: passportsilver@icloud.com
Telephone: (920) 256-2096

Dated: September 26th 2026

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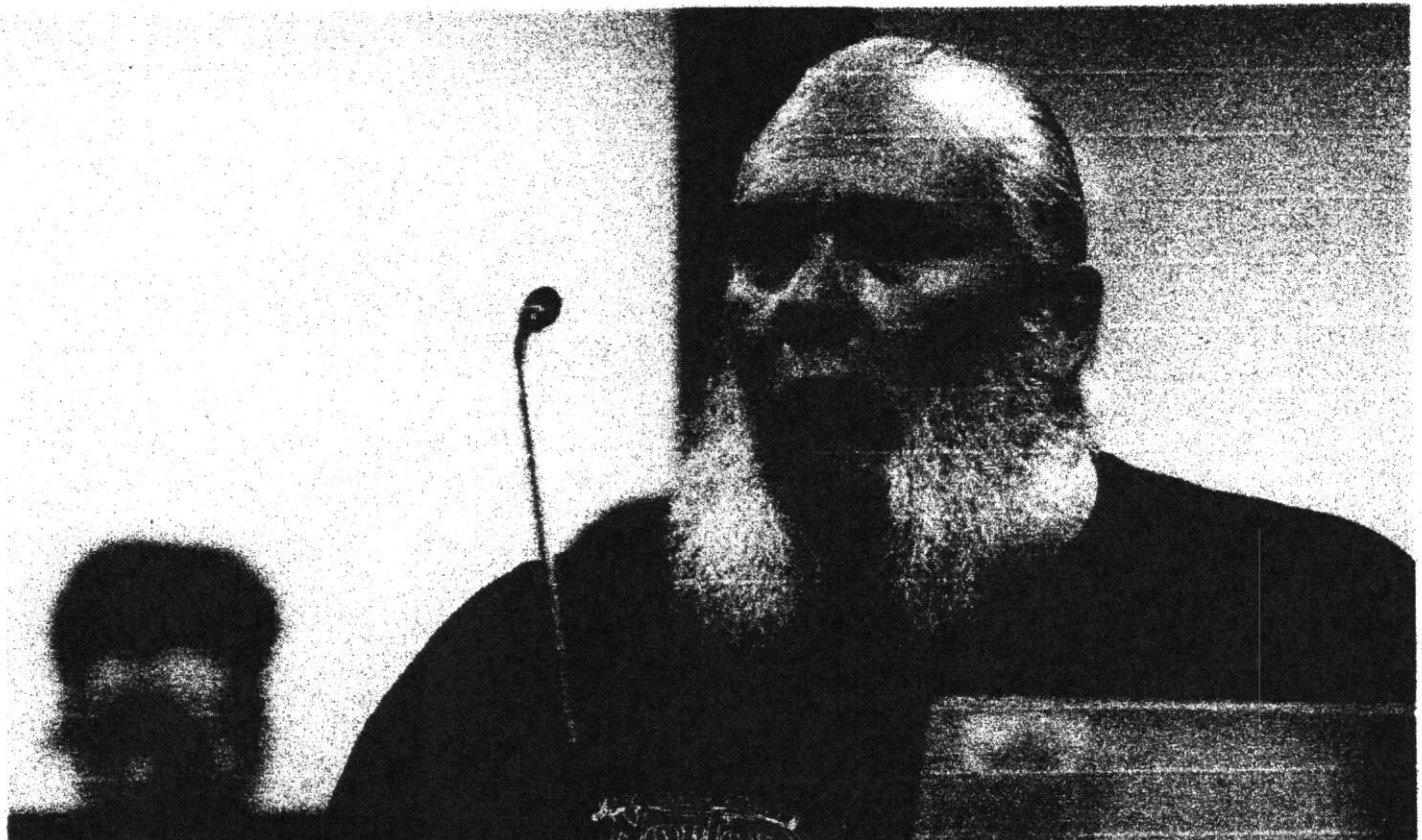
Federal Judge Buries Mt. Pleasant Man's AI-Generated Rico Case After Judge Wilk Allowed Eviction Fight To Spiral Out of Control

ook (htt ube
.co ps:/ .co
m/p /w m/c
rofil ww. han
e.p twit nel/
hp? ter. UC
id= co qm
100 m/k Pm
093 eno Dm
436 sha dIJ
382 cty sfm
8 hi
b y
til
26
WK
wL)

Kevin Mathewson(<https://kenoshacountyeye.com/author/kenoshacountyeye/>)

📅 Aug 23, 2026 - 6:14 pm(<https://kenoshacountyeye.com/2026/08/23/>)

One Comment (<https://kenoshacountyeye.com/2026/08/23/federal-judge-buries-mt-pleasant-mans-ai-generated-rico-case-after-judge-wilk-allowed-eviction-fight-to-spiral-out-of-control/#comments>)



Patrick Fagan, 66, of Mt. Pleasant in Court
(File Photo by Kevin Mathewson, Kenosha County Eye)

KENOSHA, Wis. — A federal judge has dismissed with prejudice a Mt. Pleasant man's latest attempt to transform a Kenosha eviction dispute into a sprawling racketeering conspiracy, finding that his entirely AI-generated lawsuit failed to state a legitimate federal claim.

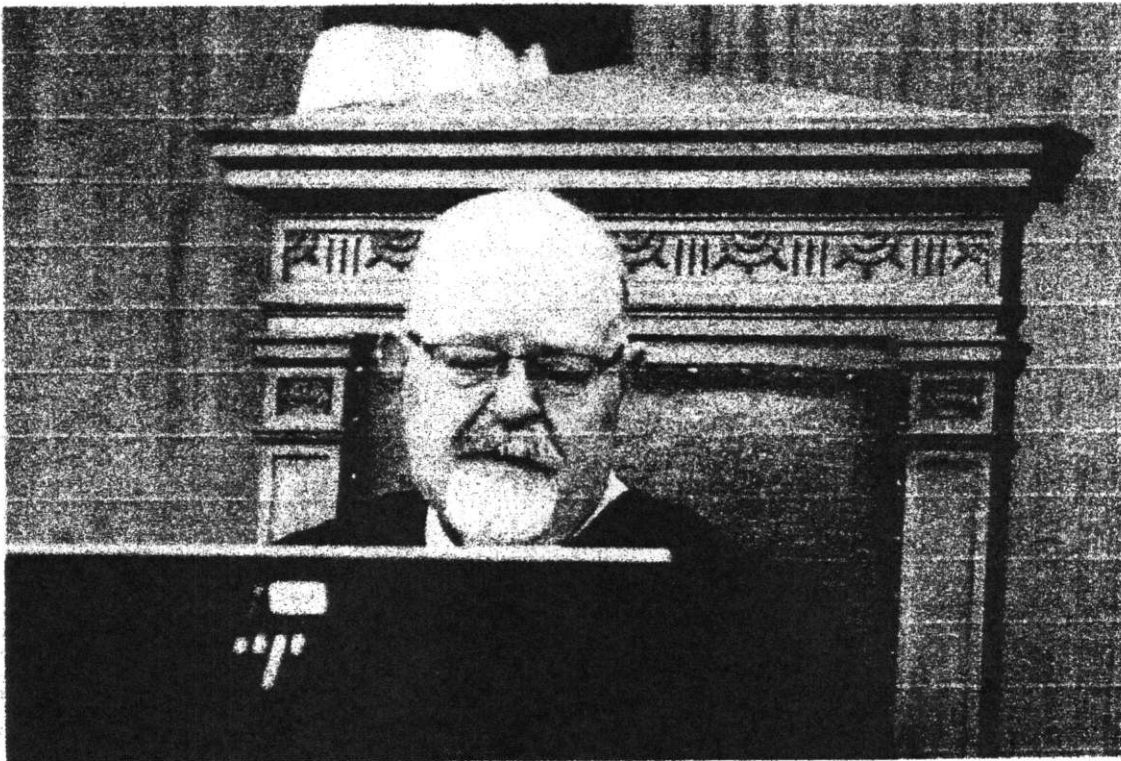
U.S. District Judge Brett H. Ludwig dismissed Patrick Fagan's case Friday, August 21, after Fagan sued 10 named defendants and five John Does under the federal Racketeer Influenced and Corrupt Organizations Act, commonly known as RICO.

"Fagan's amended complaint appears to have been generated using Artificial Intelligence and, despite his efforts to plead his way into federal court, the facts alleged confirm that his federal claims are without merit," Ludwig wrote.

The complaint did not merely "appear" to be AI-generated. Fagan acknowledged in court that he uses artificial intelligence to produce his legal filings. His cases have included hundreds, and sometimes thousands, of pages of AI-generated arguments, motions, supplements and accusations.

The litigation began after Fagan sold a commercial building in the 1900 block of 53rd Street in Kenosha for \$115,000 and remained there as a tenant. When the purchaser eventually sought to evict him, what should have been a relatively routine eviction case exploded into years of litigation in state and federal courts.

Fagan also filed a separate Kenosha County Circuit Court action against people and businesses connected to the purchase. Kenosha County Circuit Court Judge Angelina Gabriele dismissed that lawsuit.



Kenosha County Circuit Court Judge David Wilk (D)
(File Photo by Kevin Mathewson, Kenosha County Eye)

The original eviction was handled by Kenosha County Circuit Court Judge David P. Wilk (D), who granted the eviction but stayed its enforcement, allowing Fagan to remain at the property for many additional months.

Wilk failed to initially require Fagan to post an appropriate bond or maintain insurance on the building during the stay, even after evidence was presented alleging that Fagan had forged an insurance card. Those failures left the property's owner carrying substantial financial and liability risks after Wilk had already determined that the owner was legally entitled to possession.

Wilk also did nothing meaningful about Fagan's undisclosed use of artificial intelligence despite a Kenosha County local court rule requiring disclosure when AI is used to prepare court filings. By repeatedly accepting Fagan's enormous AI-generated submissions without enforcing that rule, Wilk established the practical precedent that litigants in his courtroom could disregard the disclosure requirement without consequences.

This was not the first time Wilk declined to enforce that rule against a litigant using undisclosed artificial intelligence.

decide relatively minor issues. He has repeatedly demonstrated a poor understanding of the law, along with the bad judgment to compound his legal errors by delaying decisions while litigants continue spending money and waiting for answers.

Wilk attended Hamline University School of Law in Minnesota, historically one of the country's lowest-ranked law schools. His performance on the bench has done little to overcome that unimpressive academic foundation.

Kenosha County Eye has previously documented Wilk's bizarre legal rulings, including a 2023 decision in which he treated constitutionally protected criticism of a government official as potentially defamatory.

Wilk's handling of Fagan's eviction gave Fagan time and room to turn a property-possession dispute into a legal avalanche.

Fagan argued that the purchaser could not legally own the building because it was an out-of-state company that had not registered to conduct business in Wisconsin. The Kenosha County court rejected that argument, and the Wisconsin Court of Appeals later explained that Wisconsin law permits a foreign limited liability company to enter contracts and own property despite that registration issue.

Fagan nevertheless repackaged the same underlying dispute as a federal RICO case, alleging that the defendants formed a criminal enterprise and committed mail and wire fraud.

Ludwig found no such enterprise. The federal judge concluded that Fagan's allegations concerned a single property transaction, not an organized criminal operation or continuing pattern of racketeering activity.

Some of Fagan's alleged examples of wire fraud were ordinary communications necessary to complete the property sale. Others involved a roofing company having a website, receiving online reviews and listing the property as a business location.

"There is nothing connecting many of the disparate defendants besides their alleged involvement in this sale," Ludwig wrote.

Fagan did not substantively answer the defendants' motions to dismiss. Instead, he filed more procedural motions seeking sanctions against opposing attorneys, disqualification of counsel, permission to amend his complaint again and court orders interfering with the eviction and settlement discussions.

Ludwig rejected those efforts. He called one of Fagan's arguments for disqualifying an opposing attorney "frivolous" and determined that allowing another amended complaint would be futile.

The federal case is now dismissed with prejudice, preventing Fagan from simply rewriting and refiling the same federal claims. He can appeal to the Seventh Circuit Court of Appeals, but even thousands of additional AI-generated pages cannot supply the facts Ludwig found missing.

What began as an eviction became a state lawsuit, an appeal, another state-court action and finally an alleged federal racketeering conspiracy. Ludwig's eight-page ruling accomplished what Wilk failed to do much earlier: cut through the mountain of AI-generated paper, apply the law and bring the meritless federal case to an end.

Critics of artificial intelligence in the legal community say AI can be a useful research and drafting tool, but it can also make stupid people sound smart in court documents, at least temporarily. The polished language, legal citations and confident tone can conceal the fact that the person filing the document does not understand the law or that the arguments are nonsensical.

Fagan is one of several local litigants who have recently used AI to generate hundreds, and sometimes thousands, of pages of court filings. Mathew Fox and Michael Rizzo, a former Kenosha police officer and former Kenosha County Sheriff's Office deputy, are two other examples of litigants who have clogged local courts with hundreds of pages of largely AI-generated material.

Kenosha County Circuit Court Judge Heather Iverson responded by establishing a local rule that does not prohibit artificial intelligence but requires litigants to disclose when they use it. Wilk, however, has made clear through his handling of Fagan and other AI-dependent litigants that he will not enforce the disclosure rule, at least in his courtroom. That allows litigants to bury courts and opposing parties beneath massive quantities of undisclosed AI-generated material without facing consequences for violating the rule.

Author

(<https://kenoshacountyeye.com/author/kenoshacountyeye/>)

Kevin Mathewson

(<https://kenoshacountyeye.com/author/kenoshacountyeye/>)

Kevin Mathewson is a disciple of Christ, husband and a father to two wonderful children. Mathewson was born and raised in Lake County, IL and worked as a police & fire dispatcher from 2005 to 2010 in Round Lake Beach, IL. Mathewson moved to Kenosha County in 2006, later being elected to the position of Alderman of the 8th District in 2012 and 2016. Mathewson is a private investigator, security contractor, journalist, and photographer. He enjoys spending time with his family, watching movies, camping and boating. His favorite amendment is the second, followed closely by the first. He loves his country and community.

One Response

D August 23, 2026 at 8:48 PM (<https://kenoshacountyeye.com/2026/08/23/federal-judge-buries-mt-pleasant-mans-ai-generated-rico-case-after-judge-wilk-allowed-says-eviction-fight-to-spiral-out-of-control/#comment-142255>)

Good lord shave that crap!!!!

👍 2 🗨

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LATEST NEWS



SEP 28 2026

STATE OF WISCONSIN
IN SUPREME COURT

CLERK OF SUPREME COURT
OF WISCONSIN

**In re: Proposed Creation of Supreme Court Rules 76.20–76.24 Relating to Equal Access to
Artificial Intelligence in Legal Proceedings**

EXHIBIT D — COVER SHEET

LIMITED PURPOSE OF THIS EXHIBIT

Exhibit D consists of a letter from Kevin Mathewson, editor of Kenosha County Eye, to the petitioner, Patrick Fagan, dated September 9, 2026, refusing to retract the August 23, 2026 article that publicly mocked the petitioner's use of artificial intelligence in court filings.

This exhibit is submitted solely to document the weaponization of the petitioner's state-court AI disclosure in Kenosha County Circuit Court Case No. 2025SC002971 (IJS Storage, LLC v. Fagan). The refusal-to-retract letter cites the petitioner's November 4, 2025 hearing transcript and November 5, 2025 Supplemental Notice of AI Compliance — both products of the petitioner's good-faith compliance with Kenosha County Local Rule CR 02-12 — as the primary basis for refusing to retract the disparaging article. This document is the most direct evidence of the Catch-22 described in Section XIII of the Supporting Memorandum: local rules require disclosure of AI use, but the disclosure is then weaponized against the litigant.

MATERIALS NOT ADOPTED BY THE PETITIONER

The letter attached as Exhibit D contains references to:

1. Federal court proceedings in the United States District Court for the Eastern District of Wisconsin, including Case No. 25-cv-1974 and orders issued by Judge Brett H. Ludwig; and
2. A separate state court case, Kenosha County Circuit Court Case No. 2025CV000918 (Patrick Fagan v. Cage Home Investments, LLC et al.).

The petitioner does not adopt, incorporate, or rely upon any of these references for any purpose in this petition. The references to federal court proceedings and to Case No. 2025CV000918 within Exhibit D are not relevant to this petition, which addresses only the petitioner's experience with AI disclosure and its consequences in Kenosha County Circuit Court Case No. 2025SC002971 before Judge David P. Wilk.

CONTEXTUAL NOTE

For purposes of clarity, the petitioner provides the following context: The petitioner's resort to federal court was necessitated by the inability to obtain a fair and unbiased hearing in related state court proceedings. The petitioner originally filed Kenosha County Circuit Court Case No. 2025CV000918 against the same parties involved in the eviction dispute, seeking damages and equitable relief for fraud and other intentional torts. After that case was unable to proceed fairly in state court, the petitioner voluntarily dismissed it and pursued the claims in federal court. The federal court's reference to the petitioner's use of AI in its dismissal order is what the publisher of Kenosha County Eye then seized upon — along with the petitioner's state-court AI compliance — to publicly disparage the petitioner and to refuse retraction.

The chain of events is as follows:

1. **State court (2025SC002971):** Judge Wilk read CR 02-12 on the record (Nov. 4, 2025); petitioner complied (Nov. 5, 2025).
2. **State court (2025CV000918):** Petitioner filed a separate civil action against the same parties; unable to obtain a fair hearing; voluntarily dismissed (Dec. 5, 2025).
3. **Federal court (25-cv-1974):** Petitioner pursued claims in federal court; case dismissed with prejudice (Aug. 21, 2026); court's order referenced petitioner's use of AI.
4. **Publication (Aug. 23, 2026):** Kenosha County Eye published article mocking petitioner's AI use, citing both the state-court compliance and the federal-court dismissal.
5. **Refusal to retract (Sept. 9, 2026):** Publisher refused to retract, citing petitioner's state-court CR 02-12 compliance as primary basis for refusal.

This petition addresses only step 1 and steps 4–5 as they relate to the state-court AI disclosure. Steps 2–3 are provided solely as context for why federal references appear in Exhibit D. They are not the subject of this petition.

Respectfully submitted,



Patrick Fagan
3943 Pinehill Blvd
Mount Pleasant, Wisconsin 53403
Email: passportsilver@icloud.com
Telephone: (920) 256-2096

Dated: September 26th, 2026

From: Kevin Mathewson kenoshacountyeye@gmail.com
Subject: Response to September 7, 2026 Retraction Demand
Date: Sep 9, 2026 at 12:25:10 PM
To: passportsilver@icloud.com

Mr. Fagan:

I have completed an additional and thorough review of your September 7, 2026 retraction demand, the relevant state and federal court records, the official transcript of your November 4, 2025 hearing before Judge David Wilk, your own written AI disclosure, the complete dockets in Case Nos. 2025SC2971 and 2025CV918, and the subsequent filings and orders in your federal case.

I will not retract the article.

Your demand repeatedly accuses me of publishing fabricated statements concerning your use of artificial intelligence in preparing court filings. The court record directly contradicts those accusations.

I am attaching the transcript of the November 4, 2025 hearing in Kenosha County Circuit Court Case No. 2025SC2971. During that hearing, Judge Wilk asked you directly whether you used AI in preparing your documents. You acknowledged that you had asked questions, received answers, and taken some of those answers and edited them for use with the correct documents, dates, people and spelling. When Judge Wilk asked which AI systems you used, you identified DeepSeek and Grok.

Judge Wilk further summarized your testimony by stating that you had put information into AI, received information back, and then "used it in drafting your pleadings." You answered: "Some of it, yes. But not — not in its totality. I added a lot of it myself."

Your retraction demand nevertheless states that you have never acknowledged in court that you use artificial intelligence to produce legal filings and that "[n]o court record contains any such acknowledgment."

That assertion is demonstrably false.

I am also attaching Document 71, which you filed on November 5, 2025, in Kenosha County Circuit Court Case No. 2025SC2971, entitled "Supplemental Notice of AI Compliance and Objection to Enforceability of Local Rule CR 02-12."

In your own filing, you expressly disclosed that you utilized DeepSeek "as a legal assistant and research tool in the preparation of certain filings in this matter." You went substantially further than merely acknowledging the use of AI for spelling, formatting or locating cases. You specifically identified your uses of AI as including "legal research, brainstorming arguments, drafting textual content, checking for clarity, and formatting citations."

You further wrote:

"This disclosure is intended to cover all prior filings submitted by the Defendant in this case where AI assistance was utilized, including but not limited to all motions, briefs, and affidavits filed to date."

Those are your words, contained in your own court filing.

I have also preserved the complete dockets and filings in Kenosha County Circuit Court Case Nos. 2025SC2971 and 2025CV918. Those cases contain hundreds of docket entries and thousands of pages of pleadings, motions, briefs, affidavits, supplements, exhibits, objections and other materials. Thus, I possess documentary evidence establishing both the extraordinary volume of your filings and your admitted use of artificial intelligence in preparing and drafting court documents.

The federal record provides still more support for my reporting.

In his August 21, 2026 order in United States District Court Case No. 25-cv-1974, Judge Brett Ludwig expressly wrote that your amended complaint "appears to have been generated using Artificial Intelligence" and that "the

facts alleged confirm that his federal claims are without merit." The court dismissed your federal claims with prejudice.

Your retraction demand also claims my statement that you did not substantively respond to the defendants' motions to dismiss was false. Judge Ludwig expressly found:

"Fagan has not responded to the substance of either pending motion to dismiss. Instead, he has filed a series of procedural motions."

Judge Ludwig later reiterated that you had not responded to the defendants' substantive arguments and concluded that, "waiver aside," your amended complaint failed to state a federal claim.

Your demand similarly challenges my accurate reporting that Judge Ludwig characterized one of your disqualification arguments as frivolous. Again, the record could not be clearer. Judge Ludwig wrote: "This assertion is frivolous." He specifically discussed the Wisconsin Supreme Court Rules upon which you relied, including SCR 20:1.7 and SCR 20:1.9.

You also contend that your federal claims were never actually considered on their merits. Judge Ludwig's order contradicts that assertion. After addressing waiver, he separately analyzed your RICO theories and explained why the amended complaint failed to adequately allege a RICO enterprise, a pattern of racketeering activity, or a RICO conspiracy.

Your own September 4, 2026 Motion for Reconsideration further demonstrates that you understand Judge Ludwig conducted a substantive RICO analysis. You devoted substantial portions of that 21-page filing to arguing that his enterprise and pattern analyses were incorrect and expressly requested that the court "reconsider the Court's RICO analysis."

The volume of your post-dismissal filings is also noteworthy. After Judge

Ludwig dismissed the action, you filed a 10-page Motion to Strike Document 54. Judge Ludwig denied that motion as moot on August 27, explaining that the case had already been dismissed and that the filing you wanted stricken "was not considered, or even referenced, by the Court in its dismissal Order." You subsequently filed the 21-page Motion for Reconsideration discussed above.

After reviewing all of this evidence, my position is unequivocal: I reject your retraction demand.

You threatened an AI-generated lawsuit against me before even identifying what you claimed was inaccurate in my reporting. You subsequently served a formal retraction demand containing factual assertions that are themselves directly contradicted by an official court transcript, your own written filings, and multiple judicial orders.

You cannot win any claim against me or Kenosha County Eye arising from this publication.

If you nevertheless choose to file one, I will defend against it aggressively and immediately. I will seek dismissal at the earliest opportunity. I will also seek sanctions as soon as legally appropriate and ask the court to require you to pay all attorney's fees, costs and other expenses I incur defending against claims that lack a reasonable basis in fact or law, together with any other relief available to me.

I will provide the court with the November 4, 2025 transcript documenting your acknowledgment of AI use; your November 5, 2025 written disclosure admitting that you used AI for "brainstorming arguments" and "drafting textual content"; the complete state-court records documenting the volume of your filings; Judge Ludwig's order observing that your amended complaint appeared to have been generated using AI and finding your federal claims without merit; your subsequent filings challenging those determinations; and this correspondence.

You are now expressly on notice of this evidence. If you proceed with litigation notwithstanding this record, I will rely upon your knowledge of these materials in support of any request for sanctions, attorney's fees, costs, or other relief that may be available.

Preserve all documents, communications, drafts, notes, electronically stored information, AI prompts and outputs, AI-generated or AI-assisted materials, court filings, and other evidence concerning your threatened claims, your September 7, 2026 retraction demand, your use of artificial intelligence in preparing legal documents, and the Kenosha County Eye article at issue.

You cannot win this case. If you file it anyway, I will respond accordingly.

Kevin

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**Kevin Mathewson - Editor, Investigative Journalist
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**71 - SUPPLEMENTAL
NOTICE OF AI...**
2.9 MB

**7014897 - Transcript
Nov 4 2025.pdf**
436 KB

**Federal Order
Dismissing Action.pdf**
206 KB

Motion To Strike.pdf
599 KB

**Motion for
Reconsideration.pdf**
1.1 MB

Eastern District of Wisconsin - Live - Google Chrome

ecf.wied.uscourts.gov/cgi-bin/HistDocQry.pl?147631090479003-L_ShowDktTxt_1-0-114758-60-...

Full docket text for document 60:

TEXT ONLY ORDER signed by Judge Brett H. Ludwig on 8/27/2026 re: [59] Plaintiffs Motion to Strike. The Court **DENIES** the motion as moot. As an initial matter, motions to strike are generally disfavored, and should only be granted if they "remove unnecessary clutter from the case." *Heller Fin., Inc. v. Midwhey Powder Co.*, 883 F.2d 1286, 1294 (7th Cir. 1989). This case has already been dismissed, and the filing that Plaintiff seeks to strike was not considered, or even referenced, by the Court in its dismissal Order. (cc: all counsel and pro se party)(jad)

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PACER Login:	kevinm4582	Client Code:	
Description:	History Documents	Search Criteria:	2:25-cv-01974-BHL
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