



## News

### Steve Puiszis Weighs in on Proposed Fifth Circuit Rule Requiring Lawyers to Certify Generative AI Content

December 19, 2023

In a *National Law Journal* article, Steve Puiszis discussed how a proposed rule being considered by the United States Court of Appeals for the Fifth Circuit would require lawyers to certify any generative AI content, including in a court filing. Specifically, lawyers would need to confirm that a human has reviewed and approved the text, citations, and legal analysis for accuracy. The certificate of compliance forms would be publicly filed in the docket.

Puiszis said such rules may be necessary as some lawyers could be unaware of the risks of using ChatGPT and other AI tools.

He also predicted the language of AI disclosure requirements could evolve as the technology improves. For example, he anticipated that courts might only require disclosure for specific generative AI programs, such as those not purposefully designed for lawyers.

"ChatGPT burst on the scene a year ago. And there are some platforms that are designed for lawyers that have been in beta for three to six months that are just being released now."

Puiszis said it could be helpful for lawyers to have a simple reminder of the obligation to check the accuracy of research gathered from these AI tools, noting:

"So I think it's hard for any court to be able to say, 'Well, if you're using this tool, certify. If you're using a different platform, you don't have to certify. At this stage of the technology's evolution, it's fine to have the certification requirements [be] broad. At some point in the future, however, it may not necessarily need to be that way.'"

[Read the full article](#) (subscription required)

"Could 5th Circuit's Proposed AI Review Certification Deter Use of the Tech?" was published by the *National Law Journal* on December 1, 2023.

#### Attorneys

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#### Service Areas

Appellate