



STATE OF NORTH DAKOTA
SUPREME COURT

CHAMBERS OF
Douglas A. Bahr
JUSTICE

May 11, 2026

Chief Justice Fair McEvers
North Dakota State Capitol
Bismarck, North Dakota

via email: phulm@ndcourts.gov
via email: lmcevers@ndcourts.gov

RE: Final Report of the Artificial Intelligence Workgroup and request to dissolve workgroup

Dear Justice McEvers:

On behalf of the Artificial Intelligence Workgroup, I am submitting the attached final report of the workgroup. The workgroup met on May 5, 2026, and believes that we have completed the tasks assigned to us. The court has pending before it a proposed internal policy and a proposed external notice. The final acts of the workgroup were to adopt a formal process for approving the use of AI products and to appoint a small group to assist the Education Department in determining ongoing training needs and identifying effective trainers and resources.

By unanimous consent, the members support the dissolution of the workgroup.

Sincerely,

A handwritten signature in black ink, appearing to read "Doug Bahr".

Doug Bahr, Chair

DAB/kah
Enc.
cc: Sally Holewa

Final Report of the Artificial Intelligence Workgroup

May 2026

The Artificial Intelligence Workgroup was established by former Chief Justice Jon Jensen on November 4, 2025, for the purpose of:

- (1) recommending policies on the use of artificial intelligence;
- (2) identifying how artificial intelligence tools can be implemented within the judicial system, and
- (3) identifying tools to be avoided.

The workgroup held its initial meeting on December 16, 2025, and established three sub-groups: the internal AI policy group, the public-facing notice group, and the tools group. The full workgroup met again on February 26, 2026, and reviewed an internal policy, an external notice, and the recommendation that the court system license Claude (Anthropic) for court use. Due to the need for prompt action, staff was directed to make changes to the internal policy and external notice to reflect concerns raised by the members of the workgroup and to circulate the amended policy and notice for a vote by email.

The final vote on the internal policy was: 14 approve, 1 reject, and 1 member not voting and not providing a reason for abstaining.

The final vote on the external notice was: 15 approve and 1 member not voting and not providing a reason for abstaining.

Some non-substantive formatting changes to the policy and notice were recommended during the voting process and these were incorporated into the versions that were submitted to the court for consideration on April 6, 2026.

The workgroup met again on May 5, 2026, for the purpose of establishing a process for requesting approval of generative artificial intelligence tools for court use and to recommend a plan for educating judicial officers and court staff on effective use of artificial intelligence tools. At that meeting, the committee approved a process for requests for licensing or use of no-cost artificial intelligence tools that requires that the request will go first to the IT department to review for potential risks to the state network, state-owned equipment and product stability, then to the legal department to review contract provisions, and then to the finance department to determine if adequate funds are available. The workgroup also heard from the Director of Education that the department is able to provide generalized training on the use of artificial intelligence for tasks not involving case-related information and prepared to work with others to provide specialized, task-related training. Five members of the workgroup agreed to work with the Education Department to identify specific training needs, existing resources and appropriate trainers.

Finally, the workgroup discussed the need for continuation. It was the consensus of the group that it has completed its assigned tasks and that it is an appropriate time to dissolve the workgroup. The

members understand that if the court identifies other tasks, it may reconvene this workgroup or establish a taskforce to address them.

A copy of the proposed internal policy on generative artificial intelligence, the proposed external notice regarding use of artificial intelligence, and the workflow form for requesting approval of the use of a generative artificial intelligence product are attached.

A copy of the agendas and minutes from the workgroup meetings can be found on the North Dakota Court Website at: www.ndcourts.gov/committees. Meeting materials are available from the Office of State Court Administrator upon request.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Doug Bahr". The signature is fluid and cursive, with a large initial "D" and "B".

Doug Bahr, Chair

Policy 526

Use of Generative Artificial Intelligence

The North Dakota Court System authorizes the use of generative artificial intelligence (GenAI) products to support official work functions. GenAI use must be responsible, accurate, and consistent with the protection of privacy and the integrity of court operations. Court employees may use GenAI products only in accordance with this policy and all applicable court rules and policies.

1. Authorized and Licensed AI Products. Only GenAI products that have been licensed or approved for use by the court may be used for court business.
2. Responsibility for Content and Accuracy. Users are responsible for the content of documents, communications, and records produced through GenAI and must take reasonable steps, including thorough review and editing, to ensure accuracy, completeness, and appropriateness.
3. Use of GenAI products that use an open-box model. GenAI products that use an open-box model may be used only for tasks involving non-restricted, non-confidential, and non-exempt information.
4. Use of GenAI products that use a closed-box model. Tasks that involve the use of court case-specific, confidential, exempt or restricted information can only be conducted with a GenAI product that uses a closed-box model.
5. Application of Rules. The Rules of Professional Conduct, the Code of Judicial Conduct and the North Dakota Court System Code of Conduct (Policy 110) apply fully to the use of GenAI products.
6. Comply with court policies. Users must comply with all applicable court policies including the authorized use and standards of conduct sections of Policy 121 – Electronic Communication Devices.

Definitions:

Generative Artificial Intelligence product: For purposes of this policy, a GenAI product is a software product whose key feature is an AI model that transforms inputs to create novel outputs based on user-provided instructions or data, rather than simply retrieving or ranking existing content.

Open-Box Generative AI Model: For purposes of this policy, an “open-box” GenAI model is a system in which user inputs or outputs may be stored, retained, reused, or incorporated into model training, analytics, or third-party services outside the control of the North Dakota Court System.

Closed-Box Generative AI Model: For purposes of this policy, a “closed-box” GenAI model is a system that, by contract or configuration, does not retain, reuse, or incorporate user inputs or outputs for model training or third-party purposes and provides data handling protections consistent with court confidentiality, security, and records requirements.

CROSS-REFERENCE: Use of GenAI must comply with Administrative Rule 41 (Access to Court Records), Policy 110 (Code of Conduct), Policy 121 (Electronic Communication Devices), and Policy 218 (Authorization to Expend Funds).

Appendix

The purpose of this appendix is to provide examples of ways to use GenAI products. It is not intended to be an exclusive list.

1. Draft meeting minutes, correspondence and reports
2. Organize notes
3. Summarize documents
4. Outline projects
5. Create job interview questions
6. Check grammar and coherency
7. Improve non-legal research and information gathering
8. Organize data
9. Draft emails
10. Conduct initial legal research and summarize findings
11. Create initial drafts of legal documents
12. Create training modules and training documents
13. Automate workflow to move information or documents between staff
14. Create an initial translation of documents into targeted languages

North Dakota Court System

Public Notice on the Use of Artificial Intelligence (AI)

Purpose

The North Dakota Court System recognizes that artificial intelligence (AI) tools are increasingly used by attorneys, self-represented litigants, and the public to assist with legal research, drafting, organization, and communication. This notice is intended to provide transparency and guidance regarding the permissible use of AI in court filings and proceedings, while reaffirming the fundamental principles of fairness, accuracy, accountability, and public trust in the judicial process.

General Statement

The use of AI tools is not prohibited in matters before the North Dakota courts. However, AI is a tool only. The responsibility for all court filings, arguments, representations, and other work product rests entirely with the attorney or self-represented litigant who submits them.

AI does not replace the professional judgment, ethical obligations, or legal responsibilities of individuals appearing before the court.

Responsibility for Work Product

Any document, filing, or communication submitted to a North Dakota court - whether or not AI was used in its preparation - must comply with the requirements of N.D.R.Civ.P. 11 and: (1) Be accurate and truthful; (2) Be grounded in existing law or a good-faith argument for the extension, modification, or reversal of existing law; (3) Properly cite legal authority and the record; and (4) Comply with all applicable court rules, statutes, and ethical obligations.

Attorneys and self-represented litigants are fully accountable for the final content of all submissions, including any errors, omissions, misstatements of law or fact, or fabricated citations generated by AI tools.

No Delegation of Legal Judgment

AI tools may not be relied upon to make legal judgments, factual determinations, or discretionary decisions. Courts expect that: (1) Legal analysis reflects the independent judgment of the attorney or litigant; (2) Factual representations are verified against the record; (3) Citations to statutes, rules, and case law are independently confirmed; and (4) Arguments are tailored to the specific facts and law of the case.

The use of AI does not excuse violations of Rule 1.1 of the North Dakota Rules of Professional Conduct, or any other applicable legal or ethical standard.

Confidentiality and Data Security

An individual using AI must exercise caution when using AI tools to ensure that confidential, sealed, or protected information is not disclosed. AI tools should not be used in a manner that compromises: (1) Confidential communications; (2) Personal identifying information (PII); (3)

Protected health information (PHI); (4) Juvenile, sealed, or restricted records; or (5) Any information protected by law or court rule.

The responsibility to safeguard confidential information remains with the individual using AI.

Disclosure of AI Use

At this time, the North Dakota courts do not require disclosure of AI use in court filings solely because AI was used. Nevertheless, disclosure may be required or appropriate under existing rules or orders in specific circumstances.

Court Authority

The court retains the authority under N.D.R.Ct. 11.5 to: (1) Reject or strike filings that are inaccurate, misleading, or noncompliant; (2) Impose sanctions where appropriate; (3) Require corrections or additional verification; and (4) Take any other action authorized by law or rule to protect the integrity of proceedings.

Ethical Considerations

The duty of competence (N.D.R.Prof.Conduct 1.1) requires attorneys to understand how AI tools function, including their limitations and potential for error. The duty of candor (Rule 3.3) obligates attorneys to personally verify that every cited authority exists, is accurate, and supports the intended argument.

The duty of supervision (N.D.R.Prof.Conduct 5.1 and 5.3) requires senior attorneys to ensure that staff and subordinate attorneys using AI tools are doing so ethically and responsibly. The duty to make meritorious claims (N.D.R.Prof.Conduct 3.1) requires attorneys to conduct a reasonable inquiry that what is being filed has a good-faith basis in law and fact.

Ongoing Review

The North Dakota Court System acknowledges that AI technologies are rapidly evolving. This notice may be updated as necessary to address emerging risks, benefits, and best practices, with the goal of preserving public confidence in the administration of justice while allowing responsible innovation.

GenAI Request and Approval Form

Request Information

Name of Requestor:

Position:

Date of Request:

Name of Product Requested:

Estimated Number of Users:

Estimated Annual Cost:

Intended Use of Product:

Court-Specific Data or Documents Exposed During Product Use:

IT Review

Recommend Approval

Recommend Denial

Security / Malware / Virus Concerns:

Stability of Company / Product Life:

Comments:

Name of Reviewer:

Date:

Legal Review

Recommend Approval

Recommend Denial

Privacy Concerns:

Data Ownership Concerns:

Data Usage Concerns:

Comments:

Name of Reviewer:

Date:

Finance Review

Funds available as requested

Limited funds available after: _____ or number of users limited to

Insufficient funding available

Name of Reviewer:

Date:

State Court Administrator Decision

Request Approved

Request Denied

Comments:

Date:

Signature:

Artificial Intelligence Workgroup Membership

Douglas Bahr, Chair Supreme Court Justice Bismarck, North Dakota	Jerod Tufte Supreme Court Justice Bismarck, North Dakota	Lynn Langit AI Architect and Google Developer Fargo, North Dakota
Will Hall Software Engineer New York City, New York	Nikola Datzov Professor, UND Law School Grand Forks, North Dakota	Robin Schmidt District Court Judge Watford City, North Dakota
Todd Cresap District Court Judge Minot, North Dakota	Carrie Hjellming Director of Juvenile Services Bismarck, North Dakota	Susan Hoffer Ward County Clerk of Court Minot, North Dakota
Alison Braaten Deputy Unit Administrator Grand Forks, North Dakota	Michele Bring Deputy Unit Administrator Bismarck, North Dakota	Jenn Lee Executive Director North Dakota Legal Services Bismarck, North Dakota
John Tassava Director of Technology Bismarck, North Dakota	Jonathan Paul Programmer Analyst Bismarck, North Dakota	Cherie Clark District Court Judge Fargo, North Dakota
Catie Palsgraaf Director Law Library and Self-Help Center Bismarck, North Dakota		

Subgroup 1: Internal policy on use of generative artificial intelligence

Members: Jerod Tufte, John Tassava, Carrie Hjellming, Michele Bring

Subgroup 2: External Notice on use of artificial intelligence

Members: Alison Braaten, Will Hall, Catie Palsgraaf

Subgroup 3: AI tool approval and reimbursement

Members: Lynn Langit, Will Hall, Carrie Hjellming

Education Advisory Group

Members: Will Hall, Lynn Langit, John Tassava, Jerod Tufte and
Brian Pechtl, Education Specialist with the Office of State Court Administrator

Workgroup Staff: Spencer Bickel, Staff Attorney Office of the State Court Administrator