

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.