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Artificial Intelligence – Litigation and Regulation Updates and Ethical Considerations

Attorney Professional Conduct Session

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AI Litigation Update



Image created using Google's Gen-AI platform Gemini

AI Litigation Update – Copyright Litigation and Market Dilution

- *Kadrey v. Meta Platforms, Inc.*, 2025 U.S. Dist. LEXIS 121064 (N.D. Cal. June 25, 2025)
 - Thirteen authors sued Meta for using their copyrighted works without permission to train generative AI models, asserting claims of copyright infringement.
 - Putative class action.

AI Litigation Update – Copyright Litigation and Market Dilution

- Cross-motions for summary judgment on individual claims.
- Question: was this fair use under Copyright Act?
 - “[T]he fair use of a copyrighted work ... for purposes such as criticism, comment, news reporting, teaching ... scholarship, or research is not an infringement of the copyright.” 17 U.S.C. § 107.

AI Litigation Update – Copyright Litigation and Market Dilution

- Court found it was fair use.
- Meta's use of the books was "highly transformative," as it had a further purpose and different character than the books.
- Analyzed effect of the use upon the potential market for copyrighted work.
 - Can the model generate works similar enough that they will compete with originals, *i.e.*, market dilution?

AI Litigation Update – Copyright Litigation and Market Dilution

- Court recognized that an AI module trained on copyrighted books could dilute the market for the books in its training data.
 - Technology that can generate millions of secondary works within a miniscule fraction of the time used to create the original.
- But Plaintiffs did not make this argument.
 - Plaintiffs provide no analysis on market for their books or whether they could be affected by AI-generated books.
 - Plaintiffs relied on argument that Meta's unauthorized use of their books for training harms the market for licensing books for that purpose, which the Court found was a market they were not entitled to monopolize.

AI Litigation Update – Copyright Litigation and Market Dilution

- Granted summary judgment in favor of Meta.
- Court's decision is limited:
 - “This is not a class action, so the ruling only affects the rights of these thirteen authors—not the countless others whose works Meta used to train its models.... **[T]his ruling does not stand for the proposition that Meta’s use of copyrighted materials to train its language model is lawful.** It stands only for the proposition that these plaintiffs made the wrong arguments and failed to develop a record to support the right one.” *Id.* at *19 (emphasis added).

AI Litigation Update – Copyright Litigation and Market Dilution

- “[I]n many circumstances it will be illegal to copy copyright-protected works to train generative AI models without permission. Which means that the companies, to avoid liability for copyright infringement, will generally need to pay copyright holders for the right to use their materials.” *Id.* at 17.

AI Litigation Update – Copyright Litigation

- *Bartz v. Anthropic PBC*, 787 F. Supp. 3d 1007 (N.D. Cal. 2025)
 - Anthropic created a central library by purchasing copyrighted books and scanning them, as well as downloading them from pirate cites. It used subsets of them to train its large language mode (“LLM”), Claude.
 - Plaintiffs were authors whose books were copied, and they asserted claims of copyright infringement.
 - Putative class action.

AI Litigation Update – Copyright Litigation

- Fair use under the Copyright Act was the issue on summary judgment.
- Using copyrighted works to train the LLMs to generate new text was “quintessentially transformative.”
- No finding of market dilution.
 - “The copies used to train specific LLMs did not and will not displace demand for copies of Authors’ works...” *Id.* at 1031.
 - No copies or knockoffs provided to public.

AI Litigation Update – Copyright Litigation

- Court rejected Authors' argument that training LLMs will result in an explosion of competing works.
 - “But the Authors’ complaint is no different than it would be if they complained that training schoolchildren to write well would result in an explosion of competing works.” *Id.* at 1031-32.
- Court found copies used to train LLMs were fair use and granted summary judgment to Anthropic on this issue.

AI Litigation Update – Copyright Litigation

- “Here if the outputs seen by users had been infringing, Authors would have a different case. And, if the outputs were ever to become infringing, Authors could bring such a case.” *Id.* at 1021.

AI Litigation Update – Employment Discrimination

- *Mobley v. Workday, Inc.*, 2025 U.S. Dist. LEXIS 94475 (N.D. Cal. May 16, 2025)
 - Plaintiff brought action for employment discrimination against Workday, alleging that its AI-based applicant recommendation system discriminated on the basis of race, age, and disability.
 - Workday provides applicant screening services to business across different industries.

AI Litigation Update – Employment Discrimination

- Plaintiff alleges that AI tools are designed in a manner that reflects employer bias and relies on biased training data.
 - AI tool observes that an employer disfavors certain candidates who are members of a protected class and decreases the rate at which it recommends them.
- Plaintiff applied to over 100 positions with companies that use Workday's screening tools and was denied employment for all of them.

AI Litigation Update – Employment Discrimination

- Plaintiff survived a motion to dismiss.
- Plaintiff moved for preliminary certification of collective on age discrimination claim under ADEA.
- Court granted preliminary certification.
 - “The mechanisms behind Workday’s AI recommendation system, the effects on applicants who are over 40, and whether those effects amount to a disparate impact on account of age, will be so for all collective members or none; their claims rise and fall together.” *Id.* at *15-16.
- Notice provided to collective members.

AI Litigation Update – Employment Discrimination

- *Harper v. Sirius XM Radio, LLC*, Case No. 2:25-cv-12403, E.D. Mich.
 - Harper, who is African-American, alleges that Sirius uses AI to screen and reject applicants to intentionally and disproportionately reject African-Americans.
 - Plaintiff alleges he is highly qualified for IT, software engineering, and technical support roles, and has applied for 150 positions with Sirius.
 - Rejected for all but one position, where he received a short interview only.

AI Litigation Update – Employment Discrimination

- Rejected for all but one position, where he received a short interview only.
- Plaintiff alleges that Sirius uses a third-party AI platform to screen applicants based on data points correlated with race.
 - Resume parsing: Scans resume to extract information and create a list of skills for the candidate.
- Claims under Title VII for disparate treatment, disparate impact, and intentional employment discrimination.

AI Litigation Update – Employment Discrimination

- Putative class action.
 - Plaintiff is seeking to certify a class of all African-American individuals who applied for employment with Sirius since January 2024 and were screened out.
- Filed in August 2025 and still pending.

AI Litigation Update – Employment Discrimination

- iTutorGroup Settlement
 - September 2023 – ITutorGroup paid \$365,000 to settle employment discrimination lawsuit filed by EEOC.
 - iTutor hired tutors in the U.S. to provide online English tutoring abroad.
 - According to EEOC programmed their tutor application software to automatically reject female applicants aged 55 or older and male applicants aged 60 or older.
 - iTutor rejected more than 55 qualified applicants based on age.

AI Litigation Update – Employment Discrimination

- EEOC: “Prohibitions on age and other types of discrimination do not stop at the border. Even companies doing business abroad will face serious consequences if they discriminate against U.S.-based employees.”
- iTutor ceased hiring tutors in the U.S.

AI Litigation Update – Insurance

- *Huskey v. State Farm Fire & Cas. Co.*, No. 22 C 7014, 2023 U.S. Dist. LEXIS 160629 (N.D. Ill. Sept. 11, 2023)
 - Plaintiffs are African Americans who had a homeowner's insurance policies with State Farm.
 - They filed a claims under their policies, which were significantly delayed and partially rejected resulting in further damage to their home.
 - Plaintiffs allege that there are significant differences in the way that their claims were treated versus the claims of white homeowners.

AI Litigation Update – Insurance

- State Farm automates its initial claims review, which determines whether to pay claims immediately or trigger further scrutiny.
 - This tool can learn to combine data inputs correlated with race to discriminate based on race.
- As a result, Plaintiffs allege that African-American claimants wait longer and exert more effort for State Farm to process their claims resulting in further damage.
- Putative class action alleging disparate impact race discrimination in violation of the Fair Housing Act.

AI Litigation Update – Insurance

- State Farm moved to dismiss.
- Court rejects Plaintiffs' theory that that State Farm made their houses unavailable for purposes of stating a claim under Section 3604(a).
 - No allegations that the homes were uninhabitable.
- Court accepts Plaintiffs' theory that they alleged discrimination in the provision of services in connection with the sale of a dwelling under Section 3604(b).
 - Since lenders require borrowers to obtain homeowners insurance, it is a service in connection with the sale of a dwelling.

AI Litigation Update – Insurance

- Court rejects Plaintiffs' theory that they were subjected to discrimination in connection with a residential real estate transaction to state a claim under Section 3605.
 - Applies only to entities that are in the business of real estate transactions.
- State Farm argued Plaintiffs' disparate impact claims were barred by the McCarran-Ferguson Act.
 - "No Act of Congress shall be construed to invalidate, impair, or supersede any law enacted by any State for the purpose of regulating the business of insurance...unless such Act specifically relates to the business of insurance." 15 U.S.C. § 1012(b).

AI Litigation Update – Employment Discrimination

- Court rejects State Farm argument for now.
 - State Farm has not shown that Illinois law requires or condones claims-processing policies with racially disparate effects.
 - Rather, Illinois law, like the FHA, bars racial discrimination by insurers.
- State Farm may raise the McCarran-Ferguson defense again.
 - If it becomes clear that State Farm's liability depends on the actuarial soundness of its claims-handling practices in a way that interferes with Illinois' insurance policy or administrative regime.
- Case is still pending.

AI Litigation Update – Insurance

- *The Estate of Gene B. Lokken, et al. v. United Healthcare Group, Inc., et al.*, Case No. 23-cv-3514, D. Minn.
 - Putative class action brought by plaintiffs who had their post-acute care insurance coverage terminated or denied by Defendant insurance companies using an AI model instead of evaluating individual claims.
 - Plaintiffs allege that the AI model supplants doctors' recommendation by attempting to predict the amount care a patient should require.
 - It compares various datapoints about the patient in question to a database of similar patients.

AI Litigation Update – Insurance

- Plaintiffs claim that defendants wrongfully delegate their obligation to investigate claims to the AI model in breach of insurance agreement.
- Allege 90% of patient claim denials are reversed demonstrating the inaccuracy of the AI model.
- Plaintiffs allege that Defendants relies on most patients not using the administrative process to appeal denials.

AI Litigation Update – Insurance

- Plaintiffs assert a variety of claims.
 - Breach of contract, breach of implied covenant of good faith and fair dealing, unjust enrichment, insurance bad faith, negligence per se, unfair and deceptive insurance practices, and unfair competition.
- Case is still pending.

AI Regulation Update



Image created using Google's Gen-AI platform Gemini

AI Regulation Update

- Still no, single federal AI standards in the United States
- In the 2025 legislative session, all 50 states, Puerto Rico, the Virgin Islands, and Washington, D.C. introduced legislation on AI
- Thirty-eight states adopted or enacted around 100 AI measures in 2025
- State laws in 2025/2026 focus on transparency, sector-specific limits (healthcare, therapy, housing), government use inventories, deepfakes, and critical-infrastructure risk

AI Regulation Update – California’s Transparency in Frontier Artificial Intelligence Act

- Signed into law on September 29, 2025; Effective January 1, 2026
- First-in-the-nation state law to target “frontier” AI models
 - Requires developers of advanced AI models to report on safety measures and risks
- Enforced by the California Attorney General’s office – no private right of action – up to \$1M in penalties for developers
- Sets a potential precedent for other states or future federal regulation of AI

AI Regulation Update – California's Transparency in Frontier Artificial Intelligence Act

- Developers of frontier AI models:
 - Publish safety plans to explain how they are incorporating US and international safety standards into their development processes
 - Report serious safety incidents to the California Office of Emergency Services
- The law creates protections for whistleblower employees
- The law also directs the California Department of Technology to recommend yearly updates to the law based on developments in technology

AI Regulation Update – CCPA Automated Decision-Making Technology

- New regulations under the CCPA related to Automated Decision-Making Technology (ADMT)
- Effective January 1, 2026
- Changes how AI can be used in employment
 - Employers cannot use automated decision systems that discriminate based on protected categories
- Businesses subject to the CCPA will be required to conduct independent annual cybersecurity audits

AI Regulation Update – CCPA Automated Decision-Making Technology Timeline

- January 1, 2027
 - Deadline for businesses using ADMT in “significant decisions” to comply with ADMT-specific rules such as pre-use notices, opt-out rights, and access/disclosure obligations
- April 1, 2028
 - Audits begin
 - **April 1, 2028:** Businesses with more than \$100 million in 2026 revenue
 - **April 1, 2029:** Businesses with \$50 million to \$100 million in 2027 revenue
 - **April 1, 2030:** Businesses with less than \$50 million in 2028 revenue

AI Regulation Update –CCPA Automated Decision-Making Technology – How to Prepare

- Inventory ADMT Use
- Update consumer notices and disclosures
- Provide opt-out mechanisms
- Audit/risk assessments
- Train staff and communicate internally
- Know the deadlines!

AI Regulation Update – Other California AI Laws

- Added safeguards for AI chatbots
 - Also requires age verifications (as measures to protect minors)
- Makes it a crime to create or distribute non-consensual intimate images using AI
- Defines AI generated data about you as “personal information” under the CCPA
- Prohibits AI systems from independently making final medical decisions—a physician must make the final decision – there must be human oversight

AI Regulation Update – Texas Responsible Artificial Intelligence Governance Act

- Signed into law on June 22, 2025; Effective Jan. 1, 2026
- Creates a regulatory framework for “artificial intelligence systems” in Texas
 - AI system: machine-based system that infers from inputs to generate outputs (e.g., content, decisions, predictions, recommendations) influencing physical or virtual environments
- Applies to anyone doing business in Texas, developing or deploying AI in Texas, or producing products/services used by Texans
- Enforced by the Texas Attorney General with a 60-day cure period after notice
 - Civil penalties range from \$10,000–\$12,000 per curable violation (or breach of cure statement) and \$80,000–\$200,000 per “uncurable” violation

AI Regulation Update – Colorado AI Act (SB 24-205)

- Signed May 17, 2024; Originally Effective February 1, 2026 – Delayed to June 30, 2026
- Applies to “high-risk” AI systems
 - Those that make “consequential decisions” regarding humans
- Developers and deployers must use “reasonable care” to avoid algorithmic discrimination; there is a rebuttable presumption if documentation, transparency, and impact assessments are completed
- Enforced by Colorado Attorney General
 - Violations are deemed unfair trade practices
 - Penalties up to \$20,000
 - Affirmative defense if developers and deployers discovery and cure violations through their own means

AI Regulation Update – EU Artificial Intelligence Act

- Became effective on August 1, 2024; most obligations come into force August 2, 2026
- Implements a uniform legal framework for “for the development, the placing on the market, the putting into service and the use of artificial intelligence systems.”
- Applies to businesses:
 - Located or established in the EU and use AI systems for business purposes
 - That supply AI systems to the EU market (regardless of where they are established)
 - Use AI systems for business purposes if the output of the AI system is used within the EU (even where entity is located or established outside of the EU)

AI Regulation Update – EU Artificial Intelligence Act

- Obligations for deployers of “high-risk” AI systems:
 - when the AI system is itself a certain type of product;
 - when the AI system is a safety component of a certain type of product;
or
 - when the AI system meets the description of listed ‘high-risk’ AI systems

AI Regulation Update – EU Artificial Intelligence Act

- Deployers of high-risk AI may have duties such as:
 - Using the system according to provider's instructions (and ensuring that input data is appropriate)
 - Monitoring the system in operation (post-deployment) for performance, risk, errors
 - Ensuring human oversight is meaningful
 - Keeping logs / records
 - Notify authorities if serious incidents or malfunction arising from system use

AI Regulation Update – What Should You Do?

- Determine Which Laws Apply
- Identify “Consequential Decisions”
- Documentation
- Governance and Oversight
- Consumer Disclosures

AI Regulation Update – Trends to Watch

- Emphasis on transparency and bias audits
- Increasing penalties for non-compliance
- Expansion from employment to consumer and government sectors

ETHICS ⊕ ARTIFICIAL INTELLIGENCE



Image created using Google's Gen-AI platform Gemini

AI should act like an assistant or a legal tool – not a substitute for a lawyer.

Executive Order on the Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence

October 30, 2023

- “Artificial intelligence (AI) holds extraordinary potential for both promise and peril. Responsible AI use has the potential to help solve urgent challenges while making our world more prosperous, productive, innovative, and secure. At the same time, irresponsible use could exacerbate societal harms such as fraud, discrimination, bias, and disinformation, displace and disempower workers; stifle competition; and pose risks to national security. Harnessing AI for good and realizing its myriad benefits requires mitigating its substantial risks. This endeavor demands a society-wide effort that includes government, the private sector, academia, and civil society.”



ABA – Formal Opinion 512

June 29, 2024 – Generative Artificial Intelligence Tools

“To ensure clients are protected, lawyers using generative artificial intelligence tools must fully consider their applicable ethical obligations, including their duties to provide competent legal representation, to protect client information, to communicate with clients, to supervise their employees and agents, to advance only meritorious claims and contentions, to ensure candor toward the tribunal, and to charge reasonable fees.”

Duty of Competence

Rule 1.1: Competence

- A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.
- “[L]awyers must have a reasonable understanding of the capabilities and limitations of the specific GAI technology that the lawyer might use.” - ABA Formal Opinion 512

Duty of Confidentiality/Attorney-Client Privilege

Rule 1.6: Confidentiality of Information

- **(a) A lawyer shall not reveal information relating to the representation of a client unless the client gives informed consent, the disclosure is impliedly authorized in order to carry out the representation or the disclosure is permitted by paragraph ((b)).**
- (b) A lawyer may reveal information relating to the representation of a client to the extent the lawyer reasonably believes necessary:
 - (1) to prevent reasonably certain death or substantial bodily harm;
 - (2) to prevent the client from committing a crime or fraud that is reasonably certain to result in substantial injury to the financial interests or property of another and in furtherance of which the client has used or is using the lawyer's services;
 - (3) to prevent, mitigate or rectify substantial injury to the financial interests or property of another that is reasonably certain to result or has resulted from the client's commission of a crime or fraud in furtherance of which the client has used the lawyer's services;
 - (4) to secure legal advice about the lawyer's compliance with these Rules;
 - (5) to establish a claim or defense on behalf of the lawyer in a controversy between the lawyer and the client, to establish a defense to a criminal charge or civil claim against the lawyer based upon conduct in which the client was involved, or to respond to allegations in any proceeding concerning the lawyer's representation of the client;
 - (6) to comply with other law or a court order; or
 - (7) to detect and resolve conflicts of interest arising from the lawyer's change of employment or from changes in the composition or ownership of a firm, but only if the revealed information would not compromise the attorney-client privilege or otherwise prejudice the client.
- (c) A lawyer shall make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client.

Duty of Confidentiality/Attorney-Client Privilege

Rule 1.6: Confidentiality of Information

- “Before lawyers input information relating to the representation of a client into a GAI tool, they must evaluate the risks that the information will be disclosed to or accessed by others outside the firm. Lawyers must also evaluate the risk that the information will be disclosed to or accessed by others inside the firm who will not adequately protect the information from improper disclosure or use because, for example, they are unaware of the source of the information and that it originated with a client of the firm.” - ABA Formal Opinion 512

Duty of Communication

Rule 1.4: Communications

- (a) A lawyer shall:
 - (1) promptly inform the client of any decision or circumstance with respect to which the client's informed consent, as defined in Rule 1.0(e), is required by these Rules;
 - (2) reasonably consult with the client about the means by which the client's objectives are to be accomplished;
 - (3) keep the client reasonably informed about the status of the matter;
 - (4) promptly comply with reasonable requests for information; and
 - (5) consult with the client about any relevant limitation on the lawyer's conduct when the lawyer knows that the client expects assistance not permitted by the Rules of Professional Conduct or other law.
- (b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

Duty of Communication

Rule 1.4: Communications

- “It is not possible to catalogue every situation in which lawyers must inform clients about their use of GAI. Again, lawyers should consider whether the specific circumstances warrant client consultation about the use of a GAI tool, including the client’s needs and expectations, the scope of the representation, and the sensitivity of the information involved. Potentially relevant considerations include the GAI tool’s importance to a particular task, the significance of that task to the overall representation, how the GAI tool will process the client’s information, and the extent to which knowledge of the lawyer’s use of the GAI tool would affect the client’s evaluation of or confidence in the lawyer’s work.” – ABA Formal Opinion 512

Duty of Supervision

Rule 5.1: Responsibilities of Partners, Managers, and Supervisory Lawyers

- (a) A partner in a law firm, and a lawyer who individually or together with other lawyers possesses comparable managerial authority in a law firm, shall make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that all lawyers in the firm conform to the Rules of Professional Conduct.
- (b) A lawyer having direct supervisory authority over another lawyer shall make reasonable efforts to ensure that the other lawyer conforms to the Rules of Professional Conduct.
- (c) A lawyer shall be responsible for another lawyer's violation of the Rules of Professional Conduct if:
 - (1) the lawyer orders or, with knowledge of the specific conduct, ratifies the conduct involved; or
 - (2) the lawyer is a partner or has comparable managerial authority in the law firm in which the other lawyer practices, or has direct supervisory authority over the other lawyer, and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.

Duty of Supervision

Rule 5.1: Responsibilities of Partners, Managers, and Supervisory Lawyers

- “Managerial lawyers must establish clear policies regarding the law firm’s permissible use of GAI, and supervisory lawyers must make reasonable efforts to ensure that the firm’s lawyers and nonlawyers comply with their professional obligations when using GAI tools.” - ABA Formal Opinion 512

Fees

Rule 1.5: Fees

- (a) A lawyer shall not make an agreement for, charge, or collect an unreasonable fee or an unreasonable amount for expenses....
- (b) The scope of the representation and the basis or rate of the fee and expenses for which the client will be responsible shall be communicated to the client, preferably in writing, before or within a reasonable time after commencing the representation, except when the lawyer will charge a regularly represented client on the same basis or rate. Any changes in the basis or rate of the fee or expenses shall also be communicated to the client.

Fees

Rule 1.5: Fees

- “GAI tools may provide lawyers with a faster and more efficient way to render legal services to their clients, but lawyers who bill clients an hourly rate for time spent on a matter must bill for their actual time.” ABA Formal Opinion 512

Duty of Candor to the Tribunal

Rule 3.3: Candor Toward the Tribunal

- (a) A lawyer shall not knowingly:
 - (1) make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer;
 - (2) fail to disclose to the tribunal legal authority in the controlling jurisdiction known to the lawyer to be directly adverse to the position of the client and not disclosed by opposing counsel; or
 - (3) offer evidence that the lawyer knows to be false. If a lawyer, the lawyer's client, or a witness called by the lawyer, has offered material evidence and the lawyer comes to know of its falsity, the lawyer shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal. A lawyer may refuse to offer evidence, other than the testimony of a defendant in a criminal matter, that the lawyer reasonably believes is false.
- (b) A lawyer who represents a client in an adjudicative proceeding and who knows that a person intends to engage, is engaging or has engaged in criminal or fraudulent conduct related to the proceeding shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal.
- (c) The duties stated in paragraphs (a) and (b) continue to the conclusion of the proceeding, and apply even if compliance requires disclosure of information otherwise protected by Rule 1.6.
- (d) In an ex parte proceeding, a lawyer shall inform the tribunal of all material facts known to the lawyer that will enable the tribunal to make an informed decision, whether or not the facts are adverse.

Duty of Candor to the Tribunal

Rule 3.3: Candor Toward the Tribunal

- “In judicial proceedings, duties to the tribunal likewise require lawyers, before submitting materials to a court, to review these outputs, including analysis and citations to authority, and to correct errors, including misstatements of law and fact, a failure to include controlling legal authority, and misleading arguments.” ABA Formal Opinion 512

Hamilton County Court of Common Pleas – Local Rule 49 – Adopted 2024

Local Rule 49 - Use of Artificial Intelligence in Court Submissions

(A) Purpose and Scope

This rule is established to govern the use of artificial intelligence (AI) technologies by attorneys and/or parties in the preparation and submission of materials to the Hamilton County Court of Common Pleas. It aims to ensure the ethical use of AI and maintain the integrity of evidence.

(B) Definitions

Artificial Intelligence (AI): Any technology that uses machine learning, natural language processing, or any other computational mechanism to simulate human intelligence, including document generation, evidence creation or analysis, and legal research.

AI-Assisted Material: Any document or evidence prepared with the assistance of AI technologies.

(C) Disclosure of AI Assistance

Attorneys and/or parties must disclose the use of AI-assisted technology in the creation, editing of any document or evidence submitted to the court. Such disclosure should include a general description of the AI technology used and its role in the preparation of the materials. The disclosure must be made at the time of submission through a certification attached to the document or evidence, indicating the type of AI used and certifying the attorney's final review and approval of the AI-assisted material.

(D) Responsibility and Review

Attorneys and/or parties remain ultimately responsible for the accuracy, relevance, and appropriateness of AI-assisted materials submitted to the court. Attorneys and/or parties must thoroughly review all AI-assisted materials to ensure they meet all legal and ethical standards. Use of AI does not absolve attorneys from their duty of competence, diligence, and supervision as required under the Ohio Rules of Professional Conduct.

(E) Sanctions

Violations of this rule may subject an attorney and/or party to sanctions, including but not limited to, Civil Rule 11 and/or Civil Rule 37.

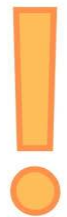
(E) Sanctions

Violations of this rule may subject an attorney and/or party to sanctions, including but not limited to, Civil Rule 11 and/or Civil Rule 37.

Other Courts with AI Rules

- Southern District of Ohio
 - Judge Hopkins
 - Judge Newman
 - Magistrate Judge Vascura
- Northern District of Ohio
 - Judge Boyko
- 12th District Court of Appeals
- Cuyahoga County Court of Common Pleas
 - Judge Russo

What should you do?



Outside Counsel Guidelines



Questions?



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