

NOV 25 2025

IN THE CIRCUIT COURT
THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOISCLERK OF CIRCUIT COURT #41
THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS**STANDING ORDER OF CIRCUIT JUDGE PATRICK G. KING ON USE OF
ARTIFICIAL INTELLIGENCE (AI) IN CIVIL CASES**

USE OF ARTIFICIAL INTELLIGENCE- In accordance with *Illinois Supreme Court Policy on Artificial Intelligence* (January 1, 2025), this Court embraces the advancement of Artificial Intelligence ("AI"). The Court acknowledges the integration of AI into the legal profession offering potential efficiencies of the practice of law. However, AI in the courtroom may present concerns regarding authenticity, accuracy, and bias. This provision outlines the expectations this Court has regarding the use of AI in the courtroom.

For the purposes of this order, "Artificial Intelligence" or "AI" refers to any technology that simulates human intelligence to perform tasks, such as reasoning, learning, or generating text. This includes but is not limited to the following generative AI tools: ChatGPT; Google Gemini; and similar platforms. This includes any system capable of generating content or performing analysis, including but not limited to generative AI, large language models (e.g., ChatGPT), machine-learning software, and any tool that synthesizes or analyzes data beyond simple formatting, translation, transcription, or grammar correction.

This guidance is issued to assist attorneys appearing before the Court in understanding the acceptable use of (AI) tools or capabilities in litigation. While AI can enhance efficiency and productivity, such use and implementation must remain consistent with the *Illinois Supreme Court Rules, Illinois Code of Civil Procedure, Rules of Evidence, Illinois Rules of Professional Conduct, local rules, and courtroom rules and procedures*. The Court encourages only the responsible, permissible, and ethical use of AI, while retaining human oversight and legal judgment at all stages.

AI and Pleadings: Counsel and self-represented litigants (pro se) are responsible for providing the Court with compete and accurate representations in any submission (including filings, demonstratives, evidence, and oral arguments). The use of ChatGPT or any other research tool is not prohibited, however, counsel and self-represented litigants must personally and respectively confirm the accuracy of any content generated by these tools. Counsel and self-represented litigants must make all

diligent efforts to ensure that any filings prepared with the assistance of generative artificial intelligence is genuinely and thoroughly reviewed for factual, ethical, and legal accuracy prior to submission to the Court and in the matter. These tools are capable of producing content, which may be factually incorrect or legally unsound.

All counsel and self-represented parties are reminded that, consistent with *Illinois Supreme Court Rule 137*, the person signing any pleading, motion, or other paper remains fully responsible for its content, regardless of whether it was drafted in whole or in part by generative AI. The Court will not accept the excuse that such content was prepared by AI, staff, or others when assessing potential violations of *Rule 137* or applicable ethical obligations. Attorneys are further reminded of their professional obligations under the *Illinois Rules of Professional Conduct*, including the duty of candor to the tribunal and the prohibition against knowingly offering false statements of law. Attorneys must also remain proficient and competent in the practice of law, including recognizing the benefits and risks associated with relevant technology.

Any submission to the Court of inaccurate information due to AI generation, such as caselaw hallucinations, inappropriate or inaccurate statements of law, and/or ghost citations may subject counsel to appropriate sanctions under the law.

In sum, generative AI can be used as a complementary tool, but AI should not be a replacement for traditional legal research and individual prudence and judgment.

AI and Discovery: Any discovery responses, including but not limited to Answers to Interrogatories, *Rule 213(f)* Disclosures, and *Rule 214* Document Productions, that are generated, in whole or in part, using artificial intelligence (AI) tools must be verified for factual accuracy, legal sufficiency, and compliance with *Illinois Supreme Court Rules* and *Illinois Rules of Professional Conduct*. Counsel is fully responsible for all answers and responses submitted to the Court and may not rely on AI-generated boilerplate language, general objections, and/or speculative assertions.

The Court expects discovery compliance (answers and responses) to be specific, complete, and responsive according to the *Illinois Supreme Court Rules*. The use of AI does not excuse any failure to meet such discovery obligations. If AI or Technology-Assisted Review (TAR) is used to aid in document review or written discovery compliance and production, the responding party must disclose the method used upon request and ensure adequate validation and human oversight.

Electronically Stored Information (ESI)- As defined in *Illinois Supreme Court Rule 201(b)(4)*, shall include any writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations in any medium from which electronically stored information can be obtained either directly or, if necessary, after translation by the responding party into a reasonably usable form.

The parties have a duty to preserve ESI relevant to litigation. Sanctions may be imposed for such failure. The parties are to confer early in the litigation process to address ESI issues to potentially agree on the scope of discovery and/or preservation efforts.

ESI Discovery Procedures: Within 14 days of the first production request involving potential ESI, counsel shall confer to discuss and define:

1. Identity of custodians and data sources;
2. Proposed search terms, metadata fields, date ranges, threads, and de-duplication methods;
3. Initial production formats (native, searchable PDF, TIFF, etc.);
4. Whether technology assisted review (TAR) shall be used in the ESI process;
5. Whether there is the potential for conducting discovery in phases or stages as a method for reducing costs and burden; and
6. The potential need for a protective order and any procedures to which the parties might agree for handling inadvertent production of privileged information and other privilege waiver issues.

Technology Assisted Review (TAR)- The Court recognizes that TAR can be a faster and more efficient process than a traditional linear document review. Parties utilizing TAR software (also called predictive coding, computer assisted review, or supervised machine learning) to search and identify relevant documents to disclose during the discovery process must notify opposing counsel in their response that the documents have been identified by use of this technology.

Attorney Certification of Discovery Responses Using AI Assistance- In light of increasing use of artificial intelligence (AI) tools to assist in the review and summarization of factual record, including medical records, police reports, and other case documents, the Court issues the following directive to ensure the integrity of discovery responses and compliance with the *Illinois Supreme Court Rules*:

1. Responsibility for Accuracy: Attorneys remain fully responsible for the content and accuracy of all Interrogatory Answers, Responses to Requests for Production, and other written discovery responses regardless of whether AI tools or software had been used to assist in preparation.
2. Disclosure of AI Use: If AI or automated summarization tools were used to assist in answering Interrogatories, responding to Request for Production, and/or summarizing client records, counsel must disclose the same to opposing counsel at the time of service. The disclosure shall not waive privilege, but it must identify the general category of tool used (e.g., "AI-powered medical summarization tool"). Commons AI tools used in discovery response preparation, include but are not limited to: Harvy AI; CaseText; Co-Counsel; DISCO Cecilia; Lexis+; Westlaw Precision AI; ZyDoc; and Lexitas Medical Summary Tools.
3. Certification Requirement: An Attorney must file a signed certification attesting that:
 - Have personally reviewed the discovery compliance;
 - Have verified that the answers and responses are accurate and complete based on personal/individual legal judgment; and
 - Not relying solely on the AI tool's output to determine the sufficiency or completeness of the responses. (*See attached Sample Certification Regarding the Use of Artificial Intelligence in Discovery Responses, APPENDIX 1*).
4. Sanctions: The failure to comply with this Order, including reliance on erroneous or incomplete AI-generated discovery responses, may result in sanctions under *Illinois Supreme Court Rule 219*, including orders to compel, cost-shifting, or other appropriate remedies.

Attorney Use of AI Tools During Depositions or Court Proceedings: To protect the integrity of proceedings, preserve privilege, and/or avoid violation of protective orders, attorneys intending to use artificial intelligence (AI) tools during depositions or in court proceedings must adhere to the following protocol. AI tools can inadvertently record, store, and/or transmit sensitive data, thereby creating legal and ethical risks that may jeopardize confidentiality and/or violate court orders.

1. Required Checklist Before Using AI Tools in Depositions:

- Confirm that the AI tool does not record or store audio or video input from depositions or court;
- Review the tool's Terms of Use and Privacy Policy for any clauses about data collection or usage for model training;
- Disable microphone, camera, or real-time streaming features unless explicitly approved by the Court and all parties;
- Confirm that all data processing is local or encrypted; avoid tools that store data on external servers without safeguards;
- Do not input or transmit any content designated as confidential or protected under a protective order;
- Ensure the tool does not share input data with third parties or retain session history without secure deletion controls;
- Confirm that client-attorney communications or work product are not entered into AI systems during live proceedings; and
- Obtain explicit consent from all parties if any tool used interacts with live deposition testimony or recordings.

2. Protective Order Violations and Risks: Use of AI tools during proceedings covered by a protective order may create violations in the following ways:

- Inadvertent disclosure of confidential material to third-party platforms, particularly if prompts or inputs are stored offsite;
- Violation of data-handling restrictions by entering or summarizing sensitive information in tools not authorized by the protective order;
- Breach of non-disclosure or storage limitations imposed by stipulations or court orders regarding deposition content;

Attorneys must review the terms of any protective order in place and ensure that no tool used transmits or stores protected material; and

Violations may result in sanctions, exclusion of evidence, and/or waiver of confidentiality protection.

3. Use of Real-Time AI Tools in the Courtroom: AI tools used in real time for trial support (ex.) Transcription review, argument suggestion, or objection analysis) must not disrupt proceedings, hearings, trial, and/or influence the jury or Court in any way. Such tools shall not be visible or audible to any juror. Any use of such materials that interferes with decorum of pace of the trial may be restricted and/or limited.

AI and Evidentiary Issues: AI is fundamentally shifting the landscape of evidence in courtrooms, introducing both powerful tools and complex challenges for admissibility and reliability. As such, the Court plays a critical gatekeeping role in evaluating AI-generated evidence, ensuring it meets established standards for authenticity, reliability, and fairness. Attorneys and experts must verify AI output and avoid reliance on unvetted AI-generated content.

Discovery/Disclosure of AI-Generated Evidence- At least ninety (90) days prior to trial, any party that seeks to introduce evidence enhanced or generated by an artificial intelligence (AI) program shall give proper and timely notice as well as disclose such evidence to the opposing party via affidavit of the attorney or analyst with the following:

1. That Exhibit "X" is evidence that was enhanced or generated by technology utilizing AI, specifically describing what portion of the evidence was generated and/or enhanced;
2. Name, identify, and/or describe the technology that had been used to enhance the evidence, the date it was enhanced and/or generated, how it operates, what steps have been taken to enhance the evidence with such technology, and any algorithm used to enhance or create the evidence;
3. Certification that the evidence has been reviewed by a competent expert or attorney for accuracy and compliance;
4. Documentation (or a description of the method used) to demonstrate the AI tool's reliability and validity in producing or enhancing the evidence;

5. Verification that the evidence and the algorithm used to create or enhance the evidence has been preserved in its original and AI-processed forms; and
6. Attach a copy of the original version of the evidence in addition to any enhanced version of the evidence.

Any party contesting the disclosure and use of AI enhancement or generation of evidence after receiving this notice must within **thirty (30) days** of disclosure provide opposing counsel with notice challenging the evidence and proffering a sufficient factual basis to overcome the proponent's certification.

A hearing on this matter may be requested to evaluate methodology, validation, known error rate, usage acceptance, and accuracy of the proposed evidence. Any new AI-generated evidence discovered or intended for use after this deadline must be disclosed within 7 days of the event or knowledge thereof and may be subject to exclusion.

AI-generated evidence is subject to all rules of authentication and reliability, including *Illinois Rules of Evidence* 401–403, 702 and relevant case law. The parties are reminded that pursuant to the Best Evidence Rule and other *Illinois Rules of Evidence*, should this enhanced evidence be deemed admissible at trial, the original unenhanced evidence will be admitted together with the enhanced version unless the proponent is able to demonstrate good cause why the original should not be admitted.

The above referenced disclosure deadlines for AI enhanced or generated evidence as well as Expert Report Disclosures shall be included in all Case Management Orders

b. Expert Use of AI Generated or Enhanced Evidence: If any expert witness relies on AI or AI-generated data or tools in forming their opinions, their report shall include a detailed description of the AI used, how it was applied, and a demonstration of its reliability in forming those opinions. An expert submitting or utilizing AI content **must** explain in non-technical yet substantive terms the following: the system that was used in its creation; explain and describe any algorithms used; how and with what input such system was trained; whether the system is open or closed; how the system reached its particular decision,

recommendation, or prediction; and why the training and system are reliable and trustworthy.

In sum, the methodology and operation of the AI tool must be transparent to the extent that opposing parties and counsel have a fair and reasonable opportunity to cross-examine the expert regarding the AI tool's processes and decision-making pathways based on the information it is given as well as the potential biases or limitations inherent in the AI tool.

If the expert relies on proprietary AI software (ex. Black Box testimony) that he/she does not own or cannot explain due to proprietary secrets, then the party cannot demonstrate reliability, reproducibility, error rates, or acceptance. Without this information, opposing counsel and the Court cannot meaningfully cross-examine the expert and/or verify results. Said opinions are likely to be excluded because of the foregoing reasons.

c. Use of AI Generated or Enhanced Evidence at Trial: Any use of AI or AI enhanced substantive evidence and/or exhibits will be carefully labelled. The parties are advised if AI generated and/or enhanced evidence is presented to the jury, the Court may entertain or provide *sua sponte* a limiting instruction advising the jury of the character of the evidence, the process of the evidence creation, and that the jury is entitled to weigh its credibility accordingly and/or appropriately.

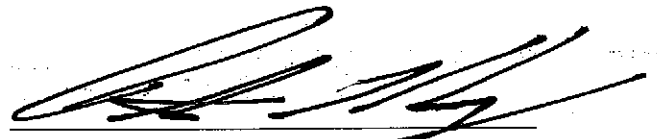
d. Use of AI technology in Jury Selection: Any party intending to use artificial intelligence or algorithmic tools for juror profiling, social media analysis, and/or selection strategy must disclose such use in advance of voir dire. The disclosure shall identify the nature of the tool, and what public or private data it analyzes.

The Court will periodically review this Standing Order in consideration of emerging AI practices, Illinois case law, Illinois statutes, Illinois Supreme Court Rules, Illinois Rules of Professional Conduct, and evolving standards. Attorneys and litigants are strongly encouraged to remain informed about emerging legal, ethical, and technological developments relating to artificial intelligence and its use in litigation. Continuous education in these areas promotes professionalism, enhances the administration of justice, and ensures ethical and responsible use of evolving tools in litigation.

IT IS SO ORDERED:

Date:

11/25/2025


CIRCUIT JUDGE KING

APPENDIX 1

Attorney Certification of Discovery Responses Involving AI Assistance

This form is to be completed and signed by any attorney submitting discovery compliance (answers and responses) before this Court whereby artificial intelligence (AI) tools have been used in the preparation, drafting, and/or review of such discovery compliance. This certification is designed to ensure compliance with *Illinois Supreme Court Rule 137, 213 and 214*, and any applicable standing orders of the Court regarding the ethical, professional, and responsible use of AI in any legal proceedings.

Certification

I, the undersigned attorney, hereby certify the following regarding the discovery compliance submitted and served in this matter:

1. I have reviewed all discovery compliance submitted to ensure that the discovery compliance is factually accurate, complete, and responsive.
2. To the extent any AI tool (ex. ChatGPT, Claude, Gemini, Co-Counsel, and/or similar software) has been used to assist in drafting or organizing discovery compliance, I have verified that all content has been reviewed and edited by counsel for legal sufficiency, accuracy, and compliance of all applicable rules.
3. I have not relied on AI tools to generate objections or answers/responses without applying professional judgment and tailoring to the specific facts and legal context of the case.
4. No confidential or privileged material has been entered into any AI system that stores or transmits information to external servers, except where such use is permitted by Protective Order or by prior agreement of the parties.
5. The use of AI in preparing discovery compliance has not compromised the integrity of any factual statement, legal objection, or disclosure requirement under Illinois law.

I, hereby certify, that the foregoing is true and correct to the best of my knowledge, information, and belief.

Date: _____

Attorney: _____