



## Courts and AI: *New Rules for Attorneys*

How Florida and federal courts are reshaping the duties of competence, candor & supervision in 2026

### COURTS & AI

#### Florida Supreme Court: Statewide AI Certification Rule

Responding to a wave of AI-related “hallucinations” in court filings, the Florida Supreme Court has adopted a statewide certification requirement for all attorneys and self-represented litigants. Effective June 15, 2026, Rule 2.515(d)(2) requires every signer to represent that the legal authorities identified exist and are accurately cited, and expressly authorizes sanctions for fabricated or inaccurately cited authorities—including AI-generated fictitious cases, quotations, or legal analysis.

This change makes clear that, while AI can assist with research and drafting, the lawyer (or pro se filer) remains fully responsible for verifying every citation and factual assertion before submission. Florida’s statewide rule is expected to influence national practice, as other courts look to it as a model.

#### Florida Circuit Court Administrative Orders on AI

Before the statewide rule, several Florida circuits adopted their own AI administrative orders that remain important for local practice. The 17th Judicial Circuit (Broward County), working with the 11th Judicial Circuit (Miami-Dade), requires disclosure of generative AI use on the face of any filing when AI assisted in preparing pleadings, motions, responses, proposed orders, or other court records.

These orders mandate a certification that the attorney personally reviewed and verified all factual statements, legal arguments, and case citations, and they warn that sanctions can include striking pleadings, monetary penalties, contempt, or referral to The Florida Bar. Attorneys should treat these administrative orders as complementary to the new statewide rule: disclosure and certification are now standard expectations when AI assists in filings in Florida courts.

#### Federal and Multi-State AI Disclosure Trends

Florida is not alone. Across the United States, courts are moving toward AI disclosure and verification requirements. As of April 2026, more than 30 federal district courts have adopted some form of AI disclosure requirement, often through standing orders.

Most rules share three core elements: (1) identify whether AI was used in preparing a filing; (2) specify which AI tools were used; and (3) certify that a licensed attorney reviewed and verified all citations, legal arguments, and factual assertions. Some judges go further—limiting or even prohibiting AI use altogether, or asking for the prompts used, raising work-product and privilege questions that attorneys must navigate carefully.

##### EFFECTIVE JUNE 15, 2026

**Mark your calendar.** Florida’s statewide certification rule takes effect the same week as the SBA AI for Main Street funding deadline. Firms preparing both compliance and infrastructure should coordinate the two now.



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## — NATIONAL AI LAW — A 50-STATE VIEW

### State AI Laws Affecting Clients Nationwide

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2026 is shaping up as the year regulators move from AI “guidance” to concrete enforcement, especially at the state level. California’s frontier-AI and transparency laws, Colorado’s risk-based AI Act (S.B. 24-205), and Texas’s AI governance framework all regulate “high-risk” AI systems and AI-driven decisions that significantly affect consumers.

These laws may apply to businesses operating nationwide, meaning counsel in any state must understand the strictest requirements and advise clients accordingly—especially in consumer finance, employment, housing, and health-related AI applications. For IOLEBA attorneys with national practices, the practical rule of thumb is to build AI compliance programs that meet or exceed the most restrictive state regimes your clients are likely to encounter.

### Judicial Guidance on GenAI and Professional Responsibility

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Legal scholars and judicial commentators note that judges are using AI standing orders to reinforce traditional duties of candor, competence, and supervision—not to ban AI outright. Florida ethics authorities have stated there is nothing inherently improper about using AI for drafting, research, or analysis, so long as lawyers supervise and verify the output consistent with rules on competence (Rule 4-1.1) and supervision of nonlawyer assistants (Rule 4-5.3).

Courts emphasize that AI tools are aides, not decision-makers, and that any AI-generated content is treated as the filing party’s work product for purposes of sanctions, privilege analysis, and responsibility. The consistent message for IOLEBA members in every state: AI is allowed, but not unsupervised.

### Privilege and Confidentiality: AI as a Non-Lawyer Third Party

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A recent federal case from the Southern District of New York illustrates the risks of treating public AI tools as “confidants.” A defendant who used a public AI system to prepare his criminal defense materials argued that his AI-generated documents were protected by attorney-client privilege and work product.

The court rejected this, finding no remotely valid basis for a privilege claim over communications with a public AI platform, and holding that sharing AI outputs with counsel after the fact did not retroactively create privilege.

#### PRACTICAL TAKEAWAY

**Treat public AI tools as third parties.** Avoid placing privileged information into public AI systems, and use enterprise or firm-controlled tools when confidentiality is essential. This is precisely the “sovereign” infrastructure approach IOLEBA teaches in Modules 2–3.



## PRACTICAL GUIDANCE & IOLEBA PRACTICE TIPS

### Best Practices for AI Use in Litigation and Counseling

Based on current court rules and ethics guidance, IOLEBA attorneys can adopt these practical safeguards:

- ◆ **Document AI use.** Note when and how AI tools are used in research or drafting so you can comply with disclosure and certification requirements where they apply.
- ◆ **Verify everything.** Independently confirm case law, statutes, quotations, and factual assertions; never rely on AI citations without checking the primary sources.
- ◆ **Align with local rules.** Track AI administrative orders and standing orders in each jurisdiction where you file, especially in Florida circuits and federal districts with explicit AI requirements.

These steps help prevent sanctions, avoid hallucinations, and demonstrate to courts that you are using AI responsibly.

### Firm and Department Policies for a Multi-State Practice

Law firms and legal departments serving multi-state clients should adopt AI policies that anticipate the most demanding regulatory regimes.

- ◆ **Inventory tools and “shadow AI.”** Identify all AI tools used by attorneys, staff, and vendors so you can apply consistent safeguards and disclosures.
- ◆ **Harmonize policies.** Draft firm AI guidelines that assume California, Colorado, Texas, and Florida-level requirements, and apply them firm-wide to reduce inconsistent practices between offices.

For IOLEBA Guild members, these policies can become part of a shared toolkit or template across states, helping solo and small-firm practitioners keep pace with larger institutions.

### Key Messages for IOLEBA Law Guild Members

- ◆ **AI is here to stay**—but courts expect human judgment, verification, and clear disclosure when AI tools are used in legal work.
- ◆ **Supervision matters.** New rules in Florida and nationwide show that failure to supervise AI—especially in citations and factual assertions—can result in sanctions, disciplinary referrals, or adverse evidentiary consequences.
- ◆ **IOLEBA keeps watch.** We continue to monitor and summarize AI-related court rules, state laws, and federal developments so members in every state can quickly adapt.

*This AI Legal Update is provided by The IOLEBA Law Guild for general informational and educational purposes only. It does not constitute legal advice and does not create an attorney-client relationship. Attorneys remain responsible for independently verifying all rules, citations, and authorities before relying on them. Always confirm current rule text and effective dates with primary sources.*