



ANNOUNCEMENT CONCERNING THE USE OF GENERATIVE ARTIFICIAL INTELLIGENCE IN THE PREPARATION OF FILINGS

The Court notes the growing number of litigants utilizing generative artificial intelligence (GAI) in the United States Bankruptcy Court for the Southern District of West Virginia. The Court is aware of the benefits that GAI can provide to unrepresented (*pro se*) litigants. Whether by assisting in filing a petition in the wake of an impending foreclosure, creating a more affordable pathway to bankruptcy relief, or making the documents and terminology more accessible, it is undeniable the impact that GAI can have on providing access to justice. And although GAI shows great promise, those using GAI must be aware of their responsibilities and the potential consequences for misuse.

These consequences are listed in Rule 11 of the Federal Rules of Civil Procedure, which are made applicable to bankruptcy proceedings under Rule 9011 of the Federal Rules of Bankruptcy Procedure. It is necessary to remind *all* litigants, whether unrepresented or represented, that they are subject to Fed. R. Bankr. P. 9011. This rule requires that each pleading, motion, petition, or other paper filed with the Court must be well-grounded in fact and warranted by existing law. Because one of the major drawbacks of GAI is its capacity to hallucinate, including creating fabricated case citations and quotations, all litigants are required to independently verify that the case citations exist and support the proposition for which they are cited, and that any quotations are accurate. Litigants are to be mindful in using GAI tools, such as, but not limited to, CHAT-GPT, Claude, Gemini, Protégé, and CoCounsel. Potential sanctions under Rule 9011 may include, but are not limited to, fines, filing restrictions, required completion of continuous legal education courses for attorneys, or reporting to the Lawyer Disciplinary Board. This recitation of potential sanctions is not an indication of how the Court would rule in a particular case; Rule 9011 sanctions are determined on a case-by-case basis.