

Mallick in DBA Headnotes: Generative Artificial Intelligence and the Texas Business Court

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The Texas Business Court (TBC) is one of the first courts in the U.S. to implement a local rule specifically addressing the use of generative artificial intelligence from its inception. Haynes Boone Associate [Samuel Mallick](#) authored an article for the Dallas Bar Association's *Headnotes* discussing the growing importance and ethical implications of AI for attorneys going before TBC.

Read an excerpt below.

The Texas Business Court is probably the only court in the country to have a local rule on the use of artificial intelligence (AI) from the Court's inception. This makes sense, considering the Texas Business Court is barely older than commercially available generative artificial intelligence and the Court's creation roughly coincided with a rash of cases in which attorneys misused the new technology.

Lawyers practicing in the Texas Business Court (TBC) need to be especially aware of the ethical risks posed by generative artificial intelligence. No attorney should misuse generative AI, of course, but the TBC's inclusion of a specific rule governing the use of AI from the start underscores the heightened importance of understanding generative AI and knowing when and how to use (or not use) this emerging technology. Moreover, the nature of TBC raises the stakes when it comes to use of generative AI in trial courts. Higher-dollar disputes, a briefing heavy forum, and highly confidential business governance issues increase both the benefits and risks of using generative AI.

Texas Business Court Local Rule 10(c) states: "Use of artificial intelligence is not prohibited, but the filing attorney or party is independently responsible for the accuracy of all filings and must comply with all legal and ethical duties, including TRCP 13 and Civil Practice and Remedies Code, Chapters 9–10." The obvious next question is, what legal and ethical duties apply to the use of generative AI? The short answer is all of them. Local Rule 10(c) is in lockstep with the Professional Ethics Committee for the State Bar of Texas's Opinion 705, and attorneys practicing before the TBC should familiarize themselves with that opinion.

[Read the full DBA *Headnotes* article here on page 22.](#)