

# Strench in Texas Lawbook: The Fifth Circuit Takes on Generative AI

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PRACTICES AI and Deep Learning, Appellate

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Haynes Boone Associate Kaylen Strench authored an article for *Texas Lawbook* on the Fifth Circuit now requiring litigants to certify that they reviewed and verified any GenAI-generated content in their filings.

Read an excerpt below:

The Fifth Circuit is the latest court to address potential misuse of generative artificial intelligence (GenAI). The court is seeking comments on an amendment to Rule 32.3 that would require litigants to certify that they reviewed and verified any GenAI-generated content in their filings. Failure to comply could result in striking the document or sanctions.

The text of the proposed rule is below (with changes in bold):

32.3. Certificate of Compliance. See Form 6 in the Appendix of Forms to the Fed. R. App. P. **Additionally, counsel and unrepresented filers must further certify that no generative artificial intelligence program was used in drafting the document presented for filing, or to the extent such a program was used, all generated text, including all citations and legal analysis, has been reviewed for accuracy and approved by a human.** A material misrepresentation in the certificate of compliance may result in striking the document and sanctions against the person signing the **document**.

The rule will also alter Form 6, the Certificate of Compliance. Now, litigants will have to check a box certifying that in preparing the relevant filing (1) they did not use GenAI or (2) they used GenAI but “all generated text, including all citations and legal analysis,” was “reviewed for accuracy and approved by a human.”

To read the full article in *Texas Lawbook*, click [here](#).