

**SUPERIOR COURT  
COUNTY OF SAN BERNARDINO  
Civil Division, Department S14  
247 West Third Street  
San Bernardino, California 92415**

**IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SAN BERNARDINO**

**IN RE: AI MATERIALS INTENDED AS  
EVIDENCE**

## **GENERAL ORDER**

The Court recognizes that, as AI tools proliferate generally in society, there may arise situations in which AI-generated documents or materials (for example, created by a Party prior to the commencement of litigation) are or may become exhibits, evidence, or the subject of factual disputes in an action. In such situations, a pro per party or counsel shall follow the procedures below with regard to proffering evidence, documents, or other factual material which that Party or counsel knows or has any reasonable basis to believe is or was created in whole by a generative AI or any AI tool for creating text, documents, images, video, graphics, audio, or any other material:

a) If a Party or counsel seeks to file or otherwise present to the Court any such AI-generated evidentiary material, no such material shall be considered unless previously disclosed as AI generated.

1           b)     Absent stipulation between the Parties or other order of the Court on  
2 scheduling, at the time of the submission or filing of any such material to the Court, the  
3 Party or counsel proffering such AI-generated material to the Court shall file and serve  
4 any declarations, affidavits, or sworn testimony to address the material's authenticity  
5 under the Evidence Code.

6           c)     If a Party or counsel chooses to use an AI or other automated tool as part  
7 of a process for creating exhibits, demonstratives, or other material to be filed or  
8 presented to the Court, they shall only do so consistent with their ethical and legal  
9 obligations and shall use such tools responsibly and with competent training,  
10 knowledge, and understanding of the limitations and risks of such automated tools.  
  
11 **Parties and counsel shall not file, proffer, or otherwise present to the Court**  
12 **exhibits, demonstratives, or other evidentiary or factual material which contain**  
13 **AI-hallucinated assertions of fact, uncorroboratable statements as to factual**  
14 **matters or evidence, or any fictitious or non-existent references or citations to**  
15 **law or fact. A *proper* party's or counsel's failure to confirm or double-check the**  
16 **accuracy, veracity, or even existence of a basis for an assertion of fact or evidence**  
17 **created by an AI tool is grounds for potential sanctions.**

18           d) Any exhibit, demonstrative, or other material to be filed or presented to  
19 the Court which was created or drafted with any assistance or use of an AI tool shall be  
20 identified as such in its title or caption, in a table preceding the body of exhibit,  
21 demonstrative, or other material, and by a separate Notice filed contemporaneously with  
22 the document or material. Counsel shall maintain records sufficient to identify, if  
23 requested by the Court, those portions of that exhibit, document, or material created or  
24 drafted by use of an AI tool.

26 Dated: MAY 24, 2024

**Jeffrey R. Erickson  
Judge of the Superior Court**