



State Office of Administrative Hearings

Kristofer S. Monson
Chief Administrative Law Judge

Advisory of the Chief Administrative Law Judge Regarding the Use of Artificial Intelligence (AI) in SOAH Cases

October 9, 2025 – Artificial Intelligence (AI) technologies bring both benefit and risk to the legal process. Courts in Texas and across the country have enacted or proposed rules addressing this question, largely spurred by high-profile incidents where AI-generated content included fake case citations. The instances in which deficient briefing has been caught raise the spectre of malpractice in cases involving attorneys and inadvertent self-sabotage by self-represented litigants.

AI platforms are powerful tools with many uses, but the systems currently available to the general public were not designed for legal research and drafting. As a result, they frequently “hallucinate,” presenting users with demonstrably false or misleading facts and legal analysis, including made-up quotes and inaccurate legal citations. Using these hallucinated citations and analysis in court documents directly violates the ethical duty of truth and candor towards the tribunal, which is essential for maintaining the integrity and fairness of administrative proceedings. Even more concerning, litigants who mistake these tools as a substitute for legal counsel or proper self-representation may find that the work product produced by these AI systems can introduce factual or legal errors that actually harm their case.

In addition, Administrative Law Judges (ALJs) have noticed case participants apparently relying on AI-generated answers to oral questions, and the resulting answers have in some cases significantly undermined the participant’s appearance of candor before the tribunal. The use of AI in this context violates the witness oath and the fundamental rule requiring testimony to be based on personal knowledge (Tex. R. Evid. 602), thereby undermining the fact-finding mission of the legal process.

Although the use of AI tools to assist in preparing filings before SOAH is not prohibited, every case participant remains strictly responsible for ensuring that their pleadings and briefs do not contain false or unverified content. All filers must double-check the accuracy of legal citations, quotations, and facts independently through human effort. If the content is wrong, responsibility for any errors rests entirely with the filer, not the AI platform used. **This principle applies equally to attorneys, non-attorney advocates, and self-represented (*pro se*) litigants.**

SOAH's existing procedural rules are sufficient to address and enforce concerns about the use of false or hallucinated AI content in SOAH case filings. **SOAH Rule 155.303, Effect of Signing Pleadings.** (1 Tex. Admin. Code § 155.303) creates an obligation of *diligence and candor* in all filings.

This rule is analogous to Rule 13 of the Texas Rules of Civil Procedure and creates a direct professional and procedural obligation for anyone submitting a document to SOAH:

- The signature of filing party constitutes a certification that they have read the pleading.
- The signature certifies that, “to the best of their knowledge, information, and belief formed after reasonable inquiry,” the pleading is “neither groundless nor brought in bad faith.”

When a party or attorney uses AI to generate legal citations or arguments that are false or misleading, it directly violates this certification standard:

- **Breach of Reasonable Inquiry:** The use of AI does not relieve the signer of the duty to perform a “reasonable inquiry.” A failure to verify the accuracy of AI-generated citations and content through traditional legal research (such as through print reporters, Texas statutes and rules, or other official content) constitutes a breach of this duty.
- **Groundless or Bad Faith:** Filing a document with fabricated law or facts is inherently **groundless**. If the party failed to check the AI-generated content, they may be subject to sanctions for failing to meet the “reasonable inquiry” standard, and in severe cases, the filing could be deemed to be in “bad faith.”

These certification standards apply to all case types at SOAH:

- General docket, 1 Tex. Admin. Code, Ch. 155
- Administrative Driver's License (ALR), 1 Tex. Admin. Code §§ 159.1, .7
- Appraisal Review Board (ARB), 1 Tex. Admin. Code § 165.5
- Special Education/IDEA cases subject to Rule 13 of the Texas Rules of Civil Procedure, 19 Tex. Admin. Code § 89.1185(d).
- Cases referred by the Public Utility Commission of Texas, 16 Tex. Admin. Code §§ 22.72(e), -.161(b)(1) and 1 Tex. Admin. § 155.3(g).
- Cases referred by the Texas Commission on Environmental Quality, 30 Tex. Admin. Code, §§ 80.27(a), -.107(a)(1) and 1 Tex. Admin. § 155.3(g).
- Cases referred by the Employee Retirement System of Texas subject to the Rule 13 of the Texas Rules of Civil Procedure, 34 Tex. Admin. Code, § 67.1(c).

Administrative Law Judge's Sanctioning Authority (Texas Administrative Code, Title 1, section 155.153)

While § 155.303 sets the standard for filings, other rules grant the Administrative Law Judge the power to enforce that standard.

- **Powers and Duties of the ALJ.** The ALJ has authority to administer oaths, issue prehearing orders, control the course of the hearing, maintain conduct and decorum, and impose sanctions. Tex. Gov't Code, § 2003.042 (Powers of Administrative Law Judge; 1 Tex. Admin. Code § 155.153 (Powers and Duties).
- **Sanctioning Authority.** The ALJ has authority to impose appropriate sanctions for failure to comply with the applicable procedural rules, including those related to the veracity of submissions. Specifically, 1 Tex. Admin. Code § 155.157 (Sanctioning Authority) allows the ALJ to issue orders:
 - disallowing or limiting discovery by the offending party;
 - charging all or part of the expenses of discovery against the offending party or its representatives;
 - deeming designated facts be admitted for purposes of the proceeding;
 - refusing to allow the offending party to support or oppose a claim or defense or prohibiting the party from introducing designated matters into the record;

- disallowing in whole or in part requests for relief by the offending party and excluding evidence in support of those requests; or
- assigning no weight to faulty pleadings or testimony based on its lack of credibility or relevance.

3. Reference to Other Law (Texas Administrative Code, Title 1, section 155.3)


Finally, SOAH rules provide that where its own rules do not resolve a procedural issue, the ALJ may look to other established legal standards.

- **Texas Rules of Civil Procedure (TRCP):** The SOAH procedural rules state that when a procedural issue is not resolved by the Administrative Procedure Act (APA), SOAH rules, or case law, the ALJ may consider the **Texas Rules of Civil Procedure (TRCP)** as persuasive authority.
- **TRCP Rule 13:** Because SOAH Rule § 155.303 is the administrative analogue to **TRCP Rule 13**, judges can look to the case law interpreting Rule 13, which is being increasingly used by Texas courts to sanction parties for using unverified, hallucinated content from generative AI.
- **Texas Disciplinary Rules of Professional Conduct** impose special duties on lawyers to understand the capabilities and risks associated with relevant technologies like AI (**Rule 1.01, Competent and Diligent Representation, Comment 8**) and to avoid false statements of fact or law (**Rule 3.03, Candor Toward the Tribunal**). Attorneys who are observed to be negligent in their use of AI systems may face referral to the Texas State Bar's Office of Chief Disciplinary Counsel.
- **Administration of Oath.** To ensure that a participant's use of AI does not unduly interfere with the accuracy or content of their testimony during the course of a hearing, an ALJ may require witnesses to certify, as part of their oath, that no generative AI or other real-time assistance has been or will be used in the presentation of their testimony.
- **Important Note on Confidentiality.** All users of AI platforms are reminded to always take reasonable steps to ensure that confidential SOAH case information remains protected. **Entering confidential information into an AI platform risks violating applicable confidentiality laws.** Users of these systems must

avoid the input of sensitive or personal identifying case information into any publicly available AI platforms, as these systems are generally intended to be “open” and therefore lack adequate privacy and confidentiality safeguards.

Given that SOAH’s existing rules—specifically the Rule 13 analogues coupled with the ALJ’s sanctioning powers —already establish a comprehensive standard of “reasonable inquiry” and provide ample enforcement authority, SOAH is well-prepared to manage the integrity risks posed by unverified AI content. Therefore, the guidance for all participants in administrative hearings is clear: AI is merely a tool, not a substitute for personal knowledge and competent legal representation, and diligence remains the highest duty. Those who rely on AI without diligent verification of work product will bear the consequences to their case and risk sanctions.

Signed October 9, 2025



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