UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OFFICE OF THE CHIEF ADMINISTRATIVE HEARING OFFICER

January 14, 2025

UNITED STATES OF AMERICA, Complainant, v. WALLCON, LLC, D/B/A THE WALL COMPANY, Respondent.	)))))))	8 U.S.C. § 1324a Proceeding OCAHO Case No. 2025A00021

NOTICE OF CASE ASSIGNMENT FOR COMPLAINT
ALLEGING UNLAWFUL EMPLOYMENT

1. A complaint was filed on November 26, 2024, against Wallcon, LLC, d/b/a The Wall Company (Respondent) by the United States of America (Complainant). Attached to this Notice of Case Assignment (NOCA) is a copy of the complaint, the Notice of Intent to Fine (NIF) issued by the Department of Homeland Security (DHS), and the Respondent's request for a hearing pursuant to 8 U.S.C. § 1324a(e)(3).[1] This case is assigned to the Honorable Andrea Carroll-Tipton, Administrative Law Judge.

2. Proceedings in this matter will be conducted according to the OCAHO rules appearing at 28 C.F.R. pt. 68 and applicable case law.[2] It is imperative that you obtain a copy of the rules

[1] OCAHO does not typically publish a NOCA. *United States v. Liberty Constructors, LLC*, 18 OCAHO no. 1495, 1 n.1 (2023). "However, OCAHO will publish a NOCA when it contains an update to the standard information provided in order to enhance transparency and better inform stakeholders with an interest in OCAHO proceedings." *Id*. In the instant case, OCAHO is publishing this NOCA to clarify OCAHO's positions on parties proceeding without using their names and parties using generative artificial intelligence, both of which will be summarized and added to its standard NOCA language going forward. OCAHO. *See infra* ¶¶ 2, 10.

[2] Published OCAHO decisions may be accessed on the Executive Office for Immigration Review's (EOIR) website at https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-decisions, or in the Westlaw

immediately and comply with their requirements in this case. A Portable Document Format (PDF) copy (32 pages) is available on the OCAHO webpage at https://www.justice.gov/eoir/office-of-the-chief-administrative-hearing-officer-regulations. If you are unable to access the webpage or print a copy, you may call our office at 703-305-0864 and request that a copy be mailed to you at no charge.

Attorneys and unrepresented parties are advised to read the relevant rules in their entirety prior to filing documents. Attorneys are advised that the OCAHO rules sometimes differ from the Federal Rules of Civil Procedure.

Additionally, attorneys and unrepresented parties are encouraged to review and consult OCAHO's Practice Manual. OCAHO's Practice Manual is available at the following link, and provides an outline of the procedures and rules applicable to OCAHO cases: https://www.justice.gov/eoir/reference-materials/ocaho.

All representatives and parties are also required to maintain a current address with OCAHO and to timely file a notice of a change of address with the presiding Administrative Law Judge (or with the Chief Administrative Hearing Officer (CAHO) if the case either has not yet been assigned to an Administrative Law Judge or is under administrative review by the CAHO) and must also serve such notice on the opposing party. *See United States v. Cordin Co.*, 10 OCAHO no. 1162, 4

database "FIM-OCAHO," or in the LexisNexis database "OCAHO." Hard copy volumes of OCAHO decisions up to and including volume 8 may be located at federal depository libraries nationwide, which may be located at http://catalog.gpo.gov/fdlpdir/FDLPdir.jsp. All volumes after 8 are only available online.

(2012) ("It is the Respondent's responsibility (indeed, the responsibility of all parties before OCAHO) to file a notice of change of address or other contact information directly with the [Administrative Law Judge], as well as serving that notice on the opposing party."); *cf.* 28 C.F.R. § 68.6(a) ("Except as required by § 68.54(c) and [§ 68.6(c)], service of any document upon any party may be made . . . by mailing a copy to the last known address.").

Parties in OCAHO proceedings sometimes wish to proceed anonymously (or pseudonymously) or to use their initials in the case caption rather than their names. *See*, *e.g.*, *Sharma v. NVIDIA, Corp.*, 17 OCAHO no. 1450b, 2-3 (2022) (denying a respondent's request to proceed anonymously). However, following Rule 10(a) of the Federal Rules of Civil Procedure, which requires that "[t]he title of the complaint must name all the parties," OCAHO generally[3] requires all parties to a complaint to identify themselves by name. *Cf.* 28 C.F.R. § 68.1 (noting that "[t]he Federal Rules of Civil Procedure may be used as a general guideline [in OCAHO proceedings] in any situation not provided for or controlled by [OCAHO's own] rules [or other applicable law]"). Although OCAHO is not a federal court, it nevertheless shares federal courts' general presumption against the use of a pseudonym or initials in civil proceedings. *See*, *e.g.*, *Doe v. Mass. Inst. of Tech.*, 46 F.4th 61, 68 (1st Cir. 2022) ("Judicial hostility to a party's use of a pseudonym springs from our Nation's tradition of doing justice out in the open. . . [and]— to a

[3] OCAHO rarely adjudicates a case involving a minor party. However, when it does, it follows Federal Rule of Civil Procedure 5.2(a)(3), *see* 28 C.F.R. § 68.1, and requires a minor named in a complaint to be identified solely by the minor's initials. *See*, *e.g.*, *J.L.M. v. Cnty. of Onedia/Workforce Dev.*, 20 OCAHO no. 1606 (2024). Nothing in this NOCA should be construed as authorizing any deviation from OCAHO's adherence to Federal Rule of Civil Procedure 5.2(a)(3) in cases involving a minor party.

certain degree— letting a party hide behind a pseudonym dims the public's perception of the matter and frustrates its oversight of judicial performance"); *see also Doe v. Kamehameha Schs./Bernice Pauahi Bishop Est.*, 596 F.3d 1036, 1042 (9th Cir. 2010) ("The normal presumption in litigation is that parties must use their real names. . .This presumption is loosely related to the public's right to open courts. . . and the right of private individuals to confront their accusers" (citations omitted)); *cf*. 28 C.F.R. § 68.39(a) (generally requiring that OCAHO "[h]earings shall be open to the public," though allowing for an Administrative Law Judge to close the hearing under certain circumstances). Further, utilization of the parties' names in the case caption is essential for appropriately indexing the case and ensuring that it is properly cited as precedent. *See* 5 U.S.C. § 552(a)(2). [4]

Nevertheless, no relevant statute expressly forbids a party from proceeding anonymously (or pseudonymously), nor does any OCAHO regulation. [5] Consequently, in appropriate

[4] To be sure, federal law does authorize OCAHO to redact "identifying details" in a published decision "[t]o the extent required to prevent a clearly unwarranted invasion of personal privacy." 5 U.S.C. § 552(a)(2). Accordingly, OCAHO typically redacts certain identifying details—*e.g.* physical addresses, phone numbers, email addresses, and social security numbers—appearing only in the body of published orders, and nothing in this NOCA should be construed as authorizing a change in that practice. (OCAHO also follows Federal Rule of Civil Procedure 5.2(a)(1), *see* 28 C.F.R. § 68.1, as an additional basis for redacting social security numbers or taxpayer identification numbers.) However, except in cases of minors, *see supra* note 3, the use of the parties' names in the case caption rarely constitutes an unwarranted invasion of personal privacy and, thus, for the reasons given, *supra*, OCAHO will generally not redact the parties' names in the case caption in published orders unless the presiding Administrative Law Judge—or other authorized adjudicator, *see infra* note 6—finds that such redaction is appropriate.

[5] Although federal law generally prohibits agency disclosure of records containing an individual's name without the consent of the individual named, that disclosure prohibition does not apply to disclosures required by 5 U.S.C. § 552. *See* 5 U.S.C. § 552a(b)(2). In turn, 5 U.S.C. § 552 requires agencies to, *inter alia*, "make available for public inspection in an electronic format [*e.g.* publish electronically]. . ."final opinions. . .as well as orders, made in the adjudication of cases." 5 U.S.C. § 552(a)(2)(A). Further, an order is "the whole or a part of a final disposition. . .of an agency in a matter." 5 U.S.C. § 551(6). Consequently, most OCAHO decisions in a particular case constitute orders for purposes of 5 U.S.C. § 552 and are, thus, required to be published under that statute. Therefore, published OCAHO decisions are not subject to the name-disclosure prohibition in 5 U.S.C. § 552a, *see* 5 U.S.C. § 552a(b)(2), and as discussed

circumstances, OCAHO may allow a party to proceed using a pseudonym or only its initials in the case caption, and OCAHO generally follows applicable federal case law in making that determination. *See*, *e.g.*, *Sharma v. Eridan Commc'ns, Inc.*, 20 OCAHO no. 1614, 2-3 (2024) (applying relevant law from the United States Court of Appeals for the Ninth Circuit in denying a request from a complainant to use his initials in the case caption). Consequently, parties wishing to proceed anonymously, pseudonymously, or through their initials should be familiar with the relevant law in making their arguments to the OCAHO adjudicator considering the case.[6]

3. OCAHO does not have authority to appoint counsel. 28 C.F.R. § 68.34. Unrepresented parties are encouraged to seek and obtain representation and, if appropriate, to avail themselves of available pro bono resources. Private parties may be represented by an attorney who is a member in good standing of the bar of the highest court of any state, the District of Columbia, or any territory or commonwealth of the United States. 28 C.F.R. § 68.33(c)(1). Attorneys must file a

above, *see supra* note 4, the use of the parties' names in the case caption generally does not constitute an unwarranted invasion of personal privacy. Accordingly, no applicable law generally forbids OCAHO from publishing the parties' names in the case caption when it publishes a decision.

[6] Parties may file a motion to proceed anonymously, pseudonymously, or using their initials, or they may seek a protective order pursuant to 28 C.F.R. § 68.42(a). In all cases, however, the presiding adjudicator—*i.e.* the Administrative Law Judge, the CAHO, the EOIR Director (in rare and limited circumstances, *see* 28 C.F.R. § 68.30(e)), or the Attorney General—will make that determination. Only those specified adjudicators have authority to consider such motions or requests. No other DOJ or EOIR employee has authority to adjudicate any OCAHO case, to adjudicate any aspect of the case, or to direct or pressure any OCAHO adjudicator on how to adjudicate a case. *See*, *e.g.*, 8 C.F.R. § 1003.0(f) (noting that "the [EOIR] General Counsel shall have no authority, directly or indirectly, to direct or influence the adjudication of any cases under the [Immigration and Nationality] Act"); *cf*. *United States v. Corrales-Hernandez*, 17 OCAHO no. 1454e, 3 (2023) (noting that "the CAHO [and, by extension, all other OCAHO adjudicators] exercises independent judgment and discretion free from ideological or *institutional* pressure" (emphasis added)). Consequently, any request for anonymity or to adjudicate a case without the full name of one or both of the parties filed with any person or component other than the presiding adjudicator cannot lawfully be acted upon. Instead, the presiding adjudicator will determine how best to address the improper filing.

Notice of Appearance as required by 28 C.F.R. § 68.33(f). In limited circumstances subject to the requirements of 28 C.F.R. § 68.33(c)(2), private parties may be represented by law students. Private parties may also be represented by certain non-attorney representatives in appropriate circumstances, in accordance with the requirements in 28 C.F.R. § 68.33(c)(3). Non-attorney representatives who wish to appear before the Administrative Law Judge on behalf of a party must seek approval from the Administrative Law Judge pursuant to 28 C.F.R. § 68.33(c)(3). Private parties may also represent themselves and should file a Notice of Appearance in accordance with 28 C.F.R. § 68.33(f) if they do so.

4. The Respondent has the right to file an answer to the complaint. The answer (and two copies) must be filed within thirty (30) days after receipt of the attached complaint by either Respondent or its attorney (or representative) of record. 28 C.F.R. §§ 68.3(b), 68.9. The answer is considered filed on the date when OCAHO receives the filing. 28 C.F.R. § 68.8(b). If the Respondent fails to file an answer within the time provided, the Respondent may be deemed to have waived its right to appear and contest the allegations of the complaint, and the Administrative Law Judge may enter a judgment by default along with any and all appropriate relief. 28 C.F.R. § 68.9(b).

5. All documents filed by either party, including letters, must be filed and served as follows: (i) File one original signed document and two copies, **including** attachments, with the Administrative Law Judge, and serve one copy on each person on the attached Service List. 28 C.F.R. § 68.6(a);

(ii) Effort should be made to avoid filing by facsimile. Filing by facsimile is permitted only to toll a deadline. 28 C.F.R. § 68.6(c). Exhibits and attachments are never to be filed by facsimile; and

(iii) Include a certificate of service indicating the recipient(s), manner and date of service with every filing. 28 C.F.R. § 68.6(a). A document that does not have a certificate of service will be returned to the party filing it.

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6. OCAHO operates an electronic filing pilot program.[7] For cases enrolled in the program, the parties can file and serve case documents by email and will receive decisions and orders issued by OCAHO by email. More information about the electronic filing program can be found on OCAHO's website at the following location: https://www.justice.gov/eoir/ocaho-filing. Participation in the program is strongly encouraged in order to minimize the delays inherent in filing and service of hard copy documents by mail or other delivery service. Although participation is voluntary and typically allowed only when both parties in a case elect to participate and complete the necessary certification, OCAHO adjudicators may, in certain circumstances, require the parties in a particular case to electronically file documents even if the case is not enrolled in the pilot

[7] "The pilot program was originally in effect until November 26, 2014, and was subsequently extended until May 29, 2015. Due to the overall success of the electronic filing pilot program, the pilot program has now been extended indefinitely while OCAHO works toward implementation of a permanent e-filing system." *OCAHO Filing*, U.S. DEP'T OF JUST., https://www.justice.gov/eoir/ocaho-filing (last updated June 4, 2021). After nearly two years of delay, in November 2022, EOIR's Office of Information Technology indicated that work on implementation of a permanent OCAHO electronic filing system would begin that fiscal year. However, no work was apparently ever initiated, and implementation has been further delayed since then without an official explanation. A current expected completion date—or even a current expected initiation date—is unknown.

program. *See, e.g.*, *A&D Maint. Leasing & Repairs, Inc.*, 19 OCAHO no. 1568a, 9 (2024) (decision by the CAHO noting that pursuant to an Administrative Law Judge's authority to "[t]ake other appropriate measures necessary to enable him or her to discharge the duties of the office," 28 C.F.R. § 68.28(a)(8), an Administrative Law Judge may, "in certain circumstances," require parties to file documents electronically even if their case is not enrolled in OCAHO's electronic filing program); *Zajradhara v. Kang Corp.*, 19 OCAHO no. 1555 (2024) (converting a case to electronic filing absent objection from the parties due to "significant delays inherent with mail filing" between the parties' location and OCAHO's offices).

7. Procedures for conducting discovery are governed by OCAHO rules and applicable case law. *See generally* 28 C.F.R. §§ 68.6(b), 68.18–68.23. The parties should not initiate discovery until the presiding Administrative Law Judge has set a discovery schedule or otherwise authorized the start of discovery. *See Ferrero v. Databricks*, 18 OCAHO no. 1505, 4-8 (2023). Should either party believe it is necessary to begin discovery prior to that time, it may seek leave from the presiding Administrative Law Judge to do so through the filing of a motion. *See id*.

8. OCAHO operates a Settlement Officer Program, which is a voluntary program through which the parties can use a settlement officer to mediate settlement negotiations as a means of alternative dispute resolution. The settlement officer may convene and oversee settlement conferences and negotiations, may confer with the parties jointly and/or individually, and will seek voluntary resolution of issues. The parties may request that the presiding Administrative Law Judge refer the case to a settlement officer at any time while proceedings are pending, up to thirty

days before the date scheduled for a hearing in the matter. More information about the Settlement Officer Program can be found in the OCAHO Practice Manual: https://www.justice.gov/eoir/reference-materials/ocaho/chapter-4/7.

9. Should the Administrative Law Judge determine that a hearing is required, the Respondent would have the right to appear in person and give testimony at the place and time fixed for the hearing. 28 C.F.R. § 68.39. The hearing shall be held at the nearest practicable place to the place where the Respondent resides or the place where the alleged violation occurred. *See* 8 U.S.C. § 1324a(e)(3)(B); 28 C.F.R. § 68.5(b). Due regard shall also be given to the convenience and necessity of the parties or their representatives in selecting a time and place for the hearing. *See* 5 U.S.C. § 554(b).

10. All parties in OCAHO proceedings are expected to act with integrity and in an ethical manner and shall conform their conduct to the Standards of Conduct. 28 C.F.R. § 68.35. To that end, parties should be particularly mindful of potential ethical obligations and pitfalls surrounding the use of generative artificial intelligence (AI) in preparing filings before OCAHO. As the largest administrative court system, by case volume, in the federal government, EOIR is highly likely to encounter attorneys or respondents using generative AI in their submissions to its three adjudicatory components, including OCAHO. In fact, a prominent immigration advocacy organization recently noted that "[a]dopting generative AI (GAI) is increasingly popular in immigration law, with more than two-thirds of lawyers using it by 2024." *Notifying Clients of Your Generative AI Use*, AM. IMMIGR. LAW. ASSOC., https://www.aila.org/library (search in search bar

for "AILA Doc. No. 24110701") (last visited Jan. 13, 2025). However, despite EOIR's obvious susceptibility to the improper or problematic use of generative AI in its proceedings, EOIR lacks any general guidance regarding the use of that technology. [8] Accordingly, OCAHO now offers the following perspective regarding the use of generative AI in its proceedings.

The use of generative AI tools in the preparation of legal filings in any proceeding, including a proceeding before OCAHO, may implicate several rules of professional conduct applicable to attorneys. *See, e.g.*, ABA Comm. on Ethics & Pro. Resp., Formal Op. 512 (2024) (discussing the ethical obligations of lawyers using generative AI tools); *see also* Pa. State Bar Ass'n Comm. on Legal Ethics & Pro. Resp. & Phila. Bar Ass'n Pro. Guidance Comm., Joint Formal Op. 2024-200 (2024) (discussing ethical issues regarding the use of AI and summarizing ethics guidance on similar issues from several different state bars). *Cf. United States v. La. Crane Co.*, 11 OCAHO no. 1246, 3 (2015) ("OCAHO case law instructs that reliance on the ethics rules of a relevant state bar is appropriate to determine whether an ethical violation has occurred.").

[8] On December 13, 2023, the Deputy Attorney General established an Emerging Technology Board (Board) to support coordination and governance of AI and emerging technology issues across the Department of Justice (DOJ). This Board also serves as DOJ's AI Governance Board under Executive Order 14110 and Office of Management and Budget Memorandum M-24-10. *See* U.S. DEP'T OF JUST., COMPLIANCE PLAN FOR OMB MEMORANDUM M-24-10, 2 (2024), https://www.justice.gov/media/1373026/dl. Oddly, although twenty DOJ components are represented on the Board, EOIR is not, *see id.* at 3, even though it is likely to have significant experience with the use and abuse of AI and is, arguably, the DOJ component most likely to experience the improper use of AI through documents submitted in its proceedings. EOIR has also twice attempted to establish its own AI Working Group or Steering Committee, but neither effort resulted in any tangible results. Consequently, EOIR, in general, and its three adjudicatory components, in particular, have been left largely to develop their own practices for addressing the use of generative AI in their respective immigration proceedings.

"Examples of AI legal output gone wrong have multiplied" in recent years, John Roemer, *Will Generative AI Ever Fix Its Hallucination Problem?*, AM. BAR ASS'N (Oct. 1, 2024), https://www.americanbar.org/groups/journal/articles/2024/will-generative-ai-ever-fix-its-hallucination-problem/, and attorneys should exercise significant caution in using generative AI in any forum, including OCAHO. In particular, attorneys should be aware that generative AI tools have been shown to "hallucinate" certain legal materials or conclusions, including citations to non-existent cases or other authorities.[9] *See, e.g.*, *Park v. Kim*, 91 F.4th 610 (2d Cir. 2024) (noting that the generative AI tool ChatGPT suggested a non-existent authority that was then cited by an attorney in her brief and referring the attorney to disciplinary authorities for further investigation based on her reliance on the fictitious legal authority); *Mata v. Avianca, Inc.*, 678 F. Supp. 3d 443 (S.D.N.Y. 2023) (concluding that ChatGPT had fabricated several cases cited in a party's filing and imposing sanctions on the party and attorneys that submitted the filing).

The submission of "hallucinated" legal authorities obtained through the use of generative AI inflicts severe damage upon multiple levels of any judicial or adjudicatory system:

> Many harms flow from the submission of fake opinions. The opposing party wastes time and money in exposing the deception. The Court's time is taken from other

[9] A 2024 study by researchers at the Stanford University Regulation, Evaluation, and Governance Lab and the Stanford University Institute for Human-Centered Artificial Intelligence found that even "bespoke" legal research AI tools developed by two leading legal research companies "hallucinated" more than either 17% or 34% of the time, depending on which company's tool was used. Varun Magesh et al., *AI on Trial: Legal Models Hallucinate in 1 out of 6 (or More) Benchmarking Queries*, STANFORD UNIV. (May 23, 2024), https://hai.stanford.edu/news/ai-trial-legal-models-hallucinate-1-out-6-or-more-benchmarking-queries. These "hallucinations" encompassed responses that were either factually or legally incorrect or were "misgrounded" by citing a source which did not support the legal claim. *Id*. Although these tools had fewer errors than general-purpose AI models, *see id*., their still-relatively-high "hallucination" rates support a cautious approach by attorneys using generative AI in submissions to a tribunal.

> important endeavors. The client may be deprived of arguments based on authentic judicial precedents. There is potential harm to the reputation of judges and courts whose names are falsely invoked as authors of the bogus opinions and to the reputation of a party attributed with fictional conduct. It promotes cynicism about the legal profession and the American judicial system. And a future litigant may be tempted to defy a judicial ruling by disingenuously claiming doubt about its authenticity.

Avianca, Inc., 678 F. Supp. 3d at 448-49 (footnote omitted). Moreover, the use of such "hallucinations" likely violates—at the least—an attorney's duty of candor to the tribunal, *see*, *e.g.*, State Bar of Cal. Standing Comm. on Pro. Resp. & Conduct, *Practical Guidance for the Use of Generative Artificial Intelligence in the Practice of Law*, STATE BAR OF CAL., https://www.calbar.ca.gov/Portals/0/documents/ethics/Generative-AI-Practical-Guidance.pdf (last visited Jan. 13, 2025) ("A lawyer must review all generative AI outputs, including, but not limited to, analysis and citations to authority for accuracy before submission to the court, and correct any errors or misleading statements made to the court."), and would, accordingly, likely be sanctionable conduct by OCAHO if submitted in an OCAHO proceeding, *cf. La. Crane Co.*, 11 OCAHO no. 1246, at 14 (sanctioning an attorney for, *inter alia*, a "failure to be candid with the court and to uphold the high ethical standards required of counsel").

"All parties appearing before OCAHO are expected to be candid with the court and to comply with pleading practices that adhere to the ethical standards set forth in OCAHO's regulations," as well as other applicable rules of professional conduct. *Id.* Consequently, parties and attorneys should take care to confirm the accuracy of any citations or other research or drafting conducted using such tools. Parties and attorneys are responsible for all filings they submit to

OCAHO, and may be excluded from OCAHO proceedings or otherwise sanctioned for, *inter alia*, "refusal to adhere to reasonable standards of orderly and ethical conduct" or "failure to act in good faith." 28 C.F.R. § 68.35(b); *see also La. Crane Co.*, 11 OCAHO no. 1246, at 14 (reprimanding counsel for filing a position statement containing plagiarized material and for "failing to provide appropriate and relevant legal authority to support its arguments"). In short, attorneys appearing before OCAHO should take care to ensure that any use of generative AI is consistent with their ethical obligations as attorneys. *See, e.g.*, ABA Comm. on Ethics & Pro. Resp., Formal Op. 512.

The use of generative AI has been one of the most significant developments in the legal profession in recent years, and its use carries both significant potential benefits and calamitous potential traps for the incautious. See *2023 Year-End Report on the Federal Judiciary*, U.S. SUPREME CT., https://www.supremecourt.gov/publicinfo/year-end/2023year-endreport.pdf (last visited Jan. 13, 2025) (including a statement from Chief Justice John Roberts noting that "AI obviously has great potential to dramatically increase access to key information for lawyers and non-lawyers alike. . . . But any use of AI requires caution and humility."). To help navigate those potential traps, many state and local bar associations have begun to weigh in on its use, including in court proceedings, *see*, *e.g.*, State Bar of Cal. Standing Comm. on Pro. Resp. & Conduct, *Practical Guidance for the Use of Generative Artificial Intelligence in the Practice of Law*, STATE BAR OF CAL., https://www.calbar.ca.gov/Portals/0/documents/ethics/Generative-AI-Practical-Guidance.pdf (last visited Jan. 13, 2025) (providing "Practical Guidance" for the use of generative AI by attorneys "based on current professional responsibility obligations for lawyers"), and

OCAHO expects attorneys to be familiar with any guidance issued by a relevant bar regarding the use of generative AI in a court or adjudicatory proceeding. In sum, although OCAHO neither imposes a blanket prohibition on the use of generative AI nor a mandatory disclosure requirement regarding its use,[10] OCAHO nevertheless expects all parties to take their ethical responsibilities seriously and to comport themselves with integrity and adherence to relevant standards of professional conduct, including when they rely on the use of generative AI.

Notice Given By:

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[10] Nothing in this NOCA should be construed as prohibiting a presiding Administrative Law Judge from imposing his or her own requirements related to the use of generative AI in individual cases pursuant to an Administrative Law Judge's authority in 5 U.S.C. § 556(c)(5) to "regulate the course of [a] hearing" and in 28 C.F.R. § 68.28(a)(8) to "[t]ake other appropriate measures necessary to enable him or her to discharge the duties of the office."