

NYU Law Review's Author Use of AI Policy

NYULR is committed to publishing, generating, and cultivating influential scholarship in service to the law. Generative artificial intelligence is evolving rapidly and bears significant implications for the nature of scholarship and scholarly inquiry. As academics and practitioners adopt and employ artificial intelligence at various stages of legal scholarship, the *N.Y.U. Law Review (NYULR)* aims to engage thoughtfully with that evolution.

While *NYULR* cannot truly anticipate or account for all changes introduced by AI and the norms that shape their use, this policy sets forth general guidelines for use of AI by those submitting materials for consideration and potential publication by *NYULR*. Sections I through IV set out what scholars need to know to disclose AI use and submit materials. Section V explains the principles behind those rules, for readers interested in our reasoning.

We ask that you read the policy in full before submitting materials to *NYULR*. If you have any questions, please email our Editor-in-Chief, Ajay A.V. Singh, at as11021@nyu.edu.

Once you have read the policy, even if you did not use AI in the creation of your piece, we ask that you fill out this [Google Form](#) or submit a customized version of this [Word template form](#) with your manuscript and other relevant materials.

- I. Definitions**
- II. Authorship**
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I. Definitions

For the purposes of this policy, “submitted materials” means any and all materials, published or unpublished, that an individual has submitted within the context of potential publication of the individual’s written work by the scholarship departments of *NYULR*. This includes, but is not limited to, any portion of an individual’s abstract, article, online piece, or note; any portion of the underlying methodological, empirical, or archival material, tools, models, or data submitted by the individual; and any other writing or materials submitted by the individual.

For the purposes of this policy, “AI” or “artificial intelligence” refers only to generative artificial intelligence. “Generative artificial intelligence” means “the class of AI models that emulate the structure and characteristics of input data in order to generate derived synthetic content. This can include images, videos, audio, text, and other digital content.”¹ Standard examples include, but are not limited to, chatbots and text generating platforms (ChatGPT, Claude, Google Gemini), image generators (Midjourney, DALL-E), and video or audio generating platforms (Sora, ElevenLabs).

¹ Nat’l Inst. of Standards & Tech., SP 800-218A, Secure Software Development Framework (SSDF): Recommendations for Mitigating the Risk of Software Vulnerabilities (2024).

For the purposes of this policy, use of generative artificial intelligence functions within a non-AI platform or service are considered use of generative artificial intelligence. For example, use of Microsoft Co-Pilot within Microsoft Word is considered use of generative artificial intelligence.

II. Authorship

AI software may not author or co-author a submission. Authorship requires complete responsibility for those ideas and arguments written and published. An AI software is epistemologically incapable of taking responsibility for content it produces. Therefore, the *NYULR* will not consider submissions that have been authored or co-authored by AI.

III. Disclosure

Introduction

As AI rapidly develops, so too do use cases of AI proliferate. **Disclosure of AI use helps the *NYULR* better understand how scholars are or are not using AI.** If AI has been used in the preparation of submitted materials, scholars must include a “Disclosure Addendum,” or a brief description of such use, including (1) which tools, if any, were used; and (2) how these tools were used. We have included a template Disclosure Addendum Form to make this process as seamless as possible (see at the top of the policy). The following are guidelines for how scholars should submit their Disclosure Addendum Form.

Guidelines for disclosure²

The definition of AI “use” is a shifting one, but generally, **we expect disclosure of AI use when submitted material (including citational content) has been willfully crafted, drafted, or edited through the influence of AI.** This may include (but is not limited to):

- Writing or editing content (e.g., drafting or revising body text, footnote text, citations, or explanatory parentheticals within citational content);
- Research (e.g., intentionally using an LLM as a search engine, asking an LLM to assist in developing potential topics, conducting preemption checks, summarizing cases, reviewing relevant literature, gathering sources, generating arguments and counterarguments, or outlining and structuring other sources);
- Data analysis (e.g., data collection and compilation, coding and categorization, quantitative or statistical analysis, or interpreting and summarizing results)

Another useful way of thinking about this: scholars often credit other scholars or research assistants for substantive or technical contributions to submitted materials. If a scholar has used an AI tool to similar

² Our approach to disclosure of AI usage is shaped by the principles we identify at the end of the policy. *See* Section V at 4–6.

effect, we expect the scholar to describe that use in the Disclosure Addendum.³ If a scholar's research assistant has used an AI tool to a similar effect, we also expect scholars to describe that use, to the extent that scholars are aware of that use.⁴ Given the proliferation of AI use cases, we ask that scholars practice a presumption of disclosure, meaning: if a scholar is unsure whether a certain use qualifies as use of AI, the scholar should presume that such use ought to be disclosed.

If a scholar's submitted materials are selected for publication, we will work with the scholar to identify and implement explicit disclosure of AI upon publication of the piece. Such disclosure will be expected where a scholar would generally attribute credit to a source or interlocutor. Our general expectation is that where AI has been used to substantially develop or support an argument made within the piece, scholars will cite to AI within the citational content of the specific argument, as is expected with use of any other source which contributes to substantial development.

While the *NYULR* is currently developing its own approach to citations of AI-generated content, any such uses of AI-generated content in submitted materials should be cited according to Bluebook citation rules.

Finally, if *NYULR* discovers that the scholar has used AI in a manner that merits disclosure to develop submitted materials, but has not disclosed that use to *NYULR*, **such non-disclosure will weigh heavily against the scholar's submission.** If submitted materials have been accepted for publication, **discovery of unfaithful disclosure or willful non-disclosure of AI usage during the production process may be grounds for rescission of acceptance.**

*Consideration of AI usage*⁵

Disclosure of AI usage *will not in and of itself* weigh against consideration of submitted materials. To that end, when considering submitted materials, the *NYULR* will assess AI usage in those materials on the basis of its impact on the materials under the totality of the circumstances, including (but not limited to): whether the use of AI enhances or detracts from the substance of the materials; whether the AI-generated or AI-assisted content is verifiable and accurate; the extent to which the work reflects the scholar's own

³ We do not expect disclosure for uninvited or incidental use of AI. For example, we recognize that it is nigh impossible to search something on Google without Google Gemini populating a preliminary answer to the query. Use of that preliminary response to locate sources, which then become citational content for written content in submitted materials, does not count as use for the purpose of disclosure; nor would inspiration from that response to ask further questions which lead to the production of an idea or an argument. In that instance, interaction becomes "use" for the purposes of this policy when the scholar intentionally queries Google Gemini further after the initial, unsolicited response, thereby transforming Gemini from a sort of officious intermeddler into a consensual contributor.

⁴ We understand there may be situations where a scholar is unaware of all the tools their research assistant has employed to accomplish their research, including using AI. There will be no penalty whatsoever for any unexpected or unsolicited use of AI that has led the author to involuntary non-disclosure of AI use. We do, however, expect scholars to be accountable for any and all materials which actually do end up within a submitted manuscript, including those produced through the support of research assistants, as is the standard practice with all other materials produced through the support of research assistants. With respect to AI use: If the scholar expressly permits a research assistant to use AI for research, that would count as a use for disclosure insofar as the research assistant's content significantly influences substantive or citational content manifest in the submitted materials.

⁵ Our approach to consideration of AI usage is also shaped by the principles we identify at the end of the policy. *See* Section V at 4–6.

original legal analysis and judgment; whether the particular use of AI raises concerns about or enhances the integrity of the scholar's argument; and whether use conforms to applicable professional or ethical obligations. **Generally speaking, where AI use has not clearly detracted from the originality or accuracy of submitted materials, AI use will not weigh against evaluation of the piece.**

We also acknowledge that different methodological approaches (specifically empirical approaches) incorporate AI use in different ways, and require different levels of attention and consideration. We will shift our consideration of use accordingly.

NYULR is also mindful of the cumulative effect that normalized AI usage practices may have on legal scholarship. In evaluating submissions, *NYULR* will also consider whether a scholar's specific use of AI reflects a model of scholarly practice that, if widely adopted, would enrich or impoverish legal discourse—including its capacity to produce novel arguments, sustain methodological diversity, and preserve epistemic accountability, all of which are vital to a rich and robust legal academic ecosystem.⁶

Finally, the editors of the *NYULR* value the creative and collaborative aspects of legal scholarship. We believe that the best ideas evolve not in a vacuum or in conversation with sophisticated but stochastic software, but through the democratic practices of live discourse and debate with colleagues, and through inspiration from other areas of law, other disciplines, and from life itself. To the extent that AI is used to substitute such creative practices with mechanical ones, the *NYULR* may deem content produced through such creative practices more desirable and publishable, all else being equal.

IV. Responsibility

Scholars are solely accountable for the integrity of all submitted materials to the *NYULR*. To be clear, this responsibility includes the integrity of any and all materials submitted to the *NYULR* which have been produced, assisted, supported, or otherwise influenced by AI.

During the normal course of our process of considering and reviewing submitted materials, *NYULR* reviews submitted materials for errors. As with non-AI errors, scholars are responsible for any and all errors introduced through the use of AI. These errors will be treated with the same scrutiny as any other errors included within scholar content.

Unfaithful representation of AI sources may be grounds for the rescission of the acceptance of a scholar's manuscript for publication. Furthermore, discovery by *NYULR* of the scholar's inclusion of false material (including, but not limited to, hallucinated sources) during review prior to acceptance of a manuscript for publication will *per se* disqualify the scholar's submission from consideration for publication. Unfaithful representation of AI sources or inclusion of false material in previous materials will be considered by the *NYULR* in evaluating future submissions by the scholars responsible. Before any such disqualification is finalized, the scholar will be given an opportunity to respond to the specific finding.

V. Principles

⁶ This consideration is grounded in principles of creativity discussed in Section V, the application of which is more unformed than the principles of originality and accuracy discussed above.

As we mentioned at the beginning of this policy, *NYULR* is committed to publishing, generating, and cultivating influential scholarship in service to the law. Where AI use is consequential for the discipline as a whole and for the scholarship we publish, it remains important to *NYULR* that treatment of AI use remains consonant with the values that undergird the pursuit of knowledge writ large: ingenuity, novelty, methodological rigor and diversity, accountability, honesty, and excellence.

These indicia are undergirded by core principles of what it means to produce legal scholarship. They give character to legal inquiry as a scholarly endeavor. Two of these principles *explicitly* underlie journals' standard course of considering, producing, and publishing scholarly work. Both relate to what we term "epistemic accountability," or the ethical and intellectual obligation to ensure that one's beliefs, claims, and otherwise produced knowledge are accurate, well-founded, and self-critically examined—and to take ownership of the character and meaning of that knowledge. These two principles are:

- 1) **Originality.** Legal scholars must be normatively and legally responsible for the new knowledge they produce. Where a scholar willfully distorts or divests themselves of that responsibility, as when they engage in plagiarism, such activity is appropriately seen as offensive to originality.
- 2) **Accuracy.** Legal scholars must be accurate in the claims they make. Where a scholar willfully distorts or divests themselves of the precision of their claims, such as using a fake source to substantiate an argument, such activity is appropriately seen as offensive to accuracy.

AI has the potential to dramatically alter the manifestation of these principles, and it has already done so. On one hand, AI promises to greatly expand the scope of original legal scholarship that legal scholars can possibly produce with available resources, as well as permit the field to make more claims with seeming confidence in their accuracy. On the other hand, AI may pose significant risks to both of these principles. On originality, AI right now is at best translucent as to where the knowledge it produces comes from—its *deus ex machina* quality can obfuscate the true compilation of the sources of the content it produces. And on accuracy, reports of hallucinated sources or biased responses distort the character of knowledge produced in interactions with AI.

A third principle *implicitly* underlies scholarly work: **Creativity.** The *NYULR* believes that the democratic practices which shape the production of legal scholarship today—the colloquiums, the workshops, the exchanges between peers, the debates, the informal chats between students and between colleagues, the inspiration from an hours-long conversation with a research assistant, or someone from another discipline, or a family member, or even the resolution of a biting question through a long struggle of thinking, searching, and discovering—are what make legal scholarship alive, epistemically relevant, and fundamentally creative.

Unlike originality and accuracy, which have long-settled markers within legal scholarship, creativity's relationship to AI is still being worked out in real time—by us as much as by the scholars we publish. We expect our approach to this principle to evolve as practice does, and we say so here deliberately rather than pretending to a precision we don't yet have.

AI also has the potential to dramatically alter the nature of creativity as well, though in more unpredictable ways than originality and accuracy. One example is the basic research process. A fundamental characteristic of research is asking a question and developing an answer to that question through human inquiry: searching, scouring, thinking. To be sure, technology has already dramatically altered this process—Google or any number of research databases have made the triangulation of sources responsive to a question much more accessible to scholars now than ever before. Used responsibly, AI can be a potent aid in this triangulation process. Yet generative artificial intelligence platforms, like chatbots, are designed not just to point to a potential answer, but to actually provide *the answer itself*—intelligence, not simply machinery. Nor are chatbots always designed to practice intellectual humility when posed with a question.⁷ These pitfalls may be avoided through responsible use of platforms. But even if that is the case, responsible use is ill-defined and ever-changing as well, as tends to be the case with rapidly changing technologies.

Creativity, then, also relates to epistemic accountability, but is notably less measurable or discernible than whether an idea originates from one source or another, or whether the source is false or not. Placed in the role that we are—as a purveyor and distributor of legal scholarship—we take seriously the questions before us as it relates to all three of these principles, however small our influence or impact may be in shaping adherence to them in legal scholarship and academic inquiry writ large.

Therefore, the following policy provides guidance to legal scholars as to how *NYULR* aims to translate those principles to this new age with respect to our policy on considering submissions for potential publication.

A final note

The *NYULR* sees this policy as a single and humble entry into a larger conversation of how academic journals ought to be evaluating AI usage. We don't claim to have any or all the answers. We simply care deeply about the future of legal scholarship and believe that, at this moment, this policy reflects the right balance between respecting innovation and preserving that which makes legal scholarship unique, excellent, and, perhaps most importantly, human. If others are interested in responding to, discussing, critiquing, or clarifying this policy, we welcome your thoughts—please reach out to *NYULR*'s Editor-in-Chief, Ajay Singh, at as11021@nyu.edu.

⁷ To be fair, neither are some humans. But the ability to probe the sources or practice immanent critique of a peer is far more accessible than the manner in which one might practice immanent critique of a generative artificial intelligence.