Generative AI in agency adjudication: the ACUS request for comments

27 November 2026 · 4 min read · blogs.iictp.org/acus-generative-ai-agency-adjudication-comments

Short answer: the Administrative Conference of the United States (ACUS) asked on 19 November 2026 for public comment on policies for generative AI in agency adjudication, covering both agency decision-makers and the parties and representatives who appear before them. Comments are due by 10 a.m. Eastern time on 19 January 2027. It matters because the answers may shape recommended practices on disclosure, certification and sanctions.

TL;DR The short version

- The Administrative Conference of the United States asked on 19 November 2026 for comments on generative AI in agency adjudication.
- It covers both agency decision-makers and the parties and representatives who appear before them, with comments due by 10 a.m. Eastern on 19 January 2027.
- The answers may shape recommended practices on disclosure, certification and sanctions, so practitioners may want to comment.

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What is the ACUS request about?

ACUS studies federal administrative procedure and recommends improvements. The notice, 91 FR 74534, uses the term generative super intelligence, and a footnote explains that Executive Order 14434 directs agencies to use super intelligence in place of artificial intelligence in non-statutory documents. Responses may inform an ACUS project that will recommend best practices.

How the project is framed

- **Agency use.** Drafting notices, orders and decisions, summarising filings and evidence, research, transcription and translation, with attention to effects on analysis and privacy.
- **Party use.** Research and drafting by parties and representatives, including help for self-represented people.
- **Risks named.** False or invented legal authority, misrepresented sources, professional responsibility duties and fabricated evidence such as deepfakes.

What is new compared with current approaches

The notice says agencies have taken different paths. It cites published policies from the Executive Office for Immigration Review and the US Patent and Trademark Office and a July 2026 standing order from the Labor Department's judges. Some adjudicators require disclosure of AI use, and some require certification of non-use or of human review. The project aims to identify practices that agencies can adopt.

Questions ACUS asks

- How are you using these tools in adjudication tasks, and with what benefits and drawbacks?
- Do existing conduct rules on competence, confidentiality, fees and candour give enough guidance?
- Would specific rules, standing orders or practice guides help?
- Should disclosure or review certification be required?
- What consequences should follow improper use?
- Should lawyers, non-lawyer representatives, self-represented parties and agency counsel be treated alike?

Limitations and open questions

- This is a request for comments. It creates no duty on parties.
- ACUS recommendations advise agencies; each agency decides what to adopt.
- Existing orders in a particular forum apply now, whatever this project concludes.
- Court rules are separate, although ACUS asks about them.

Sources were read on 27 November 2026. Products, rules and data change, so check the linked originals before you rely on any detail.

How to prepare a comment or update practice

1. List the agency forums where your team appears and read any current AI order for each.
2. Add a verification step for every cited authority and quotation.
3. Record which tools may receive client information.
4. Note concrete examples, good and bad, that answer the numbered questions.
5. Send comments by email or post as the notice directs, leaving out confidential information, since comments are ordinarily published.
6. Revisit your policy when ACUS issues recommendations.

What it means for lawyers and representatives

The direction of travel is towards explicit rules in each forum. A firm that already logs tool use and verifies authority can comply with a disclosure or certification rule with little change. For research tools in practice, see our note on unauthorised practice of law risks.

Frequently asked questions

- **What does ACUS want on generative AI in agency adjudication?** Views and data on policies for adjudicators, staff, parties and representatives.
- **When are comments due?** By 10 a.m. Eastern time on 19 January 2027.
- **Is disclosure now mandatory?** Not because of this notice. Some forums already have their own rules.
- **Who can comment?** The notice requests public input.

Related reading

- Chatbots and unauthorised practice of law
- Multilingual legal accuracy of LLMs
- Decision records and record sufficiency
- AI Practitioner certification

Related credential: AI Practitioner. Explore the exam facts and syllabus.

Sources and further reading

1. Administrative Conference of the United States. Policies on the Use of Generative Super Intelligence in Agency Adjudication; Request for Comments. 91 FR 74534. 19 November 2026. federalregister.gov/documents/2026/11/19/2026-23539/policies-on-the-use-of-generative-super-intelligence-in-agency-adjudication-request-for-comments

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