
From: aidemmediagroup17

Sent: Tuesday, September 22, 2026 4:35 PM

To: RulesCommittee Secretary

Subject: Rules Suggestion — Proposed Evidence Rule 707 and Rule 901(c): AI-Generated Evidence

Dear Secretary, Committee on Rules of Practice and Procedure:

I respectfully submit the following suggestion for consideration by the Advisory Committee on Evidence Rules as it continues to evaluate proposed Rule 707 and related approaches to AI-generated and machine-generated evidence.

I am an independent researcher, educator, and AI governance and compliance advisor whose work includes synthetic media, voice cloning, provenance, human oversight, accountability, contestability, and redress.

I offer the following practical considerations for the Committee:

1. Distinguish reliability from authenticity and provenance.

An item may be shown to originate from a particular file, system, device, or process without establishing that the machine-generated inference or opinion is reliable.

Conversely, a technically reliable analytical process does not by itself establish that a disputed audio, image, video, or other artifact is authentic. Any framework addressing AI evidence should preserve these distinct inquiries.

2. Encourage sufficient system provenance for meaningful adversarial testing.

Where machine-generated evidence is materially dependent on an AI or machine-learning system, courts and parties may benefit from information sufficient to identify, when reasonably available, the relevant system or model, version or configuration, material inputs, execution context, and changes that could affect the output. The objective should be meaningful evaluation rather than disclosure for its own sake.

3. Address synthetic-media and deepfake challenges expressly.

Generative systems increasingly make realistic voice, image, video, and multimodal content inexpensive to create and difficult to evaluate by appearance alone.

Authentication doctrine should be capable of handling both acknowledged AI-generated content and situations in which a party offers a factual basis for suspecting manipulation or synthetic generation.

4. Preserve meaningful human responsibility.

AI-generated output should not create an accountability gap simply because there is no human declarant who can be cross-examined about the machine's internal reasoning. Where machine output functions like expert opinion, the evidentiary framework should

ensure a meaningful mechanism for testing methodology, limitations, error, inputs, and application.

5. Avoid overbreadth.

A rule addressing AI or machine-generated evidence should be drafted carefully so that routine calculations, ordinary digital records, and conventional instruments are not swept into heightened procedures merely because a machine was involved. The triggering concept should focus on the type of evaluative or inferential function that creates the evidentiary concern.

6. Consider documentation and change over time.

AI systems can change through updates, retraining, altered prompts, retrieval sources, configuration changes, or deployment context. When those changes are material to the evidence at issue, the ability to identify the relevant version and conditions may be important to reproducibility and reliability.

These suggestions are intended to support a technology-neutral rule that remains workable as AI systems evolve while preserving the ability of courts and litigants to examine reliability, authenticity, provenance, and fairness.

Thank you for considering this suggestion. I would be pleased to provide additional explanation or supporting research if useful to the Committee.

Respectfully,

Dr. Michael T. Neely
Independent Researcher
AI Governance & Compliance Advisor
Music, Education & Creative Industries
ORCID: 0009-0008-2677-7148