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Article

Don't Treat Generative AI Like an Expert; It's a New Hire, Part I: The Duties Are Old, Only the Tools Are New

By Geoffrey J. Miller and John G. Buchanan

> *[T]he use of artificial intelligence must be accompanied by the application of actual intelligence in its execution.*
>
> —Hon. Mark J. Dinsmore, U.S. magistrate judge, *Mid Central Operating Engineers Health & Welfare Fund v. HoosierVac LLC* (S.D. Ind. 2025)

More and more often, courts must express their exasperation over briefs citing nonexistent sources: case law or facts "hallucinated" by generative artificial intelligence (AI). A recent example from the Eleventh Circuit is *Akerlund v. Atlas Air, Inc.*[1] There, plaintiff's counsel (whom the published opinion repeatedly identifies by name) filed an opening brief citing multiple fictitious cases. When called out by the defendants, he purported to withdraw his reliance on eight cases, duly citing them by name in his reply brief. "At this point," as the court's opinion recounts, "things go from bad to worse: the eight cases [plaintiff's counsel] 'withdrew' did not match a *single one* of the eight hallucinated cases in his opening brief. And not only were they not the right cases—all eight were also hallucinated."[2] The court held that such blind reliance on AI violates not only lawyers' duty of competence to their clients but also their duty of candor to the courts: "Whatever the merits of artificial intelligence, it is no substitute for actual intelligence."[3] The unsurprising conclusion: a referral to the Committee on Lawyer Qualifications and Conduct.[4]

Similarly, in *State v. Coleman*,[5] a lawyer's filing in the Ohio Court of Appeals cited quotations from the trial record that nowhere appeared there. Purportedly demonstrating prosecutorial misconduct, these fabricated quotes were generated by a chatbot and filed without verification against the transcript. When prosecutors flagged the problem, the defense lawyer proffered his firm's purported new policy on its use of AI; but that proffer, in the court's words, "itself bore the hallmarks of having been generated by an AI platform."[6] Two months after the sanctions hearing, the lawyer filed a motion in another case with a chatbot prompt still sitting in the text. Over a partial dissent disputing an intermediate appellate court's attorney discipline authority, the majority imposed a $2,000 fine, referred the lawyer to the Office of Disciplinary Counsel, required him to serve both a copy of the opinion and a certification of personal verification with future filings, ordered mandatory continuing legal education, and removed him as counsel in the case, among other sanctions. The Ohio Supreme Court has accepted the case for review. In its conclusion, the court stated what hardly needed stating: "The duty to verify, the duty of candor, the duty of competence, and the duty of supervision cannot be delegated to a machine."[7]

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Nor are federal Department of Justice lawyers immune from such transgressions. For example, in *Daghra v. Hinkley*,[8] involving a habeas corpus petition filed by a detainee of Immigration and Customs Enforcement, the government's response to an order to show cause relied on a nonexistent quote from a nonexistent case. While declining to impose sanctions, the court delivered this admonishment:

> It should be obvious that any attorney who uses AI must scrupulously review its work product to ensure that the cited cases exist and that the citations accurately and fairly represent the underlying case law. The duty of candor towards this tribunal demands no less.[9]

These cases are hardly outliers. By September 2026, a public database maintained by researcher Damien Charlotin had logged over 2,000 cases worldwide addressing AI-fabricated material in court filings, from lawyers and self-represented litigants alike; and the count climbs daily.[10] The decisions span trial courts, bankruptcy courts, and a growing line of published appellate opinions.[11] The underlying conduct is consistent enough to summarize in a sentence: A lawyer asked a generative AI tool a legal question, received a confident and fluent answer studded with citations and quotations, and submitted that answer in court without confirming whether any of it was real.[12]

The error is not the use of the tool. It is the trust. Each of these lawyers treated the tool as an infallible expert whose work requires no review, when in fact it is closer to a nervous new hire on the first day: fast, eager to please, certain you are right, and desperate not to get fired.[13] We would not sign and file a new associate's first draft without reading it and confirming that the cases exist and say what the draft claims they say. Generative AI is no different, and the courts have begun to make that explicit. The duties are old; only the instrument is new.

The Age-Old Duties

Nothing in these new AI-related offenses genuinely requires a new rule. A lawyer who signs a pleading certifies, under Federal Rule of Civil Procedure 11(b) and its state cognates, that to the best of the signer's knowledge, formed after an inquiry reasonable under the circumstances, the legal contentions are warranted by existing law. The human signature is the certification; a fabricated citation is its breach. The Supreme Court has described the central purpose of the rule as deterring baseless filings and streamlining the work of the courts.[14] The Fifth Circuit has long held that the inquiry is measured by an objective standard of reasonableness focusing on the instant the attorney's signature is affixed to the document: the so-called snapshot rule.[15] Later corrections may mitigate the sanction; they do not erase the violation, because the violation is complete the moment the name goes on the page.

Two consequences follow from the objective character of that standard, and both bear on AI. The first is that the lawyer's subjective belief is beside the point. It does not help to have genuinely trusted the tool or to have been unaware that generative models fabricate citations. The question

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is what a reasonable inquiry would have turned up, and a reasonable inquiry would have caught the nonexistence of the cited case or quotation. Courts have begun to say this directly, treating professed ignorance of the risk as no defense, rather than as mitigation.

The second consequence of that objective standard is that it is fixed in time. Because reasonableness is measured at the moment of signing, a lawyer cannot cure the breach by confirming the citations after a court catches them;[16] the later correction may go to the severity of the sanction, but not to whether the rule was broken. The snapshot rule and the new-hire analogy state the same obligation from two directions: The duty to verify attaches before the document leaves your hands, because that is when the certification is made.

A 2025 sanctions decision puts that objective standard in plain terms. In *Mid Central Operating Engineers Health & Welfare Fund v. HoosierVac LLC*,[17] an attorney filed three briefs built on generative AI output and failed to verify the citations, several of which did not exist. The court applied the long-settled rule that Rule 11 turns on an objective inquiry, not the signer's sincerity: "an empty head but a pure heart is no defense,"[18] and "good faith is not a defense to the imposition of Rule 11 sanctions."[19] The practical point lands harder for its ordinariness: With modern legal research tools, confirming that a case exists and is still good law is, in the magistrate judge's words, "a basic, routine matter,"[20] and lawyers have no excuse to skip it. Magistrate Judge Dinsmore's summary of the duty under Rule 11 provides the epigraph for this series of articles: "[T]he use of artificial intelligence must be accompanied by the application of actual intelligence in its execution."[21]

The professional responsibility rules governing supervision point the same way. A supervising lawyer already answers for the work of subordinate lawyers and nonlawyer assistants under ABA Model Rules of Professional Conduct 5.1 and 5.3. Where generative AI fits within that structure is still contested at the margins. A court resolving a work-product dispute has called generative programs "tools, not persons,"[22] while ABA Formal Opinion 512[23] analyzes their use through those same supervisory rules. The label may be unsettled; the accountability is not. Whether the tool is characterized as an instrument the lawyer wields or an assistant the lawyer oversees, the lawyer answers for the output either way, just as the lawyer answers for a summer associate's draft: Read it, confirm it, and own it before it goes out.

The supervisory analogy does real work because Rule 5.3 does not ask whether the assistance comes from a person: The ABA reworded the title of the rule in 2012 from "Nonlawyer Assistants" to "Nonlawyer Assistance," and its comments reach document-management companies and internet-based services as readily as employees.[24] A generative tool sits comfortably inside that logic: It is an assistant the lawyer directs and adopts, and the lawyer must make reasonable efforts to ensure that its assistance complies with the lawyer's own obligations. The managing-lawyer duty is to put measures in place that give reasonable assurance of compliant work; the supervising-lawyer duty is to oversee the particular matter. A firm that buys

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a research tool and turns associates loose on it with no training, no verification requirement, and no review has satisfied neither duty, whatever the tool's marketing may have promised.

That is also why the common framing of these cases as a novel problem unique to AI is off the mark. The verification duty is ordinary due diligence required by both Federal Rule of Civil Procedure 11 and Model Rules 5.1 and 5.3. Failing to confirm the accuracy of citations or the substance of arguments is inconsistent with the obligation to make an inquiry reasonable under the circumstances, and no special AI rule is needed to reach that result. Some rule makers have nonetheless written one, Connecticut in its Practice Book and California in Senate Bill 574,[25] while the Fifth Circuit considered an AI-specific rule and declined it because the existing rules suffice.[26] The tool changed the speed and the fluency of the work product. It did not change the duty to read it.

The New AI-Related Penalties

The line of sanctions orders for AI fabrications largely descends from the 2023 decision in *Mata v. Avianca, Inc.*,[27] one of the earliest decisions addressing AI hallucinations. There, the Southern District of New York sanctioned a law firm $5,000 and ordered counsel to notify the judges falsely named as authors of the fabricated opinions, after a chatbot-generated brief cited nonexistent cases. The first federal appellate-level treatment came in *Park v. Kim*,[28] in which the Second Circuit referred counsel to its grievance panel and supplied the formulation that now anchors the field: Rule 11 requires attorneys to "read, and thereby confirm the existence and validity of, the legal authorities on which they rely."[29]

For some time after *Mata*, and even into the current year, purely monetary penalties for AI-related violations have clustered around the lower end of the dollar scale. For example, in 2024 courts imposed a $2,000 penalty on an attorney who admitted using AI to generate cases and failed to verify them (in *Gauthier v. Goodyear Tire & Rubber Co.*[30]) and a $2,500 penalty on counsel who failed to disclose her AI use and cited a nonexistent case (in *Mortazavi v. Booz Allen Hamilton, Inc.*[31]). The Fifth Circuit added a published decision of its own in *Fletcher v. Experian Information Solutions, Inc.*,[32] sanctioning appellate counsel $2,500 for a reply brief carrying 16 fabricated quotations and 5 further misrepresentations; it agreed with other courts that pleading ignorance of the risks of generative AI is "certainly no longer" an available excuse, and held that a brief "riddled with fabricated quotations and assertions" is "such an abuse" of the judicial process.[33] The Seventh Circuit fined counsel $5,000 in *Perez-Castillo v. Blanche*,[34] in which the brief carried two dozen fabricated quotations, stressing that the duty to verify cannot be delegated; it distinguished as "categorically different" its earlier decision in *Dec v. Mullin*,[35] in which it had merely admonished a (sincerely apologetic) lawyer for a few likely-copied errors. California's first published appellate opinion on the problem, in *Noland v. Land of the Free*,[36] imposed a $10,000 sanction and referred the lawyer to the state bar for filing a brief replete with fabricated authority.

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But the monetary ceiling is rising. For example, in *Couvrette v. Wisnovsky*,[37] court orders issued in December 2025 and March 2026 imposed total financial penalties that broke into six figures. There, counsel for the plaintiffs had filed three briefs citing 15 nonexistent cases, as well as fabricated quotations falsely attributed to eight existing authorities. As the magistrate judge put it,

> [i]n the quickly expanding universe of cases involving sanctions for the misuse of artificial intelligence, this case is a notorious outlier in both degree and volume. Plaintiffs and their counsel have not been adequately forthcoming, candid, or apologetic about their conduct. If there was ever an "appropriate case" to grant terminating sanctions for the misuse of artificial intelligence, this is it.[38]

Accordingly, in its initial order, the court fined the principal offender, pro hac vice counsel for the plaintiffs, $15,500.[39] After further proceedings, attorney fees were added to the financial penalties: Out of a total fee award of $94,704.38, the court imposed 85 percent on pro hac vice counsel and the remaining 15 percent on local counsel, for his failure to participate meaningfully in the case as required by local rules. As the court observed, meaningful participation does not ordinarily require local counsel to vet pro hac vice counsel's citations, but it "necessarily requires local counsel to provide more than an Oregon State Bar number and a signature on the pro hac vice application."[40] The sanction, that is, punished the absence of supervision, not the use of the tool.

Potentially far more serious than any financial sanctions, however, are the additional consequences that courts may impose on counsel caught filing AI fabrications as fact. For example, the penalties in *Couvrette* extended well beyond the six-figure financial sanctions: Not only were the offending briefs stricken without leave to refile, but the plaintiffs' claims (though not their defenses to counterclaims) were dismissed with prejudice.[41] In addition, the court directed the clerk to send a copy of its ruling to the Oregon State Bar and ordered local counsel to attach its financial sanctions order to any future pro hac vice motion he might sponsor in the District of Oregon.[42]

Even the purportedly least severe penalty for AI misuse (public admonishment, with no monetary sanction) can carry lasting reputational harm and—with malpractice insurers beginning to see AI-related claims and, in some cases, weigh exclusions—closer underwriting attention.[43] Many of the courts' rulings include a bar disciplinary referral,[44] with ominous implications both for lawyers' reputations and potentially for their practice licenses. Bars on future pro hac vice representations in the court of the offense[45] can result in lost clients and constraints on future forum-selection strategy. And outright dismissal of an action for repeated AI-related offenses,[46] or even the striking of a single offending pleading,[47] can impose harm directly on a client and ultimately expose the lawyer to a malpractice claim.

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It is difficult to generalize about what AI-related offenses will draw what consequences in any given case. The courts' various sanctions decisions have typically been tailored to particular circumstances, often influenced by a variety of extrinsic factors such as a court-wide policy of tolerance for pro se litigants' errors.[48] A handful of stray errors, promptly owned up to, may still draw only an admonishment.

But recent news reports suggest that at least some courts may no longer be swayed even by a lawyer's reported apologies or by a relatively isolated offense. In *State v. Sandoval*,[49] after a veteran criminal defense lawyer's chatbot-assisted brief in a murder appeal described witnesses who did not exist and testimony a real witness never gave, the New Mexico Supreme Court, finding a lack of remorse, held him in contempt, removed him from the case, struck all briefing, ordered him to pay $5,000 to a client protection fund, and referred him to the state disciplinary board. Ignorance of the hallucination problem, one justice told him, was "an intentional choice to be uninformed."[50]

Even if sincere remorse for a single offense may still spare an offender from significant penalties, aggravating conduct will almost certainly up the ante. There, some patterns can be identified. A brief saturated with multiple fabricated quotations is likely to result in a fine and a disciplinary referral. Recidivism after fair notice, meaning a second lapse while the first is still pending, may draw disqualification, case dismissal, a practice bar measured in years, or all of the above. The lawyer's lack of candor with the court after the problem surfaces can influence the penalties even more powerfully than the nature of the underlying offense itself. So can the prejudice the offense has caused to the parties and the court, particularly if judicial hours must be spent chasing unreal citations.

Each of those aggravating factors is something the lawyer controls after deciding to use the AI tool—and that is the whole point. The sanction is commensurate with the supervision of the AI tool, not its mere use.

The range of sanctions also previews where this series of articles goes. The sanctioned parties are not only the pro se renegades or the careless solo practitioners of the popular imagination; they are also competent counsel at real firms, on both sides of ordinary disputes, undone by the same misplaced trust in their AI agents. Part II will address in more detail a case that illustrates the point. Part III will discuss best practices and risk mitigation, to avoid these consequences in the first place.

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[1] *Akerlund v. Atlas Air, Inc.*, 181 F.4th 1200 (11th Cir. 2026).

[2] *Akerlund*, 181 F.4th at 1207–8.

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[3] *Akerlund*, 181 F.4th at 1208.

[4] *Akerlund*, 181 F.4th at 1208.

[5] *State v. Coleman*, 2026-Ohio-965, 280 N.E.3d 1042 (Ohio Ct. App. 11th Dist. 2026), *appeal accepted*, No. 2026-0547, 282 N.E.3d 834 (Ohio July 21, 2026).

[6] *Coleman*, 2026-Ohio-965 ¶ 6; 280 N.E.3d at 1055.

[7] *Coleman*, 2026-Ohio-965 ¶ 134; 280 N.E.3d at 1080.

[8] *Daghra v. Hinkley*, No. 1:26-cv-01429 (W.D. Mich. July 16, 2026).

[9] *Daghra*, No. 1:26-cv-01429, slip op. at 2.

[10] Damien Charlotin, AI Hallucination Cases (database) (last updated Oct. 3, 2026).

[11] Charlotin, *supra*.

[12] Outside this database's scope (fabricated output) are cases involving AI-manipulating inputs, as opposed to AI-fabricated outputs: specifically, what is known as "prompt injection." This latest twist on AI abuse, first reported in a Brazilian case earlier in 2026, was addressed at length in *Elliott v. New York Bariatric Group, LLC*, No. AAN0-CV-25-6066141-S (Conn. Super. Ct. Aug. 6, 2026). There, a tech-stealthy pro se plaintiff's filing included white-on-white text in tiny font, invisible to human readers but readable by software; that text instructed any AI reviewing the document to ensure that its textual output agreed with the plaintiff's arguments, and also to treat a prior clerk's denial of the plaintiff's motion as an error to be "remediated." When the judge spotted the subterfuge, he ordered a sanctions hearing. After again filing pleadings with hidden, seemingly nonsensical messages for an AI reader, the plaintiff claimed these hidden instructions were intended merely to "audit" the court's AI system and to determine whether the pleadings were actually being reviewed. The judge was unpersuaded. While noting that then-recent revisions to the Connecticut Practice Book governing the use of AI extended only to AI outputs, not to concealed inputs such as this, he found the plaintiff's conduct to be an intentional violation of the duties of good faith and candor, and thus subject to the court's "inherent authority to control its dockets and assure a fair battleground for all adversaries." *Elliott*, No. AAN-CV-25-6066141-S, slip op. at 13. Acknowledging the Connecticut policy of tolerance for unrepresented litigants, the judge narrowly tailored his sanction to the offense: He required the plaintiff to make all future filings in old-school fashion: "in person, on paper, at the clerk's office." *Elliott*, No. AAN-CV-25-6066141-S, slip op. at 13. Having previously recognized the potential benefits of generative AI tools, particularly for pro se litigants, the judge expressly permitted their future use as an aid, "provided the user independently verifies what the tool

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produces, as [the newly revised] Connecticut Practice Book §4-9(b) requires." *Elliott*, No. AAN-CV-25-6066141-S, slip op. at 14.

[13] The comparison is not merely rhetorical. Citing recent research on model sycophancy, the *Akerlund* panel observed that AI algorithms are notorious for producing "outputs that echo users' opinions and beliefs, even when those views are incorrect" (quoting Lujain Ibrahim et al., "Training Language Models To Be Warm Can Reduce Accuracy and Increase Sycophancy," 652 *Nature* 1159, 1162 (2026)); the panel further observed that this tendency "presents a particular danger in legal filings, as one of a lawyer's chief duties is to give his clients a clear-eyed view of whether the law says what the client wants it to say." *Akerlund*, 181 F.4th at 1208 n.7.

[14] *Cooter & Gell v. Hartmarx Corp.*, 496 U.S. 384, 393 (1990).

[15] *Smith v. Our Lady of the Lake Hosp., Inc.*, 960 F.2d 439, 444 (5th Cir. 1992); *accord, e.g.*, *Mercury Air Grp., Inc. v. Mansour*, 237 F.3d 542, 548 (5th Cir. 2001).

[16] The Rule 11 safe harbor is a different mechanism: A party's sanctions motion is barred if the challenged paper is withdrawn or "appropriately corrected" within 21 days of service, Fed. R. Civ. P. 11(c)(2), but the correction must be real. In *Couvrette v. Wisnovsky*, No. 1:21-cv-00157-CL, 2025 WL 4109655 (D. Or. Dec. 12, 2025), the court rejected the argument that a purported correction within the window barred sanctions, because deleting the fabricated citations while leaving the fabricated propositions in place was not appropriate corrective action. *Couvrette*, slip op. at 14–17 (Dec. 12, 2025).

[17] *Mid Central Operating Eng'rs Health & Welfare Fund v. HoosierVac LLC*, No. 2:24-cv-00326-JPH-MJD, 2025 WL 574234 (S.D. Ind. Feb. 21, 2025), *report and recommendation adopted in part*, 2025 WL 1511211 (S.D. Ind. May 28, 2025), ECF No. 121 (reducing the recommended $15,000 sanction to $6,000).

[18] *Mid Central Operating Engineers*, 2025 WL 574234, at *2 (quoting *Thornton v. Wahl*, 787 F.2d 1151, 1154 (7th Cir. 1986)).

[19] *Mid Central Operating Engineers*, 2025 WL 574234, at *3 (quoting *Ordower v. Feldman*, 826 F.2d 1569, 1574 (7th Cir. 1987)).

[20] *Mid Central Operating Engineers*, 2025 WL 574234, at *2.

[21] *Mid Central Operating Engineers*, 2025 WL 574234, at *4.

[22] *Warner v. Gilbarco, Inc.*, 820 F. Supp. 3d 629, 636 (E.D. Mich. 2026) (Patti, M.J.); *but see United States v. Heppner*, No. 25-cr-00503, 2026 WL 436479 (S.D.N.Y. Feb. 17, 2026)

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(documents a defendant generated with a consumer AI tool, without counsel's direction, were neither privileged nor protected work product).

[23] ABA Standing Comm. on Ethics & Prof'l Responsibility, Formal Op. 512 (2024).

[24] ABA Comm'n on Ethics 20/20, *Report to the House of Delegates*, Resolution 105C (Aug. 2012) (amending the title of Model Rule 5.3 from "Responsibilities Regarding Nonlawyer Assistants" to "Responsibilities Regarding Nonlawyer Assistance" and adding comments [3] and [4] on nonlawyers outside the firm); Model Rule of Prof'l Conduct 5.3 cmt. 3 (among the forms of nonlawyer assistance a lawyer may use, listing "hiring a document management company to create and maintain a database for complex litigation" and "using an Internet-based service to store client information"). Formal Opinion 512 applies Rules 5.1 and 5.3 to a firm's use of generative AI through policies, training, and supervision of the lawyers and nonlawyers who use it; the step from supervising the users to supervising the tool is the analogy this first article in the series draws, not a holding of the opinion.

[25] Conn. Practice Book § 4-9, *supra*; Cal. S.B. 574, 2025–2026 Reg. Sess. California's bill, which as of September 28, 2026, awaits the governor's signature or veto (his deadline is September 30), largely codifies these duties. It would require disclosure of generative AI use to the court, prohibit "delegat[ing] the practice of law" to a generative AI system, restrict the entry of confidential client information into generative AI systems, and amend Code of Civil Procedure section 128.7 to require that the responsible attorney personally verify every citation in a filing, whether or not AI was involved.

[26] *Fletcher v. Experian Info. Sols., Inc.*, 168 F.4th 231, slip op. at 3–4 (5th Cir. 2026) (declining to adopt a proposed AI-certification rule after concluding that existing rules were sufficient to deter misconduct related to generative AI) and slip op. at 14 ("Modern generative AI may be a new technology, but the same sanctions rules apply.").

[27] *Mata v. Avianca, Inc.*, 678 F. Supp. 3d 443, 449, 466 (S.D.N.Y. 2023). A few days earlier, a court in Maine had required a pro se plaintiff to pay the defendant's fees and expenses as punishment for a similar offense. *Scott v. Fed. Nat'l Mortg. Ass'n*, No. RE 2023-037, 2023 WL 6935586 (Me. Super. Ct. June 14, 2023) (Order on Defendant's Motion to Dismiss and Motion for Sanctions, at 8), *aff'd* (Me. Apr. 23, 2024).

[28] *Park v. Kim*, 91 F.4th 610 (2d Cir. 2024).

[29] *Park*, 91 F.4th at 615; *accord Benjamin v. Costco Wholesale Corp.*, 779 F. Supp. 3d 341 (E.D.N.Y. 2025).

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[30] *Gauthier v. Goodyear Tire & Rubber Co.*, No. 1:23-CV-281, 2024 WL 4882651 (E.D. Tex. Nov. 25, 2024) (Memorandum and Order, at 3).

[31] *Mortazavi v. Booz Allen Hamilton, Inc.*, No. 2:24-CV-07189-SB-RAO, 2024 WL 4308032 (C.D. Cal. Sept. 26, 2024). See also the *Mortazavi* court's Order Imposing Sanctions on Plaintiff's Counsel at 3 (Oct. 30, 2024).

[32] *Fletcher v. Experian Info. Sols., Inc.*, 168 F.4th 231 (5th Cir. 2026) (sanction imposed under Fed. R. App. P. 46(c) and the court's inherent authority); see also *Fletcher v. Experian Info. Sols., Inc.*, 2026 WL 37428 (5th Cir. Jan. 6, 2026) (unpublished) (vacating the district court's sanctions award under Rule 11 and 28 U.S.C. § 1927 against trial counsel). *Fletcher* enforced the same verification duty that Rule 11 codifies, but it did so on appeal under Federal Rule of Appellate Procedure 46(c) and the court's inherent authority, rather than under Rule 11 itself; the district court's Rule 11 sanction against trial counsel was vacated. It applies existing principles to AI-fabricated briefing and announces no new multifactor test.

[33] *Fletcher*, 168 F.4th at 235, 240.

[34] *Perez-Castillo v. Blanche*, 177 F.4th 837, 846–48 (7th Cir. 2026).

[35] *Dec v. Mullin*, 171 F.4th 940 (7th Cir. 2026).

[36] *Noland v. Land of the Free, L.P.*, 114 Cal. App. 5th 426, 449 (2025).

[37] *Couvrette v. Wisnovsky*, Opinion and Order, No. 1:21-cv-00157-CL, 2025 WL 4109655 (D. Or. Dec. 12, 2025) (initial order fining pro hac vice counsel, among other penalties); Opinion and Order, 2026 WL 800566 (D. Or. Mar. 23, 2026) (imposing and allocating fee award), *appeal filed sub nom. Sullivan v. Wisnovsky*, No. 26-4712 (9th Cir. July 23, 2026). *See generally* Cynthia Feathers, "Beyond the Mirage: Beware of Generative AI and Hallucinations," N.Y. State Bar Ass'n *Latest News* (June 26, 2026).

[38] *Couvrette*, slip op. at 2 (Dec. 12, 2025) (citing *Combs v. Rockwell Int'l Corp.*, 927 F.2d 486, 488 (9th Cir. 1991)).

[39] *Couvrette*, slip op. at 21, 28 (Dec. 12, 2025).

[40] *Couvrette*, slip op. at 9 (Mar. 23, 2026).

[41] *Couvrette*, slip op. at 18, 22–24, 28 (Dec. 12, 2025).

[42] *Couvrette*, slip op. at 29 (Dec. 12, 2025) (directing the clerk to send a copy of the order to the Oregon State Bar); *Couvrette*, slip op. at 2, 10 (Mar. 23, 2026).

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[43] *See, e.g.*, Rod Bolivar, "AI Claims Reach Legal Malpractice Market," *Ins. Bus.*, May 26, 2026 (reporting EPIC Insurance Brokers & Consultants' 16th Annual Lawyers' Professional Liability Claims Survey: Seven of 13 carriers covering more than 80 percent of the Am Law 200 reported increased AI-related claims in the past year); Matthew Lerner, "AI Use Amplifies Professional Liability Risks," *Bus. Ins.*, June 26, 2026 (according to Gallagher's law firms practice head, hallucinated filings have "definitely emerged," malpractice claims are "coming," and continued increases "may see more carriers potentially putting in some exclusions"); "AI Hasn't Triggered Flood of Legal Malpractice Claims, but Insurers Watching," *Md. Daily Rec.*, Aug. 25, 2026 (professional liability insurers report no broad premium increases but active scrutiny of lawyers' AI governance and verification practices).

[44] *See, e.g.*, *Park v. Kim*, 91 F.4th 610 (2d Cir. 2024); *State v. Coleman*, 2026-Ohio-965, 280 N.E.3d 1042 (Ohio Ct. App. 11th Dist. 2026), *appeal accepted*, No. 2026-0547, 282 N.E.3d 834 (Ohio July 21, 2026); *Akerlund v. Atlas Air, Inc.*, 181 F.4th 1200 (11th Cir. 2026); *Noland v. Land of the Free, L.P.*, 114 Cal. App. 5th 426 (2025).

[45] *See, e.g.*, *Wadsworth v. Walmart Inc.*, 348 F.R.D. 489 (D. Wyo. 2025) (revoking the drafting attorney's pro hac vice admission and removing him as counsel of record); *Withers v. City of Aberdeen*, No. 24-cv-218 (N.D. Miss. June 8, 2026) (removing all four attorneys of record, canceling the scheduled trial, barring the two drafting attorneys from practicing in the district for two years, and fining local counsel on both sides for signing filings they had not reviewed) (as reported in "Mississippi Judge Boots Lawyers From Both Sides of Case for 'Blindly Relying on' AI," *Miss. Free Press*, June 25, 2026).

[46] *See, e.g.*, *Couvrette v. Wisnovsky*, No. 1:21-cv-00157-CL, slip op. at 24, 28 (Dec. 12, 2025).

[47] *See, e.g.*, *Douglas v. Deutsche Bank Nat'l Tr. Co.*, No. 24-CV-1099, slip op. at 8 (D.C. Sept. 3, 2026) (stating, due to court's limited sanctioning authority, "The only sanction the court imposes in the present case is to strike the brief for its violation of D.C. Appellate Rule 28, an appropriate but comparatively weak response that unfortunately penalizes the innocent client for its counsel's offense.") (Glickman, J., concurring).

[48] *See, e.g.*, *Elliott v. N.Y. Bariatric Grp., LLC*, No. AAN0-CV-25-6066141-S, slip op. at 13 (Conn. Super. Ct. Aug. 6, 2026).

[49] *State v. Sandoval*, No. S-1-SC-40845 (N.M. Sept. 9, 2026) (per curiam) (Dispositional Order of Direct Contempt (unpublished opinion)).

[50] Phaedra Haywood, "New Mexico High Court Blasts Lawyer, Takes Him Off Case for AI Errors in Brief," *Santa Fe New Mexican*, Aug. 21, 2026; *see also* Amanda Robert, "Attorney Admits 'Stupidity' Over AI Errors but Still Receives Sharp Rebuke From State High Court,"

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A.B.A. J., Aug. 24, 2026. *Compare Sandoval*, No. S-1-SC-40845, *with* *Wadsworth v. Walmart Inc.*, 348 F.R.D. 489 (D. Wyo. 2025) (treating counsel's honesty and candor as expressly mitigating in February 2025).

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