THE MILLER BECKER SEMINAR

2025

OCTOBER 24,2025

3.00/4.00 CLE hours

The Miller Becker Seminar is Sponsored by:

ACKNOWLEDGEMENTS

MILLER-BECKER SEMINAR AGENDA
Friday, October 24, 2025
University of Akron Law School

9:55 a.m.– 10:00 a.m.	**Welcome and Announcements**
10:00 a.m.–11:15 a.m.	**From TAR to LLMs: Gleaning Wisdom from the Alphabet Soup of Lawyers and AI** ➢ Professor Amy Cyphert
11:15 a.m.–12:05 p.m.	**The Intersection of Artificial Intelligence and Ethics** ➢ Maia Jerin ➢ Prof. Amy Cyphert ➢ Judge Eugene Lucci ➢ Jay Wampler ➢ Lisa Zaring (Moderator)
12:05 p.m.–12:20 p.m.	**Break**
12:20 p.m.—1:00 p.m.	**Generative Artificial Intelligence Toolbox for Lawyers: A Live Demonstration** ➢ Matthew Kanai ➢ Susan Hard
1:00 p.m.–1:15 p.m.	**Disciplinary Case Update** ➢ D. Allan Asbury
1:15 p.m.–2:15 p.m.	**Disciplinary Process Overview (Optional)** ➢ Joseph M. Caligiuri ➢ Elizabeth T. Smith
2:15 p.m.	**Conclusion**

CLE Professional Conduct Credit—3.00 for the main program; 4.00 for those attending the optional process overview.

MILLER-BECKER SEMINAR
Friday, October 24, 2025
9:55 a.m. to 1:15 p.m.[1]
University of Akron Law School

From TAR to LLMs: Gleaning Wisdom from the Alphabet Soup of Lawyers and AI—75 minutes

A new Artificial Intelligence (AI) technology emerges that promises to make the practice of law more efficient and effective. Some are intrigued, many are skeptical. Pioneering lawyers begin to experiment, sometimes responsibly with great results and other times with markedly less success. It is unclear if the practice is sanctioned by either the federal rules or the ethical guidelines, and practitioners clamor for more guidance. Although the preceding could be describing lawyers' use of large language models over the last couple of years, it actually describes lawyers' use of technology assisted review (TAR) more than 20 years ago. This presentation will explore the lessons we can learn from the legal profession's adoption of TAR and how (and whether) they apply to lawyers' use of generative AI. *Presenter*: Prof. Amy Beth Cyphert, West Virgina University College of Law

The Intersection of Artificial Intelligence and Ethics —50 minutes

Attendees will receive instruction on the ethics of using the AI tools presented in the live demonstration through a moderated panel discussion. The ethical considerations will include competence in AI technology, independent verification requirements, confidentiality, communication with the client regarding the use of AI, candor to the tribunal, supervisory responsibilities, and fees. *Moderator*: Lisa Zaring; *Panelists*: Jay Wampler, Maia Jerin, Judge Eugene Lucci, Professor Amy Beth Cyphert.

Generative Artificial Intelligence Toolbox for Lawyers: A Live Demonstration—40 minutes

The panelists will explain the generative artificial intelligence tools available to lawyers for use in research, discovery, data analysis, and drafting. The presentation will include real-time examples of AI capabilities and highlight both the advantages and pitfalls of AI reliance. *Presenters*: Matthew Kanai and Susan Hard.

Disciplinary Case Update—15 minutes

An overview of recent disciplinary decisions of note, including notable trends in case content and decisions. *Presenter*: D. Allan Asbury

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[1] The optional Disciplinary Process Overview will be offered from 1:15-2:15 p.m.

Disciplinary Process Overview (Optional)—60 minutes

Disciplinary Counsel and the Director of the Board of Professional Conduct will provide an overview of Ohio's disciplinary process, including the responsibilities of offices involved in the process, standard of proof, and determining the appropriate sanction for attorney and judge misconduct. This optional presentation is directed primarily at newly appointed grievance committee members and others who are new to the disciplinary process. *Presenters*: Joseph M. Caligiuri, Disciplinary Counsel and Elizabeth T. Smith, Board Director.

Total professional conduct credit hours:

- ➢ 3.00 for seminar
- ➢ 4.00 for seminar and optional process overview

From TAR to LLMs:
Gleaning Wisdom
from the Alphabet
Soup of Lawyers
and AI

MAKING TECHNOLOGY WORK FOR LAWYERS: WHAT THE HISTORY OF TAR ADOPTION CAN TEACH US ABOUT USING GENERATIVE AI WELL

AMY B CYPHERT

WEST VIRGINIA UNIVERSITY COLLEGE OF LAW

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OUTLINE OF PRESENTATION

1. A quick primer on the basics, and known LLM problems

2. The Adoption of TAR

3. The Adoption of GenAI to Date

4. Lessons We Can Learn
   a) The importance of research/benchmarking
   b) The technology will improve, but never be perfect
   c) Education for lawyers and judges is essential
   d) Organizations (including disciplinary ones) should join the effort of establishing and continually updating best practices.

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A QUICK PRIMER ON THE BASICS OF GEN AI

An academic discipline that has been around for decades, since the 1950s

A subfield of computer science. Studies programming computers to do tasks typically associated with humans.

Computer Science

Artificial Intelligence

Machine Learning

A subfield of AI. Major advances in last two decades. Machine can "learn" on data in a training set. Excels at predictive tasks like pattern recognition.

Generative AI

Builds on machine learning principles as well as deep learning techniques and neural networks. Can now "generate" "new" content.

3

HALLUCINATIONS AND DECEPTION

- Lawyers (and judges!) have already learned about this phenomenon the hard way

- In some ways, hallucinations are both a feature and a bug

- Remember most early LLMs were not necessarily designed to be research tools and the alignment techniques used (RLHF, etc.) may have inadvertently increased hallucinations (and unwarranted "confidence") in early models

- There are techniques being used now to try to address this (RAG, chain-of-thought reasoning, etc.) but we aren't there yet (and may never fully get there)

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MEMORIZATION, REGURGITATION, AND COPYRIGHT ISSUES

- There are well-documented examples of LLMs reproducing, verbatim, large passages of their training data

- Some developers have termed this "regurgitation" and note that it is a bug, not a feature, and one they are actively working to eliminate

- This can happen without a user intentionally prompting the tool

- Ongoing copyright litigations

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OTHER KNOWN ISSUES FOR LLMS

- Privacy/confidentiality/data security:
  - Model Rule 1.6 provides that "A lawyer shall not reveal information relating to the representation of a client unless the client gives informed consent, the disclosure is impliedly authorized in order to carry out the representation or the disclosure is permitted by paragraph (b)."
  - Read the fine print – some of these services are collecting your inputs and using those to train/fine tune the model. That's a potential violation depending on what you upload.

- Potential bias
- Compression of creativity

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TAR ADOPTION

- TAR uses machine learning techniques to help identify relevant documents in a discovery set

- There were initial questions about whether the use of TAR was consistent with lawyers' obligations under the FRCP and ethical rules

- Following the publication of research helping establish TAR's efficacy, the technology was cited approvingly by judges and is widespread in use

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GEN AI ADOPTION TO DATE

Although there has been some excitement about the possibility of generative AI models helping to address the access-to-justice gap, the dominant headlines for lawyers' use of generative AI have mostly focused on embarrassing gaffes.

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LESSONS FROM TAR ADOPTION THAT CAN HELP GENERATIVE AI ADOPTION

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LESSON 1:
THE IMPORTANCE OF RESEARCH/BENCHMARKING

- Important research is already happening and should be encouraged.

- We need to develop more benchmarking of LLMs, producing independent studies that allow "winners" to emerge when it comes to LLMs that are more accurate, less prone to hallucinations, and perhaps even better at specific legal tasks like analogizing.

- Lawyers can also be savvy consumers and insist that companies conduct rigorous testing and release results prior to using the product.

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LESSON 2:
THE TECHNOLOGY WILL IMPROVE, BUT NEVER BE PERFECT

- Although it is difficult to predict the exact trajectory of generative AI evolutions and improvements, it is safe to say that some technological progress on addressing the shortcomings of LLMs will no doubt come.

- Although RAG techniques have been shown to reduce hallucinations, and although other techniques will surely be developed to also mitigate hallucinations, many researchers conclude we will simply never fully be rid of hallucinations in LLMs.

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LESSON 3:
EDUCATION FOR LAWYERS AND JUDGES IS ESSENTIAL

- Lawyers and judges cannot effectively, ethically, and professionally use generative AI models without basic education (including from CLEs) that at a minimum covers the potential pitfalls such as hallucinations, privacy, and confidentiality issues.

- Law schools can and should play a role in this education as well.

- Once lawyers have this education, it is important that they be informed consumers who choose their generative AI models carefully.

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LESSON 4: ORGANIZATIONS (INCLUDING DISCIPLINARY ONES) SHOULD JOIN THE EFFORT OF ESTABLISHING AND CONTINUALLY UPDATING BEST PRACTICES.

- The Model Rules are largely adequate to address misuse of generative AI. But lawyers and jurists alike would still benefit greatly from the development of best practices around its use.

- Disciplinary agencies and bar associations can help develop this guidance, perhaps by developing a continuum of risk of sorts that aids lawyers and judges as they think through when to use generative AI, not just whether or how to use it.

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QUESTIONS?

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The Intersection of Artificial Intelligence and Ethics

ARTIFICIAL INTELLIGENCE AND LEGAL PRACTICE: A COMPREHENSIVE SURVEY OF SANCTIONS FOR AI-RELATED MISCONDUCT IN FEDERAL AND STATE COURTS

Judge Eugene A. Lucci
Court of Appeals of Ohio, Eleventh District

I. Introduction and Scope of Analysis

The proliferation of artificial intelligence tools in legal practice[1] has generated a corresponding wave of sanctions cases across federal and state jurisdictions throughout the United States.[2] This comprehensive survey examines the judicial response to AI-related misconduct from 2023 through 2025,[3] analyzing 95 decisions from over 60 jurisdictions including federal district courts, federal appellate courts, state appellate courts, bankruptcy courts,[4] courts of federal claims,[5] and specialized tribunals. The cases reveal an evolving but increasingly sophisticated judicial approach to addressing the unique challenges posed by AI-assisted legal practice while maintaining fundamental professional responsibility standards.[6]

The geographic distribution of these cases demonstrates that AI-related sanctions have emerged as a truly nationwide phenomenon. Federal courts in the Second Circuit,[7]

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[1] *Rep. & Recommendations of the New York State Bar Ass'n Task Force on A.I.*, 2024 WL 1655076, at 2, Executive Summary (Apr. 6, 2024). ("Artificial intelligence, particularly generative AI, has had a profound impact across multiple sectors of our society[.]"); *Ethical Issues Regarding the Use of Artificial Intelligence*, PA Eth. Op. 2024-200, 2024 WL 2854419, at 1, Introduction ("Artificial Intelligence ('AI') has fundamentally transformed the practice of law[.]").

[2] See, for example: *Hill v. Oklahoma*, No. CIV-25-522-SLP, 2025 WL 1840659 (W.D. Okla. July 3, 2025); *Idehen v. Stoute-Phillip*, 86 Misc. 3d 1244(A), 236 N.Y.S.3d 921 (N.Y. Civ. Ct. 2025); *In re Baby Boy*, 2025 IL App (4th) 241427, 2025 WL 2046315; *Mata v. Avianca, Inc.*, 678 F. Supp. 3d 443, 2023 WL 4114965 (S.D.N.Y. 2023); *United States v. Cohen*, United States District Court, 724 F. Supp. 3d 251, 2024 WL 1193604 (S.D.N.Y. 2024); *Muhammad v. Gap Inc.*, No. 2:24-CV-3676, 2025 WL 1836657 (S.D. Ohio July 3, 2025); *Mavy v. Comm'r of Soc. Sec. Admin.*, No. CV-25-00689-PHX-KML (ASB), 2025 WL 2355222 (D. Ariz. Aug. 14, 2025); *Park v. Kim*, 91 F.4th 610, 117 Fed.R.Serv.3d 1693 (2d Cir. 2024); *Sanders v. United States*, 176 Fed. Cl. 163, 2025 WL 957666 (2025).

[3] The earliest case in this survey is *Mata v. Avianca, Inc.*, 678 F. Supp. 3d 443, 2023 WL 4114965 (S.D.N.Y. 2023), and the latest is *Clerk of Ct. & Comptroller for 13th Jud. Cir., Hillsborough Cnty. v. Rangel*, No. 2D2024-1772, 2025 WL 2486314 (Fla. Dist. Ct. App. Aug. 29, 2025).

[4] *In re Richburg*, No. AP 25-80037-EG, 2025 WL 2470473 (Bankr. D.S.C. Aug. 27, 2025); *In re Martin*, 670 B.R. 636, 2025 WL 2017224 (Bankr. N.D. Ill. 2025); *In re Whitehall Pharmacy LLC,* No. 4:25-BK-12406, 2025 WL 2556097 (Bankr. E.D. Ark. Sept. 3, 2025).

[5] *Sanders v. United States*, 176 Fed. Cl. 163, 2025 WL 957666 (2025); *Parra v. United States*, No. 25-CV-431, 2025 WL 1792979 (Fed. Cl. June 27, 2025).

[6] *Al-Hamim v. Star Hearthstone, LLC*, 2024 COA 128, ¶ 3, 564 P.3d 1117 (describing this as "the first opportunity for a Colorado appellate court to address the appropriate sanction when a self-represented litigant files a brief peppered with GAI-produced hallucinations").

[7] *Park v. Kim*, 91 F.4th 610, 117 Fed.R.Serv.3d 1693 (2d Cir. 2024).

Third Circuit,[8] Fifth Circuit,[9] Seventh Circuit,[10] Ninth Circuit,[11] Northern District of Alabama,[12] District of Arizona,[13] Eastern District of Arkansas,[14] Northern District of California,[15] Eastern District of California,[16] Central District of California,[17] District of Colorado,[18] District of Connecticut,[19] District of D.C.,[20] Northern District of Florida,[21]

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[8] *McCarthy v. United States Drug Enf't Admin.*, No. 24-2704, 2025 WL 2028399 (3d Cir. July 21, 2025).

[9] *Garces v. Hernandez*, No. 25-50342, 2025 WL 2401001 (5th Cir. Aug. 19, 2025).

[10] *Santoyo v. City of Chicago*, No. 24-2352, 2025 WL 1860309 (7th Cir. July 7, 2025).

[11] *Grant v. City of Long Beach*, 96 F.4th 1255 (9th Cir. 2024).

[12] *Johnson v. Dunn*, No. 2:21-CV-1701-AMM, 2025 WL 2086116 (N.D. Ala. July 23, 2025).

[13] *Mavy v. Comm'r of Soc. Sec. Admin.*, No. CV-25-00689-PHX-KML (ASB), 2025 WL 2355222 (D. Ariz. Aug. 14, 2025).

[14] *Nguyen v. Savage Enters.*, No. 4:24-CV-00815-BSM, 2025 WL 679024 (E.D. Ark. Mar. 3, 2025).

[15] *Gjovik v. Apple Inc.*, No. 23-CV-0497-EMC, 2025 WL 1447380, *7 (N.D. Cal. May 19, 2025*); Pop Top Corp. v. Rakuten Kobo Inc.*, No. 20-CV-04482-YGR (DMR), 2025 WL 2098597 (N.D. Cal. July 25, 2025).

[16] *United States v. Hayes*, 763 F. Supp. 3d 1054, 2025 WL 235531 (E.D. Cal. 2025), *reconsideration denied*, No. 2:24-CR-0280-DJC, 2025 WL 1067323 (E.D. Cal. Apr. 9, 2025).

[17] *Lacey v. State Farm Gen. Ins. Co.*, No. CV 24-5205 FMO (MAAX), 2025 WL 1363069 (C.D. Cal. May 5, 2025); *Mortazavi v. Booz Allen Hamilton, Inc.*, No. 2:24-CV-07189-SB-RAO, 2024 WL 4308032 (C.D. Cal. Sept. 26, 2024); *Strike 3 Holdings, LLC v. Doe*, No. 2:24-CV-8183-TJH (SPX), 2025 WL 882212 (C.D. Cal. Jan. 22, 2025).

[18] *Coomer v. Lindell* No. 22-CV-01129-NYW-SBP, 2025 WL 1865282 (D. Colo. July 7, 2025); *Coomer v. Lindell*, No. 22-CV-01129-NYW-SBP, 2025 WL 1201993 (D. Colo. Apr. 23, 2025); *Von Neumann v. Wells Fargo Bank N.A.*, No. 25-CV-00509-LTB-RTG, 2025 WL 2211655 (D. Colo. Mar. 17, 2025).

[19] *Moales v. Land Rover Cherry Hill*, No. 3:25-CV-544 (VDO), 2025 WL 1249616 (D. Conn. Apr. 30, 2025); *Rignol v. Yale Univ.*, No. 25-CV-159 (SFR), 2025 WL 1295604 (D. Conn. May 5, 2025).

[20] *Williams v. Cap. One Bank, N.A.*, No. CV 24-2032 (RC), 2025 WL 843285 (D.D.C. Mar. 18, 2025); *Rubio v. D.C.*, No. CV 23-719 (RDM), 2024 WL 4957373 (D.D.C. Dec. 3, 2024), *aff'd sub nom. Rubio v. D.C. Dep't of Hum. Servs.*, No. 24-7183, 2025 WL 1189459 (D.C. Cir. Apr. 22, 2025).

[21] *Rollins v. Premier Motorcar Gallery, Inc.*, No. 4:24-CV-413-MW-MAF, 2025 WL 2166019 (N.D. Fla. July 15, 2025), *report and recommendation adopted*, No. 4:24CV413-MW/MAF, 2025 WL 2161428 (N.D. Fla. July 30, 2025).

Southern District of Florida,[22] Middle District of Florida,[23] Northern District of Georgia,[24] Middle District of Georgia,[25] District of Hawai'i,[26] Northern District of Illinois,[27] Southern District of Indiana,[28] Western District of Kentucky,[29] Eastern District of Louisiana,[30] District of Maine,[31] Eastern District of Michigan,[32] Western District of Michigan,[33] Northern District of Mississippi,[34] Southern District of Mississippi,[35] District of Nebraska,[36] District of

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[22] *Huntington Nat'l Bank v. M/Y SOMETHING ABOUT MERI*, No. 25-61018-CIV, 2025 WL 1684109 (S.D. Fla. June 11, 2025), *report and recommendation approved*, No. 0:25-CV-61018-WPD, 2025 WL 1684136 (S.D. Fla. June 16, 2025); *Versant Funding LLC v. Teras Breakbulk Ocean Navigation Enters., LLC*, No. 17-CV-81140, 2025 WL 1440351 (S.D. Fla. May 20, 2025); *ByoPlanet Int'l, LLC v. Johansson*, No. 0:25-CV-60630, 2025 WL 2091025 (S.D. Fla. July 17, 2025); *O'Brien v. Flick*, No. 24-61529-CIV, 2025 WL 242924 (S.D. Fla. Jan. 10, 2025).

[23] *Williamson v. Trans Union LLC*, No. 3:24-CV-43-WWB-PDB, 2025 WL 2443390 (M.D. Fla. May 13, 2025), *report and recommendation adopted sub nom. Williamson v. Transunion LLC*, No. 3:24-CV-43-WWB-PDB, 2025 WL 2443063 (M.D. Fla. Aug. 5, 2025).

[24] *Marion v. Hollis Cobb Assocs., Inc.*, No. 1:24-CV-2582-MLB-JCF, 2025 WL 1275828 (N.D. Ga. Feb. 14, 2025), *report and recommendation adopted*, No. 1:24-CV-2582-MLB, 2025 WL 1606912 (N.D. Ga. Apr. 21, 2025).

[25] *Jackson v. Auto-Owners Insurance Company*, No. 7:24-CV-136–WLS, 2025 WL 1932274 (M.D. Ga. July 14, 2025); *Gordon v. Wells Fargo Bank N.A. Inc.*, No. 5:24-CV-388 (CAR), 2025 WL 1057211 (M.D. Ga. Apr. 8, 2025).

[26] *Martin v. Hawai'i*, No. CV 24-00294 MWJS-WRP, 2024 WL 3877013 (D. Haw. Aug. 20, 2024), *appeal dismissed sub nom. Hawaii v. Martin*, No. 24-5447, 2024 WL 5007071 (9th Cir. Nov. 5, 2024).

[27] *In re Martin*, 670 B.R. 636, 2025 WL 2017224 (Bankr. N.D. Ill. 2025).

[28] *Mid Cent. Operating Eng'rs Health & Welfare Fund v. HoosierVac LLC*, No. 2:24-CV-00326-JPH-MJD, 2025 WL 1511211 (S.D. Ind. May 28, 2025); *Davis v. Marion Cnty. Superior Ct. Juv. Det. Ctr.*, No. 1:24-CV-01918-JRS-MJD, 2025 WL 2502308 (S.D. Ind. Sept. 2, 2025).

[29] *Buckner v. Hilton Glob.*, No. 3:24-CV-375-RGJ, 2025 WL 1725426 (W.D. Ky. June 20, 2025).

[30] *Herr v. Elos Env't, LLC*, No. CV 25-387, 2025 WL 2319926 (E.D. La. Aug. 12, 2025).

[31] *Everett J. Prescott, Inc. v. Beall*, No. 1:25-CV-00071-JAW, 2025 WL 2084353 (D. Me. July 24, 2025).

[32] *Seither & Cherry Quad Cities, Inc. v. Oakland Automation, LLC*, No. 23-11310, 2025 WL 2105286 (E.D. Mich. July 28, 2025).

[33] *Lothamer Tax Resol., Inc. v. Kimmel*, No. 1:25-CV-579, 2025 WL 2490380 (W.D. Mich. Aug. 29, 2025).

[34] *Ferris v. Amazon.com Services, LLC*, 778 F.Supp.3d 879, 121 Fed.R.Serv.3d 802 (N.D. Miss. 2025).

[35] *Malone-Bey v. Lauderdale Cnty. Sch. Bd.*, No. 3:25-CV-380-KHJ-MTP, 2025 WL 2098352 (S.D. Miss. July 25, 2025).

[36] *Strong v. Rushmore Loan Mgmt. Servs.*, LLC, No. 8:24-CV-352, 2025 WL 100904 (D. Neb. Jan. 15, 2025).

Nevada,[37] District of New Mexico,[38] Northern District of New York,[39] Southern District of New York,[40] Eastern District of New York,[41] Western District of North Carolina,[42] Southern District of Ohio,[43] Western District of Oklahoma,[44] District of Oregon,[45] Eastern District of Pennsylvania,[46] Middle District of Pennsylvania,[47] District of Puerto Rico,[48] Northern District of Texas,[49] Southern District of Texas,[50] Eastern District of Texas,[51] Eastern

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[37] *Saxena v. Martinez-Hernandez*, No. 2:22-CV-02126-CDS-BNW, 2025 WL 522234 (D. Nev. Feb. 18, 2025), *reconsideration denied*, No. 2:22-CV-02126-CDS-BNW, 2025 WL 1194003 (D. Nev. Apr. 23, 2025), and *reconsideration denied*, No. 2:22-CV-02126-CDS-BNW, 2025 WL 1411887 (D. Nev. May 14, 2025), and *appeal dismissed*, No. 25-3390, 2025 WL 2466686 (9th Cir. July 30, 2025).

[38] *Dehghani v. Castro*, No. 2:25-CV-0052 MIS-DLM, 2025 WL 988009 (D.N.M. Apr. 2, 2025) (magistrate judge's order on sanctions, monetary, education, and disciplinary), *aff'd*, 782 F. Supp. 3d 1051, 2025 WL 1361765 (D.N.M. 2025) (order affirming sanctions by magistrate judge).

[39] *Kaur v. Desso*, No. 9:25-CV-726 (AMN), 2025 WL 1895859 (N.D.N.Y. July 9, 2025).

[40] *Mata v. Avianca, Inc.*, 678 F. Supp. 3d 443, 2023 WL 4114965 (S.D.N.Y. 2023); *United States v. Cohen*, 724 F. Supp. 3d 251, 2024 WL 1193604 (S.D.N.Y. 2024); *Romero v. Goldman Sachs Bank USA*, No. 1:25-CV-2857-GHW, 2025 WL 1916119 (S.D.N.Y. June 25, 2025); *Advani v. App. Term*, 2nd Jud. Dep't, No. 25-CV-1627 (JMF), 2025 WL 2201065 (S.D.N.Y. Aug. 1, 2025).

[41] *Hall v. Acad. Charter Sch.*, No. 2:24-CV-08630-JMW, 2025 WL 2256653 (E.D.N.Y. Aug. 7, 2025); *Ramirez v. Humala*, No. 24-CV-242 (RPK) (JAM), 2025 WL 1384161 (E.D.N.Y. May 13, 2025); *Benjamin v. Costco Wholesale Corp.*, 779 F. Supp. 3d 341, 2025 WL 1195925 (E.D.N.Y. 2025).

[42] *Mescall v. Renaissance at Antiquity*, No. 3:23-CV-00332-RJC-SCR, 2023 WL 7490841 (W.D.N.C. Nov. 13, 2023).

[43] *Muhammad v. Gap Inc.*, No. 2:24-CV-3676, 2025 WL 1836657 (S.D. Ohio July 3, 2025); *Lahti v. Consensys Software Inc.,* No. 1:24-CV-183, 2025 WL 2404454 (S.D. Ohio Aug. 20, 2025); *McComb v. Best Buy Inc.*, No. 3:23-CV-28, 2024 WL 181857 (S.D. Ohio Jan. 17, 2024); *Whaley v. Experian Info. Sols., Inc.*, No. 3:22-CV-356, 2023 WL 7926455 (S.D. Ohio Nov. 16, 2023), *reconsideration denied*, No. 3:22-CV-356, 2024 WL 665613 (Feb. 16, 2024).

[44] *Hill v. Oklahoma*, No. CIV-25-522-SLP, 2025 WL 1840659 (W.D. Okla. July 3, 2025).

[45] *Schoene v. Oregon Dep't of Hum. Servs.*, No. 3:23-CV-742-SI, 2025 WL 1755839 (D. Or. June 25, 2025).

[46] *Bevins v. Colgate-Palmolive Co.*, No. CV 25-576, 2025 WL 1085695 (E.D. Pa. Apr. 10, 2025); *Bunce v. Visual Tech. Innovations, Inc.*, No. CV 23-1740, 2025 WL 662398 (E.D. Pa. Feb. 27, 2025).

[47] *Allbaugh v. Univ. of Scranton*, No. 3:24-CV-2237, 2025 WL 2484188 (M.D. Pa. Aug. 28, 2025).

[48] *Puerto Rico Soccer League NFP, Corp. v. Federación Puertorriqueña de Futbol*, No. CV 23-1203 (RAM), 2025 WL 1080732 (D.P.R. Apr. 10, 2025); *Crespo v. Pabon-Charneco*, No. 3:25-CV-01016-JAW, 2025 WL 835875 (D.P.R. Mar. 17, 2025).

[49] *Willis v. U.S. Bank Nat'l Ass'n as Tr., Igloo Series Tr.*, No. 3:25-CV-516-BN, 2025 WL 1224273 (N.D. Tex. Apr. 28, 2025) (rule requiring disclosure of GAI will be enforced); *Willis v. U.S. Bank Nat'l Ass'n as Tr., Igloo Series Tr.*, 783 F. Supp. 3d 959, 2025 WL 1408897 (N.D. Tex. 2025) (warning regarding use of GAI).

[50] *Elizondo v. City of Laredo*, No. 5:25-CV-50, 2025 WL 2071072 (S.D. Tex. July 23, 2025); *Vargas v. Salazar*, No. 4:23-CV-04267, 2024 WL 4804091 (S.D. Tex. Nov. 1, 2024), *report and recommendation adopted*, No. 4:23CV4267, 2024 WL 4804065 (S.D. Tex. Nov. 15, 2024).

[51] *Gauthier v. Goodyear Tire & Rubber Co.*, No. 1:23-CV-281, 2024 WL 4882651 (E.D. Tex. Nov. 25, 2024); *Claxton v. Whitehouse Indep. Sch. Dist.*, No. 6:24-CV-00402-JCB-JDL, 2025 WL 2369401 (E.D.

District of Virginia,[52] Western District of Virginia,[53] Western District of Washington,[54] and District of Wyoming,[55] have addressed these issues alongside state courts in Colorado,[56] Delaware,[57] Florida,[58] Georgia,[59] Hawai'i,[60] Illinois,[61] Indiana,[62] Minnesota,[63] Missouri,[64] New York,[65] Ohio,[66] and Utah.[67] This widespread occurrence across diverse jurisdictions

Tex. Jan. 28, 2025), *report and recommendation adopted*, (E.D. Tex. July 29, 2025); *Pete v. Houston Methodist Hospital/Texas Medical Center*, No. 1:25-CV-00273-MJT-CLS, 2025 WL 2544001 (E.D. Tex. Sept. 3, 2025).

[52] *Powhatan Cnty. Sch. Bd. v. Skinger*, No. 3:24-CV-874, 2025 WL 1842621 (E.D. Va. July 2, 2025); *Powhatan Cnty. Sch. Bd. v. Skinger*, No. 3:24CV874, 2025 WL 1559593 (E.D. Va. June 2, 2025).

[53] *Kruglyak v. Home Depot U.S.A., Inc.*, 774 F. Supp. 3d 767, 2025 WL 900621 (W.D. Va. 2025).

[54] *Ligeri v. Amazon.com Servs. LLC*, No. 2:25-CV-00764-JHC, 2025 WL 2161497 (W.D. Wash. July 30, 2025), *reconsideration denied*, No. 2:25-CV-00764-JHC, 2025 WL 2212595 (W.D. Wash. Aug. 4, 2025); *Parker v. Costco Wholesale Corp.*, No. C25-0519-SKV, 2025 WL 2481280 (W.D. Wash. Aug. 28, 2025).

[55] *Wadsworth v. Walmart Inc.*, 348 F.R.D. 489, 121 Fed.R.Serv.3d 459 (D. Wyo. 2025).

[56] *Al-Hamim v. Star Hearthstone, LLC*, 2024 COA 128, 564 P.3d 1117.

[57] *An v. Archblock, Inc.*, No. 2024-0102-LWW, 2025 WL 1024137 (Del. Ch. Apr. 4, 2025).

[58] *Clerk of Ct. & Comptroller for 13th Jud. Cir., Hillsborough Cnty., Fla. v. Rangel*, No. 2D2024-1772, 2025 WL 2486314 (Fla. Dist. Ct. App. Aug. 29, 2025)*; Gutierrez v. Gutierrez*, 399 So. 3d 1185, 49 Fla. L. Weekly D2440 (Fla. Dist. Ct. App. 2024), *review dismissed sub nom. Gutierrez v. In Re Gutierrez*, No. SC2024-1782, 2025 WL 325963 (Fla. Jan. 28, 2025), *reinstatement granted*, No. SC2024-1782, 2025 WL 342830 (Fla. Jan. 30, 2025), and *opinion after reinstatement of appeal sub nom. Gutierrez v. Gutierrez*, No. SC2024-1782, 2025 WL 1416895 (Fla. May 16, 2025), and *mandamus dismissed*, No. SC2025-0417, 2025 WL 1157136 (Fla. Apr. 21, 2025), and *review denied*, No. SC2024-1782, 2025 WL 1416895 (Fla. May 16, 2025).

[59] *Shahid v. Esaam*, 918 S.E.2d 198, 2025 WL 1792657 (Ga. Ct. App. 2025).

[60] *Keaau Dev. P'ship LLC v. Lawrence*, 156 Haw. 179, 571 P.3d 958 (Ct. App. 2025), *as amended* (May 15, 2025).

[61] *In re Baby Boy*, 2025 IL App (4th) 241427, 2025 WL 2046315; *In re A.S.*, 2025 IL App (4th) 250298-U, 2025 WL 2237331.

[62] *Williams v. Kirch*, No. 25A-SC-196, 2025 WL 2383623 (Ind. Ct. App. Aug. 18, 2025).

[63] *Delano Crossing 2016, LLC v. Cnty. of Wright*, No. 86-CV-23-2147, 2025 WL 1539250 (Minn. Tax May 29, 2025).

[64] *Jones v. Simploy, Inc.*, 698 S.W.3d 480, 2024 WL 4270960 (Mo. Ct. App. 2024); *Kruse v. Karlen*, 692 S.W.3d 43, 2024 WL 559497 (Mo. Ct. App. 2024), *reh'g and/or transfer denied* (Apr. 9, 2024).

[65] *Idehen v. Stoute-Phillip*, 86 Misc. 3d 1244(A), 236 N.Y.S.3d 921 (N.Y. Civ. Ct. 2025); *Will of Samuel*, 82 Misc. 3d 616, 206 N.Y.S.3d 888 (N.Y. Sur. 2024); *Augustin v. Formula 3 Brooklyn Inc.*, 86 Misc. 3d 1236(A), 236 N.Y.S.3d 586, 2025 WL 2006010 (N.Y. Sup. Ct. 2025).

[66] *Gamble v. Gamble*, 2025-Ohio-2381, ¶¶ 25-28, 2025 WL 1863792; *Chasteen v. Lynch*, 2024-Ohio-5857, *appeal not allowed*, 2025-Ohio-1283, 178 Ohio St. 3d 1434, 256 N.E.3d 74.

[67] *Garner v. Kadince, Inc.*, 2025 UT App 80, 571 P.3d 812.

provides a robust foundation for understanding emerging judicial consensus on appropriate responses to AI misuse in legal practice.

II. The Evolution of Judicial Response

The judicial response to AI-related misconduct has undergone significant evolution since the first reported cases in 2023.[68] Early decisions reflected judicial surprise at encountering fabricated legal authorities,[69] with courts initially focusing on educational warnings and modest sanctions designed primarily to alert the legal community to the potential risks of AI tools.[70] However, as awareness of AI limitations has spread throughout the legal profession, courts have developed increasingly sophisticated detection methods[71] and more calibrated sanctioning approaches.

Courts' enhanced detection capabilities now include systematic verification of citations through Westlaw and official court databases, with judges routinely checking whether cited authorities actually exist and contain the quoted language.[72] Courts have become adept at identifying when citations point to unrelated cases, such as when a Westlaw citation purportedly to a federal case actually leads to a party's briefing in a Florida state court proceeding.[73] Judges have developed pattern recognition skills for

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[68] *In re Whitehall Pharmacy LLC*, No. 4:25-BK-12406, 2025 WL 2556097, *3 (Bankr. E.D. Ark. Sept. 3, 2025) (noting "the idea behind a critical vendor motion" and court's analysis of AI evolution).

[69] *Hall v. Acad. Charter Sch*., No. 2:24-CV-08630-JMW, 2025 WL 2256653, *2 (E.D.N.Y. Aug. 7, 2025) ("The Court is confronted with what seemingly appears to an issue plaguing the modern legal justice system"); *Mata v. Avianca, Inc.*, 678 F. Supp. 3d 443, 449, 2023 WL 4114965 (S.D.N.Y. 2023) (describing this as "unprecedented circumstance"); *Seither & Cherry Quad Cities, Inc. v. Oakland Automation, LLC*, No. 23-11310, 2025 WL 2105286, *1 (E.D. Mich. July 28, 2025) (noting this is "no secret that generative AI programs are known to 'hallucinate' nonexistent cases"); *Will of Samuel*, 82 Misc. 3d 616, 620, 206 N.Y.S.3d 888 (N.Y. Sur. 2024) ("the Court is dubious about using AI to prepare legal documents"); *Gordon v. Wells Fargo Bank N.A. Inc.*, No. 5:24-CV-388 (CAR), 2025 WL 1057211, *1 (M.D. Ga. Apr. 8, 2025) (showing courts now expect and warn about AI issues proactively); *Rep. & Recommendations of the New York State Bar Ass'n Task Force on A.I.*, 2024 WL 1655076, at 15 (Apr. 6, 2024), ("A New York lawyer filed a brief citing fake cases generated by ChatGPT"); *Ethical Issues Regarding the Use of Artificial Intelligence*, PA Eth. Op. 2024-200, 2024 WL 2854419, at 4 (describing "hallucinations" phenomenon).

[70] *Benjamin v. Costco Wholesale Corp.*, 779 F. Supp. 3d 341, 2025 WL 1195925 (E.D.N.Y. 2025) (noting "this case is nothing new" and that courts have "continued to receive submissions littered with AI-generated 'case' citations").

[71] *Advani v. App. Term*, 2nd Jud. Dep't, No. 25-CV-1627 (JMF), 2025 WL 2201065 (S.D.N.Y. Aug. 1, 2025) (court "surmises that these problems are due to Advani's use of generative artificial intelligence tools"); *In re Baby Boy*, 2025 IL App (4th) 241427, 2025 WL 2046315, ¶ 50 (describing extensive verification process: "when looking into the citation of 'In re M.F., 2022 IL App (2d) 210614,' Westlaw and the Illinois Courts website confirmed that no case matching that citation existed"); *Herr v. Elos Env't, LLC*, No. CV 25-387, 2025 WL 2319926, *2 (E.D. La. Aug. 12, 2025) (where court identified specific AI hallucinations: "2015 WL 1515505" that "appears to be an Artificial Intelligence ('AI') hallucination").

[72] *Marion v. Hollis Cobb Assocs., Inc.*, No. 1:24-CV-2582-MLB-JCF, 2025 WL 1275828, at *5 (N.D. Ga. Feb. 14, 2025) (ordering plaintiff to provide copy of cited case after court could not locate it through standard legal databases); *Ligeri v. Amazon.com Servs. LLC*, No. 2:25-CV-00764-JHC, 2025 WL 2161497, at *2 (W.D. Wash. July 30, 2025) (court verifying citations and finding they "do not exist").

[73] *Ligeri v. Amazon.com Servs. LLC*, No. 2:25-CV-00764-JHC, 2025 WL 2161497, at *2 (W.D. Wash. July 30, 2025) (noting "The Westlaw citation leads to a party's briefing in a Florida state court case").

identifying AI hallucinations, readily spotting multiple fictitious citations that bear the telltale signs of AI-generated content, including non-existent case names with plausible-sounding parties and reporter citations.[74] Perhaps most concerning, courts have encountered cases where AI-generated content appears to have been produced and filed without any meaningful attorney oversight, with one court noting that a reply brief "may have been generated without any meaningful attorney oversight and filed despite Counsel knowing, or having reason to know, the position taken was unfounded."[75]

This evolution reflects a judicial learning curve that mirrors the broader legal profession's growing understanding of AI capabilities and limitations.[76] Courts that initially showed restraint in sanctioning AI-related misconduct have progressively adopted more stringent standards,[77] with several explicitly warning that their initial leniency should not be interpreted as acceptance of such conduct.[78] The Missouri Court of Appeals' admonition about not relying on "continued magnanimity" exemplifies this trend toward reduced tolerance for AI-related violations as the technology's limitations have become widely publicized.[79]

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[74] *Martin v. Hawai'i*, No. CV 24-00294 MWJS-WRP, 2024 WL 3877013, at *2 (D. Haw. Aug. 20, 2024) (identifying "many of the citations and quotes in Martin's submissions appear to be fictitious," including "Crenshaw v. City of Defuniak Springs, 891 F.3d 1338 (11th Cir. 2018)" and multiple other non-existent cases).

[75] *Parker v. Costco Wholesale Corp.*, No. C25-0519-SKV, 2025 WL 2481280, at *3 (W.D. Wash. Aug. 28, 2025) (finding that errors in reply brief, including an "artificial error" notation and wholesale failure to apply correct legal standards despite being put on notice, indicated filing "may have been generated without any meaningful attorney oversight").

[76] *ByoPlanet Int'l, LLC v. Johansson*, No. 0:25-CV-60630, 2025 WL 2091025 (S.D. Fla. July 17, 2025) (describing AI as able to "perform hours of legal research on nearly any topic in seconds" but noting it "regularly 'hallucinates' entire cases").

[77] *Pop Top Corp. v. Rakuten Kobo Inc.*, No. 20-CV-04482-YGR (DMR), 2025 WL 2098597, *3 (N.D. Cal. July 25, 2025) (court warning pro se litigant that future violations "may result in sanctions, including monetary sanctions"); *Santoyo v. City of Chicago*, No. 24-2352, 2025 WL 1860309, *2 (7th Cir. July 7, 2025) ("We recently warned Santoyo in a separate appeal, also frivolous, that future frivolous appeals may result in sanctions"); *Davis v. Marion Cnty. Superior Ct. Juv. Det. Ctr.*, No. 1:24-CV-01918-JRS-MJD, 2025 WL 2502308, *4 (S.D. Ind. Sept. 2, 2025) ("Given the distressing number of cases calling out similar conduct since the opinions cited above were issued, it is clear that the imposition of modest sanctions has failed to act as a deterrent"); *Rep. & Recommendations of the New York State Bar Ass'n Task Force on A.I.*, 2024 WL 1655076, *5 (Apr. 6, 2024) (noting courts' evolution from "educational warnings" to "standardized sanctions").

[78] *Claxton v. Whitehouse Indep. Sch. Dist.*, No. 6:24-CV-00402-JCB-JDL, 2025 WL 2369401, *2-3 (E.D. Tex. Jan. 28, 2025), *report and recommendation adopted*, (E.D. Tex. July 29, 2025) (warning that "any further misuse of AI in Plaintiff's future filings may result in the court's consideration of appropriate sanctions under Rule 11").

[79] *Jones v. Simploy, Inc.*, Missouri Court of Appeals, 698 S.W.3d 480, 485, 2024 WL 4270960 (Mo. Ct. App. 2024) (stating "litigants who use generative AI to draft their briefs should not rely on our continued magnanimity"); *Kruse v. Karlen*, 692 S.W.3d 43, 53, 2024 WL 559497 (Mo. Ct. App. 2024), *reh'g and/or transfer denied* (Apr. 9, 2024) (the court states "judicial impartiality and fairness mandate that we hold pro se appellants to the same standards"). Compare the warning approach in *Strike 3 Holdings, LLC v. Doe*,

The maturation of judicial response is evident in courts' growing expertise in identifying AI-generated content. While early cases often discovered fabricated citations through opposing counsel's research or routine judicial verification, recent decisions demonstrate that courts have developed systematic approaches to detecting AI hallucinations.[80] This enhanced detection capability has contributed to more consistent enforcement and has eliminated any reasonable expectation that AI-generated fabrications will escape judicial notice.[81]

A significant development in this evolution is the emergence of prophylactic court rules. Courts have moved beyond reactive sanctions to implement proactive disclosure requirements and verification procedures. Standing orders now commonly require certification of AI use, specific disclosure of AI assistance, and verification protocols that must be followed before filing any AI-assisted documents.[82]

III. Categories of Sanctionable Conduct

The primary category of sanctionable conduct involves the citation of nonexistent legal authorities generated by AI systems.[83] Courts have universally found that submitting

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No. 2:24-CV-8183-TJH (SPX), 2025 WL 882212, *3 (C.D. Cal. Jan. 22, 2025) ("The Court cautions defendant that any further filings with citations to non-existent cases may result in sanctions") with the harsher approach in *Saxena v. Martinez-Hernandez*, No. 2:22-CV-02126-CDS-BNW, 2025 WL 1411887 (D. Nev. May 14, 2025) (dismissal with prejudice), *appeal dismissed*, No. 25-3390, 2025 WL 2466686 (9th Cir. July 30, 2025).

[80] *Gjovik v. Apple Inc.*, No. 23-CV-04597-EMC, 2025 WL 1447380, *7 (N.D. Cal. May 19, 2025) (noting that "platforms sometimes 'hallucinate,' meaning they provide inaccurate responses" and "can include the generation of fictitious case cites"); *Parker v. Costco Wholesale Corp.*, No. C25-0519-SKV, 2025 WL 2481280, *1-3 (W.D. Wash. Aug. 28, 2025) (court systematically identifying "at least four case quotes attributed to cases that exist but do not contain the quoted language" and multiple citation errors).

[81] *Powhatan Cnty. Sch. Bd. v. Skinger*, No. 3:24CV874, 2025 WL 1559593 (E.D. Virginia, Richmond Division, June 02, 2025) (court identified 42 false citations with detailed analysis); *United States v. Hayes*, 763 F.Supp.3d 1054, 1058-1061, 2025 WL 235531 (E.D. California, January 17, 2025), *reconsideration denied*, No. 2:24-CR-0280-DJC, 2025 WL 1067323 (E.D. Cal. Apr. 9, 2025) (court's detailed questioning about fictitious case); *Von Neumann v. Wells Fargo Bank N.A.*, No. 25-CV-00509-LTB-RTG, 2025 WL 2211655, *2 (D. Colorado, March 17, 2025) (Court detecting non-existent citations); *Chasteen v. Lynch*, 2024-Ohio-5857,¶ 50-54, 2024 WL 511417, *appeal not allowed*, 2025-Ohio-1283, 178 Ohio St. 3d 1434, 256 N.E.3d 74 (court identified 17 completely fabricated citations and 8 incorrectly described cases).

[82] *Elizondo v. City of Laredo*, No. 5:25-CV-50, 2025 WL 2071072, *2 (S.D. Tex. July 23, 2025) (referencing General Order 2025-04 and local rules addressing AI use).

[83] *Benjamin v. Costco Wholesale Corp.*, 779 F.Supp.3d 341, 344-345, 2025 WL 1195925 (E. D. New York, April 24, 2025) (detailing five fabricated cases: *Klein v. E. I. Du Pont de Nemours & Co., Gordon v. N.Y. Cent. R.R. Co., Mitchell v. JCG Industries, Hollander v. Sweeney, and Davis v. S. Farm Bureau Cas. Inc. Co.*); *Hill v. Oklahoma*, No. CIV-25-522-SLP, 2025 WL 1840659 (W.D. Oklahoma, July 3, 2025) ("citing eight nonexistent cases"); *Hall v. Acad. Charter Sch.*, No. 2:24-CV-08630-JMW, 2025 WL 2256653 (E.D.N.Y. Aug. 7, 2025) ("three hallucinated cases"); *Gutierrez v. Gutierrez*, 399 So. 3d 1185, 49 Fla. L. Weekly D2440 (Fla. Dist. Ct. App. 2024) ("bulk of the cases cited by Gutierrez do not in fact exist"), *review dismissed sub nom. Gutierrez v. In Re Gutierrez*, No. SC2024-1782, 2025 WL 325963 (Fla. Jan. 28, 2025), *reinstatement granted*, No. SC2024-1782, 2025 WL 342830 (Fla. Jan. 30, 2025), and *opinion after reinstatement of appeal sub nom. Gutierrez v. Gutierrez*, No. SC2024-1782, 2025 WL 1416895 (Fla. May 16, 2025), and *mandamus dismissed*, No. SC2025-0417, 2025 WL 1157136 (Fla. Apr. 21, 2025), and

review denied, No. SC2024-1782, 2025 WL 1416895 (Fla. May 16, 2025); *In re Baby Boy*, 2025 IL App (4th) 241427, 2025 WL 2046315 ("eight apparently nonexistent cases"); *Idehen v. Stoute-Phillip*, 86 Misc. 3d 1244(A), 236 N.Y.S.3d 921 (N.Y. Civ. Ct. 2025) ("seven fake cases"); *Mata v. Avianca, Inc.*, 678 F. Supp. 3d 443, 2023 WL 4114965 (S.D.N.Y. 2023) (six non-existent cases cited); *United States v. Cohen*, United States District Court, 724 F. Supp. 3d 251, 254, 2024 WL 1193604 (S.D.N.Y. 2024) (three non-existent cases); *Muhammad v. Gap Inc.*, No. 2:24-CV-3676, 2025 WL 1836657 (S.D. Ohio July 3, 2025) (*Muhammad* cites two cases as "controlling authority": *Scott v. City of Columbus Legal Department*, No. 2:21-cv-5543, 2022 WL 2828015 (S.D. Ohio July 20, 2022), and *Humphrey v. U.S. Attorney General's Office*, No. 2:15-cv-746, 2016 WL 740653 (S.D. Ohio Feb. 25, 2016). (*Id.* at #1237). So far as the Court can tell, neither exists."); *Mavy v. Comm'r of Soc. Sec. Admin.*, No. CV-25-00689-PHX-KML (ASB), 2025 WL 2355222 (D. Ariz. Aug. 14, 2025) (three non-existent district court cases); *Ramirez v. Humala*, No. 24-CV-242 (RPK) (JAM), 2025 WL 1384161, *1 (E.D.N.Y. May 13, 2025) (four nonexistent cases cited); *Sanders v. United States*, 176 Fed. Cl. 163, 168-169, 2025 WL 957666 (2025) (multiple fake AI-generated cases); *Powhatan Cnty. Sch. Bd. v. Skinger,* No. 3:24CV874, 2025 WL 1559593, *3-8 (E.D. Va. June 2, 2025) (42 false citations identified); *Shahid v. Esaam*, 918 S.E.2d 198, 2025 WL 1792657 (Ga. Ct. App. 2025) (11 bogus citations out of 15); *Strike 3 Holdings, LLC v. Doe*, No. 2:24-CV-8183-TJH (SPX), 2025 WL 882212 (C.D. Cal. Jan. 22, 2025) (three non-existent cases cited); *Strong v. Rushmore Loan Mgmt. Servs., LLC*, No. 8:24-CV-352, 2025 WL 100904 (D. Neb. Jan. 15, 2025) (mismatched case names and citations);*Lahti v. Consensys Software Inc.,* No. 1:24-CV-183, 2025 WL 2404454 (S.D. Ohio Aug. 20, 2025) (four fictitious case citations); *Saxena v. Martinez-Hernandez*, No. 2:22-CV-02126-CDS-BNW, 2025 WL 522234 (D. Nev. Feb. 18, 2025) (citing non-existent *Spokane v. Douglass* and *Hummel v. State*), *reconsideration denied*, No. 2:22-CV-02126-CDS-BNW, 2025 WL 1194003 (D. Nev. Apr. 23, 2025), and *reconsideration denied*, No. 2:22-CV-02126-CDS-BNW, 2025 WL 1411887 (D. Nev. May 14, 2025), and *appeal dismissed*, No. 25-3390, 2025 WL 2466686 (9th Cir. July 30, 2025); *Wadsworth v. Walmart Inc.*, 348 F.R.D. 489, 493-494, 121 Fed.R.Serv.3d 459 (D. Wyo. 2025) (eight non-existent cases); *United States v. Hayes*, 763 F. Supp. 3d 1054, 1065, 2025 WL 235531 (E.D. Cal. 2025), *reconsideration denied*, No. 2:24-CR-0280-DJC, 2025 WL 1067323 (E.D. Cal. Apr. 9, 2025) (fictitious "United States v. Harris"); *Chasteen v. Lynch*, 2024-Ohio-5857, ¶ 51 2024 WL 511417, *appeal not allowed*, 2025-Ohio-1283, 178 Ohio St. 3d 1434, 256 N.E.3d 74, (17 fabricated citations); *Claxton v. Whitehouse Indep. Sch. Dist.*, No. 6:24-CV-00402-JCB-JDL, 2025 WL 2369401, *2 (E.D. Tex. Jan. 28, 2025), *report and recommendation adopted*, (E.D. Tex. July 29, 2025) (six nonexistent cases identified); *Crespo v. Pabon-Charneco*, No. 3:25-CV-01016-JAW, 2025 WL 835875, *3 (D.P.R. Mar. 17, 2025) (numerous citation errors and fabricated quotations); *Buckner v. Hilton Glob.*, No. 3:24-CV-375-RGJ, 2025 WL 1725426, *14 (W.D. Ky. June 20, 2025) (citing "Trotter v. Jack Anderson Enterprises" and "Moss v. Parsons" - nonexistent cases); *Herr v. Elos Env't, LLC*, No. CV 25-387, 2025 WL 2319926, *2 (E.D. La. Aug. 12, 2025) ("Precision Specialty Prods., Inc. v. Douglas Labs. Corp., No. 12-CV-6437, 2015 WL 1515505" identified as AI hallucination); *In re A.S.*, 2025 IL App (4th) 250298-U, ¶¶ 14-18, 2025 WL 2237331 (discussing "one case that did not exist, 'In re C.M., 2015 IL App (3d) 140876'"); *Gordon v. Wells Fargo Bank N.A. Inc.*, No. 5:24-CV-388 (CAR), 2025 WL 1057211, *2 (M.D. Ga. Apr. 8, 2025) (noting "fake opinions" and "AI-generated content"); *Ligeri v. Amazon.com Servs. LLC*, No. 2:25-CV-00764-JHC, 2025 WL 2161497, *2 (W.D. Wash. July 30, 2025) (identifying citations to "Investor Life Ins. Co. v. Camarillo" and misquoted Hall v. Hall as nonexistent), *reconsideration denied*, No. 2:25-CV-00764-JHC, 2025 WL 2212595 (W.D. Wash. Aug. 4, 2025), ; *Marion v. Hollis Cobb Assocs., Inc.*, No. 1:24-CV-2582-MLB-JCF, 2025 WL 1275828, *4-5 (N.D. Ga. Feb. 14, 2025) (citing to non-existent "Ingram v. Mutual of Omaha Ins. Co., 170 Ga. App. 679 (1984)"), *report and recommendation adopted*, No. 1:24-CV-2582-MLB, 2025 WL 1606912 (N.D. Ga. Apr. 21, 2025), ; *Parra v. United States*, No. 25-CV-431, 2025 WL 1792979, *11 (Fed. Cl. June 27, 2025) ("Plaintiff's briefing referenced two cases that do not exist: (i) 'Tucker v. United States, 71 Fed. Cl. 321 (2006),' ECF No. 20-1 at 12; and (ii) 'In re Complaint of Judicial Misconduct, 715 F.3d 1267 (9th Cir. 2013)'"); *Rubio v. D.C.*, No. CV 23-719 (RDM), 2024 WL 4957373 (D.D.C. Dec. 3, 2024) ("many of the cases that Plaintiff cites appear to have been invented by artificial intelligence" including Ford v. District of Columbia, 70 F.3d 231 (D.C. Cir. 1995) and Davis v. District of Columbia, 817 A.2d 1234 (D.C. 2003) which do not exist), *aff'd sub nom. Rubio v. D.C. Dep't of Hum. Servs.*, No. 24-7183, 2025 WL 1189459 (D.C. Cir. Apr. 22, 2025); *Santoyo v. City of Chicago*, No. 24-2352, 2025 WL 1860309 (7th Cir. July 7, 2025) (citing "two non-existent cases, presumably generated by an artificial intelligence program"); *Schoene v. Oregon Dep't of Hum. Servs.*, No. 3:23-CV-742-SI, 2025 WL 1755839 (D. Or. June 25, 2025)

briefs containing fabricated case law violates fundamental procedural rules, particularly Federal Rule of Civil Procedure 11(b)(2) and its state counterparts, which require that legal contentions be "warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law."[84] (Ohio Civ. R. 11, signature constitutes certification by the attorney or party that the attorney or party has read the document, that to the best of the attorney's or party's knowledge, information, and belief there is good ground to support it, and that it is not interposed for delay.) AI-generated fictitious cases, by definition, cannot satisfy this standard.[85]

(false citations including "Butler v. Oregon, 218 Or. App. 114 (2008)" and "Curry v. Actavis, Inc., 2017 LEXIS 139126 (D. Or. Aug. 30, 2017)" which do not exist); *McCarthy v. United States Drug Enf't Admin.*, No. 24-2704, 2025 WL 2028399 (3d Cir. July 21, 2025) ("McCarthy's counsel now acknowledges that seven of these summaries were inaccurate, that the eighth decision does not exist"); *Rollins v. Premier Motorcar Gallery, Inc.*, No. 4:24-CV-413-MW-MAF, 2025 WL 2166019 (N.D. Fla. July 15, 2025) (Eight fabricated cases including "Williams v. Quicken Loans, Inc., 571 U.S. 103, 105 (2013)" and "Hernandez v. Apple Auto Wholesalers of Waterbury, LLC, 2017 WL4677308"), *report and recommendation adopted*, No. 4:24CV413-MW/MAF, 2025 WL 2161428 (N.D. Fla. July 30, 2025); *Williamson v. Trans Union LLC*, No. 3:24-CV-43-WWB-PDB, 2025 WL 2443390 (M.D. Fla. May 13, 2025) (documenting 127 instances of false citations at 78-111), *report and recommendation adopted sub nom. Williamson v. Transunion LLC*, No. 3:24-CV-43-WWB-PDB, 2025 WL 2443063 (M.D. Fla. Aug. 5, 2025); *Davis v. Marion Cnty. Superior Ct. Juv. Det. Ctr.*, No. 1:24-CV-01918-JRS-MJD, 2025 WL 2502308, *1 (S.D. Ind. Sept. 2, 2025), citing ("Perry v. City of Indianapolis" which is "a rather bizarre amalgamation of several cases"); *Vargas v. Salazar*, No. 4:23-CV-04267, 2024 WL 4804091, *3 (S.D. Tex. Nov. 1, 2024) (citing non-existent cases "Vasquez v. American Casualty Co." and "Solis v. La Hacienda Mexican Café"), *report and recommendation adopted*, No. 4:23CV4267, 2024 WL 4804065 (S.D. Tex. Nov. 15, 2024).

[84] Fed. R. Civ. P. 11(b)(2), cited in *Park v. Kim*, 91 F.4th 610, 614, 117 Fed.R.Serv.3d 1693 (2d Cir. 2024) and *Ramirez v. Humala*, No. 24-CV-242 (RPK) (JAM), 2025 WL 1384161, *1 (E.D.N.Y. May 13, 2025); *Wadsworth v. Walmart Inc.*, 348 F.R.D. 489, 495, 121 Fed.R.Serv.3d 459 (D. Wyo. 2025) ("violates Rule 11(b)(2)"); *United States v. Cohen*, 724 F. Supp. 3d 251, 258, 2024 WL 1193604 (S.D.N.Y. 2024) (discussing Rule 11(b)(2)); *Marion v. Hollis Cobb Assocs., Inc.*, No. 1:24-CV-2582-MLB-JCF, 2025 WL 1275828, *5 (N.D. Ga. Feb. 14, 2025) (ordering plaintiff to show cause why she should not be sanctioned pursuant to Fed. R. Civ. P. 11), *report and recommendation adopted*, No. 1:24-CV-2582-MLB, 2025 WL 1606912 (N.D. Ga. Apr. 21, 2025); *Pop Top Corp. v. Rakuten Kobo Inc.*, No. 20-CV-04482-YGR (DMR), 2025 WL 2098597, *3 (N.D. Cal. July 25, 2025) (stating that pro se litigant "has an obligation to confirm that arguments and case law submitted to the court are supported by existing law, and a failure to do so is sanctionable" under Fed. R. Civ. P. 11(b)(2)).

[85] *Hall v. Acad. Charter Sch.*, No. 2:24-CV-08630-JMW, 2025 WL 2256653, *3 (E.D.N.Y. Aug. 7, 2025) ("That conduct clearly violated Federal Rule of Civil Procedure 11"); *Johnson v. Dunn*, No. 2:21-CV-1701-AMM, 2025 WL 2086116, *11-12 (N.D. Ala. July 23, 2025); *Keaau Dev. P'ship LLC v. Lawrence*, 156 Haw. 179, 180, 571 P.3d 958 (Ct. App. 2025), *as amended* (May 15, 2025) (discussing HRCP Rule 11); *Mata v. Avianca, Inc.*, 678 F. Supp. 3d 443, 459-460, 461, 2023 WL 4114965 (S.D.N.Y. 2023) (extensive Rule 11 analysis and stating "[a] fake opinion is not 'existing law' and citation to a fake opinion does not provide a non-frivolous ground for extending, modifying, or reversing existing law"); *Wadsworth v. Walmart Inc.*, 348 F.R.D. 489, 495, 121 Fed.R.Serv.3d 459 (D. Wyo. 2025) ("A fake opinion is not 'existing law'"); *Allbaugh v. Univ. of Scranton*, No. 3:24-CV-2237, 2025 WL 2484188, *5 (M.D. Pa. Aug. 28, 2025) (citing Fed. R. Civ. P. 11(b)); *Kruse v. Karlen*, 692 S.W.3d 43, 51-52, 2024 WL 559497 (Mo. Ct. App. 2024) (citing Mo. Sup. Ct. R. 55.03 and 84.06(c)), *reh'g and/or transfer denied* (Apr. 9, 2024); *Mid Cent. Operating Eng'rs Health & Welfare Fund v. HoosierVac LLC*, No. 2:24-CV-00326-JPH-MJD, 2025 WL 574234, *3 (S.D. Ind. Feb. 21, 2025) ("It is abundantly clear that Mr. Ramirez did not make the requisite reasonable inquiry into the law"); *Mavy Comm'r of Soc. Sec. Admin.*, No. CV-25-00689-PHX-KML (ASB), 2025 WL 2355222 (D. Ariz. Aug. 14, 2025) (finding Rule 11 violation); *Nguyen v. Savage Enters.*, No. 4:24-CV-00815-BSM, 2025 WL 679024 (E.D. Ark. Mar. 3, 2025) (finding Rule 11(b) violation); *Park v. Kim*, 91 F.4th 610, 614-615, 117

Beyond the basic violation of citing nonexistent authorities, courts have identified a constellation of related misconduct that compounds the severity of sanctions.[86] Failure to independently verify AI-generated content represents a violation of an attorney's fundamental duty of competence under Model Rule 1.1.[87] (See OH ST RPC Rule 1.1). Courts consistently emphasize that this verification duty is nondelegable, rejecting attempts by attorneys to shift responsibility to subordinates, clerks, independent contractors, or the AI systems themselves.[88] The principle that professional obligations cannot be delegated to artificial intelligence has emerged as a universal theme across all jurisdictions surveyed.[89]

Expanded Categories of Misconduct

Recent cases have revealed increasingly sophisticated forms of AI-related misconduct beyond simple fabricated citations. These include misrepresentation of existing case holdings, fabrication of quotations from real cases,[90] incorrect attribution of statements to prosecutors or other parties in trial transcripts, and systematic reliance on unverified AI-generated content across multiple filings. Courts have also encountered

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Fed.R.Serv.3d 1693 (2d Cir. 2024) (Rule 11 violation for fake citations); *Ramirez v. Humala*, No. 24-CV-242 (RPK) (JAM), 2025 WL 1384161, *1 (E.D.N.Y. May 13, 2025) (Rule 11(b)(2) violation); *Sanders v. United States*, 176 Fed. Cl. 163, 169, 2025 WL 957666 (2025) (Rule 11 violations).

[86] *Bevins v. Colgate-Palmolive Co.*, No. CV 25-576, 2025 WL 1085695 *7 (E.D. Pa. Apr. 10, 2025) (describing citations that "appear to be artificial intelligence ('AI') 'hallucinations' made up of parts of actual cases").

[87] *O'Brien v. Flick*, No. 24-61539-CIV, 2025 WL 242924, *5 (S.D. Fla. Jan. 10, 2025) ("While there is no prohibition against the use of technology to aid in the preparation of court filings, there is a duty of candor to the Court").

[88] *Seither & Cherry Quad Cities, Inc. v. Oakland Automation, LLC*, No. 23-11310, 2025 WL 2105286, *1 (E.D. Mich. July 28, 2025) ("Attorneys should understand that chatbots . . . are not designed to answer questions factually."); *Elizondo v. City of Laredo*, No. 5:25-CV-50, 2025 WL 2071072, *3 (S.D. Tex. July 23, 2025) (finding attorney's nondelegable duty violated even where law clerk used AI without attorney's knowledge); *In re Whitehall Pharmacy LLC*, No. 4:25-BK-12406, 2025 WL 2556097, *4 (Bankr. E.D. Ark. Sept. 3, 2025) (professional obligations cannot be delegated to artificial intelligence).

[89] *McComb v. Best Buy Inc.*, No. 3:23-CV-28, 2024 WL 181857, *1 (S.D. Ohio Jan. 17, 2024) ("The Court reminds all parties that they are not allowed to use AI—for any purpose—to prepare any filings in the instant case or any case before the undersigned. See Judge Newman's Civil Standing Order at VI."); *Davis v. Marion Cnty. Superior Ct. Juv. Det. Ctr.*, No. 1:24-CV-01918-JRS-MJD, 2025 WL 2502308, *5 (S.D. Ind. Sept. 2, 2025) ("A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary").

[90] *Seither & Cherry Quad Cities, Inc. v. Oakland Automation, LLC*, No. 23-11310, 2025 WL 2105286 (E.D. Mich. July 28, 2025) ("real case citations, but with fabricated quotations or explanatory parentheticals"); *Shahid v. Esaam*, 918 S.E.2d 198, 2025 WL 1792657 (Ga. Ct. App. 2025) (two real cases cited "have nothing to do with the proposition stated"); *Lahti v. Consensys Software Inc.*, No. 1:24-CV-183, 2025 WL 2404454 (S.D. Ohio Aug. 20, 2025) (party citing case in reply for proposition that court had "refused to enforce" arbitration when court actually compelled it); *Parker v. Costco Wholesale Corp.*, No. C25-0519-SKV, 2025 WL 2481280, *1, 3 (W.D. Wash. Aug. 28, 2025) (identifying "at least four case quotes attributed to cases that exist but do not contain the quoted language, "and noting counsel "appears to include hallucinated and inaccurate quotes to the record" which is "particularly egregious given Plaintiff sought to demonstrate that a question of material fact precluded summary judgment").

cases involving AI-generated content that combines elements of real cases with fabricated holdings, creating hybrid violations that are particularly difficult to detect without careful verification.[91]

Institutional and Systemic Failures

A troubling pattern has emerged involving comprehensive failures of law firm quality control systems.[92] The *Mavy* case exemplifies this category, where a four-step institutional review process failed at every level, from initial drafting through supervisory review to final attorney sign-off.[93] Courts have shown particular concern about systematic institutional failures, viewing them as more serious than isolated individual mistakes because they suggest deeper problems with professional standards and supervision.

Contractor and Delegation Violations

Courts have encountered numerous cases involving work delegated to independent contractor attorneys, paralegals, or other non-employee legal service providers. These cases highlight that the nondelegable duty of verification extends equally to independent contractors and employees. Courts reject any distinction between contractor and employee relationships when analyzing supervision obligations, consistently holding that the signing attorney bears ultimate responsibility regardless of the contractual relationship with the person who performed the work.[94]

IV. Sanctioning Standards and Judicial Rationales

Courts have consistently applied existing procedural rules and professional responsibility standards to AI-related misconduct,[95] rejecting arguments that artificial

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[91] *Willis v. U.S. Bank Nat'l Ass'n as Tr., Igloo Series Tr.*, No. 3:25-CV-516-BN, 2025 WL 1224273, *2-3 (N.D. Tex. Apr. 28, 2025) (discussing how "*Pruitt v. Deutsche Bank Nat'l Tr. Co.*, 2013 WL 789972" contained wrong year and wrong citation, pointing to actual case from 2014-2015).

[92] *Coomer v. Lindell*, No. 22-CV-01129-NYW-SBP, 2025 WL 1865282 (D. Colo. July 7, 2025) (describing defense counsel's claim of filing wrong version and failures in review process).

[93] *Mavy v. Comm'r of Soc. Sec. Admin.*, No. CV-25-00689-PHX-KML (ASB), 2025 WL 2355222, *6 (D. Ariz. Aug. 14, 2025) (detailing how "failures occurred at every level of Counsel's identified process -- a process that Counsel herself describes as 'ensur[ing] legal integrity and compliance with FRCP 11'").

[94] *Ethical Issues Regarding the Use of Artificial Intelligence*, PA Eth. Op. 2024-200, 2024 WL 2854419, at 4-5; *Rep. & Recommendations of the New York State Bar Ass'n Task Force on A.I.*, 2024 WL 1655076, at 14 (Apr. 6, 2024) (on Rule 5.3 duties).

[95] *Herr v. Elos Env't, LLC*, No. CV 25-387, 2025 WL 2319926 (E.D. La. Aug. 12, 2025) (applying Rule 37 and Rule 11); *Gordon v. Wells Fargo Bank N.A. Inc.*, No. 5:24-CV-388 (CAR), 2025 WL 1057211, *1-2 (M.D. Ga. Apr. 8, 2025) (applying Federal Rule of Civil Procedure 11); *In re A.S.*, 2025 IL App (4th) 250298-U, ¶¶ 14-20, 2025 WL 2237331 (applying Illinois Supreme Court Rule 375); *Rubio v. D.C.*, No. CV 23-719 (RDM), 2024 WL 4957373 (D.D.C. Dec. 3, 2024) ("The failure to do so is an 'abuse of the judicial system,' *Cooter & Gell v. Hartmarx Corp.*, 496 U.S. 384, 398 (1990)"), *aff'd sub nom. Rubio v. D.C. Dep't of Hum. Servs.*, No. 24-7183, 2025 WL 1189459 (D.C. Cir. Apr. 22, 2025); *Rollins v. Premier Motorcar Gallery, Inc.*, No. 4:24-CV-413-MW-MAF, 2025 WL 2166019 (N.D. Fla. July 15, 2025) ("Federal Rule of Civil Procedure 11(b)(2) require[s] that attorneys read, and thereby confirm the existence and validity of, the legal authorities on which they rely"), *report and recommendation adopted*, No. 4:24CV413-MW/MAF, 2025 WL 2161428 (N.D. Fla. July 30, 2025).

intelligence requires new or modified analytical frameworks. Rule 11 analysis remains the primary vehicle for sanctions in federal court,[96] with courts emphasizing that AI assistance does not alter the fundamental requirement that filings be factually and legally supported. State courts have applied analogous rules with similar rigor, demonstrating that the basic standards governing attorney conduct transcend jurisdictional boundaries.[97]

The judicial rationale for imposing sanctions rests on several interconnected foundations. Deterrence emerges as the primary consideration, with courts explicitly distinguishing between specific deterrence aimed at preventing repeat conduct by the same practitioner and general deterrence designed to educate the broader legal community about the consequences of AI misuse.[98] The deterrent effect is enhanced by courts' practice of circulating sanctions orders to other judges and jurisdictions, ensuring that the lessons learned reach beyond the immediate parties.

Judicial integrity and efficiency concerns provide another critical rationale for sanctions.[99] Courts have documented the substantial resources expended in attempting

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[96] *Parra v. United States*, No. 25-CV-431, 2025 WL 1792979, *11 (Fed. Cl. June 27, 2025) ("It violates Rule 11, which obligates any party appearing before this Court—including pro se litigants—to, at a minimum, 'confirm the existence and validity of[] the legal authorities on which they rely.'"); *Whaley v. Experian Info. Sols., Inc.*, No. 3:22-CV-356, 2023 WL 7926455 (S.D. Ohio Nov. 16, 2023) (threatening Rule 11 sanctions in footnote 2), *reconsideration denied*, No. 3:22-CV-356, 2024 WL 665613 (Feb. 16, 2024); *Williamson v. Trans Union LLC*, No. 3:24-CV-43-WWB-PDB, 2025 WL 2443390 (M.D. Fla. May 13, 2025) (extensive Rule 11 analysis), *report and recommendation adopted sub nom. Williamson v. Transunion LLC*, No. 3:24-CV-43-WWB-PDB, 2025 WL 2443063 (M.D. Fla. Aug. 5, 2025); *Davis v. Marion Cnty. Superior Ct. Juv. Det. Ctr.*, No. 1:24-CV-01918-JRS-MJD, 2025 WL 2502308 (S.D. Ind. Sept. 2, 2025) (Rule 11(b) and 11(c) analysis); *Vargas v. Salazar*, No. 4:23-CV-04267, 2024 WL 4804091 (S.D. Tex. Nov. 1, 2024) (Rule 11 warning), *report and recommendation adopted*, No. 4:23CV4267, 2024 WL 4804065 (S.D. Tex. Nov. 15, 2024).

[97] *Mid Cent. 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) (applying Rule 11); *Mavy v. Comm'r of Soc. Sec. Admin.*, No. CV-25-00689-PHX-KML (ASB), 2025 WL 2355222 (D. Ariz. Aug. 14, 2025) (extensive Rule 11 analysis); *Nguyen v. Savage Enters.*, No. 4:24-CV-00815-BSM, 2025 WL 679024 (E.D. Ark. Mar. 3, 2025) (Rule 11 sanctions); *Seither & Cherry Quad Cities, Inc. v. Oakland Automation, LLC*, No. 23-11310, 2025 WL 2105286, *2 (E.D. Mich. July 28, 2025) ("Rule 11 sanctions may be imposed regardless of whether an error was made in good or bad faith").

[98] *Huntington Nat'l Bank v. M/Y SOMETHING ABOUT MERI*, No. 25-61018-CIV, 2025 WL 1684109, *3 (S.D. Fla. June 11, 2025) ("sanctions...serve two purposes; 1) punishment for past conduct; and 2) to deter future conduct by the parties or the Bar at large"), *report and recommendation approved*, No. 0:25-CV-61018-WPD, 2025 WL 1684136 (S.D. Fla. June 16, 2025); *Johnson v. Dunn*, No. 2:21-CV-1701-AMM, 2025 WL 2086116, *19 (N.D. Ala. July 23, 2025) (discussing deterrent function of sanctions); *Mata v. Avianca, Inc.*, 678 F. Supp. 3d 443, 465, 2023 WL 4114965 (S.D.N.Y. 2023) ("A Rule 11 sanction should advance both specific and general deterrence"); *Kruglyak v. Home Depot U.S.A., Inc.*, 774 F. Supp. 3d 767, 769, 2025 WL 900621 (W.D. Va. 2025) (court must impose "the least extreme sanction reasonably calculated to achieve the appropriate punitive and deterrent purposes of Rule 11"); *Ramirez v. Humala*, No. 24-CV-242 (RPK) (JAM), 2025 WL 1384161, *2 (E.D.N.Y. May 13, 2025) (stating sanctions must be "limited to what suffices to deter repetition of the conduct"); *Wadsworth v. Walmart Inc.*, 348 F.R.D. 489, 496-497, 121 Fed.R.Serv.3d 459 (D. Wyo. 2025) ("Rule 11 sanctions are meant to serve several purposes, including (1) deterring future litigation abuse").

[99] *Buckner v. Hilton Glob.*, No. 3:24-CV-375-RGJ, 2025 WL 1725426, *6 (W.D. Ky. June 20, 2025) ("Quite obviously, many harms flow from such deception—including wasting the opposing party's time and

to locate and verify nonexistent legal authorities,[100] with some decisions quantifying the hours of judicial and staff time wasted on such efforts. This resource waste is particularly acute in appellate courts, where extensive research into fabricated authorities can delay decisions and divert attention from meritorious cases requiring judicial consideration.

Professional standards enforcement represents the third pillar of judicial sanctioning rationale.[101] Courts consistently emphasize that technological advancement cannot be permitted to erode fundamental professional obligations, particularly the duty of candor to tribunals and the requirement of competent representation. The profession's historical adaptation to new technologies, from computerized legal research to electronic filing systems, has always maintained core professional competence requirements, and courts view AI tools as subject to the same standards.

The protection of opposing parties and the adversarial system provides a fourth rationale that courts frequently cite. Fabricated authorities impose costs on opposing counsel, who must expend resources attempting to locate nonexistent cases or responding to fictitious legal arguments. Courts recognize that such misconduct

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money, the Court's time and resources, and reputational harms to the legal system"); *Herr v. Elos Env't, LLC*, No. CV 25-387, 2025 WL 2319926, *2 (E.D. La. Aug. 12, 2025) (court's extensive discussion of time spent verifying nonexistent cases).

[100] *Benjamin v. Costco Wholesale Corp.*, 779 F. Supp. 3d 341, 349, 2025 WL 1195925 (E.D.N.Y. 2025) ("this entire matter has been a waste of the Court's resources"); *Ferris v. Amazon.com Services, LLC*, 778 F.Supp.3d 879, 121 Fed.R.Serv.3d 802, 880 (N.D. Miss. 2025) ("takes inordinately longer to respond to than to create"); *Elizondo v. City of Laredo*, No. 5:25-CV-50, 2025 WL 2071072, *3 (S.D. Tex. July 23, 2025) ("this entire matter has been a waste of the Court's resources"); *In re Baby Boy*, 2025 IL App (4th) 241427, ¶ 50, 2025 WL 2046315 ("This court informed Mr. Panichi that when it was discovered that the cases cited in his briefs apparently did not exist...the court felt compelled to leave no stone unturned...The research done 'was significant and time consuming'"); *Johnson v. Dunn*, No. 2:21-CV-1701-AMM, 2025 WL 2086116, *11 (N.D. Ala. July 23, 2025) ("The opposing party wastes time and money in exposing the deception"); *Lacey v. State Farm Gen. Ins. Co.*, No. CV 24-5205 FMO (MAAX), 2025 WL 1363069, *3-4 (C.D. Cal. May 5, 2025) (Special Master calculating fees of $26,100 for dealing with AI issue); *O'Brien v. Flick*, No. 24-61529-CIV, 2025 WL 242924, *6 (S.D. Fla. Jan. 10, 2025) (noting "enormous waste of judicial resources to try to find cited cases that do not exist"); *Powhatan Cnty. Sch. Bd. v. Skinger*, No. 3:24CV874, 2025 WL 1559593 (E.D. Va. June 2, 2025). (noting court's extensive review effort); *Versant Funding LLC v. Teras Breakbulk Ocean Navigation Enters.*, LLC, No. 17-CV-81140, 2025 WL 1440351, *6-7 (S.D. Fla. May 20, 2025) ("Judges in our nation's courts are quite busy and need to be able to rely upon competent counsel to submit well-reasoned pleadings, motions, responses, replies, and other papers containing accurate and supported arguments, facts, and case law. That did not occur here when the offending Response was filed."); *Will of Samuel*, 82 Misc. 3d 616, 620, 206 N.Y.S.3d 888 (N.Y. Sur. 2024) (similar language); *Ferris v. Amazon.com Services, LLC*, 778 F.Supp.3d 879, 121 Fed.R.Serv.3d 802, 880-81 (N.D. Miss. 2025) (explaining that fake cases undermine court function and create "post-truth world" concerns); *Chasteen v. Lynch*, 2024-Ohio-5857, ¶ 54, 2024 WL 511417 ("we ordered Father to provide us with copies of the 17 opinions cited in his briefs that we were completely unable to locate"), *appeal not allowed*, 2025-Ohio-1283, 178 Ohio St. 3d 1434, 256 N.E.3d 74.

[101] *Augustin v. Formula 3 Brooklyn Inc.*, 86 Misc. 3d 1236(A), 236 N.Y.S.3d 586, 2025 WL 2006010, *4 (N.Y. Sup. Ct. 2025) (discussing how "existing rules impose a gatekeeping role on attorneys to ensure the accuracy of their filings"); *Dehghani v. Castro*, No. 2:25-CV-0052 MIS-DLM, 2025 WL 988009, *5-6 (D.N.M. Apr. 2, 2025) (discussing violations of professional conduct rules governing "candor toward the tribunal" and "responsibilities of a supervisory attorney"), *aff'd*, 782 F. Supp. 3d 1051, 2025 WL 1361765 (D.N.M. 2025).

undermines the fundamental fairness of adversarial proceedings and shifts costs from the responsible party to innocent opponents.[102]

V. Factors Influencing Sanction Severity

The severity of sanctions imposed for AI-related misconduct varies significantly based on several key factors that courts have consistently identified across jurisdictions. Professional status emerges as perhaps the most significant variable, with licensed attorneys universally held to higher standards than pro se litigants.[103] Courts repeatedly emphasize that professional licensing carries with it enhanced obligations and responsibilities that cannot be excused by technological unfamiliarity or reliance on AI tools. This differential treatment is vividly demonstrated in the contrasting approaches courts take: pro se litigants in cases like *Chasteen v. Lynch*[104] received warnings and orders to show cause, while *Buckner v. Hilton Global*[105] resulted in warnings about future sanctions for the pro se plaintiff, whereas licensed attorneys in comparable situations face immediate monetary sanctions and professional consequences.

The distinction between pro se litigants and licensed attorneys reflects fundamental differences in legal training, professional obligations, and access to resources.[106] Courts consistently show "special solicitude" for self-represented parties, recognizing that they lack formal legal training and may reasonably rely on technological

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[102] *Johnson v. Dunn*, No. 2:21-CV-1701-AMM, 2025 WL 2086116, *11 (N.D. Ala. July 23, 2025) ("The opposing party wastes time and money in exposing the deception"; and "Many harms flow from the submission of fake opinions...", quoting *Mata v. Avianca, Inc.*, 678 F. Supp. 3d 443, 2023 WL 4114965 (S.D.N.Y. 2023); *Versant Funding LLC v. Teras Breakbulk Ocean Navigation Enters.*, LLC, No. 17-CV-81140, 2025 WL 1440351, *6 (S.D. Fla. May 20, 2025) (also citing *Mata v. Avianca, Inc.*, 678 F. Supp. 3d 443, 2023 WL 4114965 (S.D.N.Y. 2023)).

[103] *Al-Hamim v. Star Hearthstone, LLC*, 2024 COA 128, 564 P.3d 1117, 1125-1126 (declining sanctions against pro se litigant); *Benjamin v. Costco Wholesale Corp.*, 779 F. Supp. 3d 341, 351, 2025 WL 1195925 (E.D.N.Y. 2025) (imposing sanctions on licensed attorney); *Clerk of Ct. & Comptroller for 13th Jud. Cir., Hillsborough Cnty., Fla. v. Rangel*, No. 2D2024-1772, 2025 WL 2486314, *2 (Fla. Dist. Ct. App. Aug. 29, 2025) (referring licensed attorney to Florida Bar for disciplinary proceedings); *Ferris v. Amazon.com Services, LLC*, 778 F.Supp.3d 879, 121 Fed.R.Serv.3d 802, 881 (N.D. Miss. 2025) (pro se litigant sanctioned but not dismissed, showing different treatment); *Sanders v. United States*, 176 Fed. Cl. 163, 169-170, 2025 WL 957666 (2025) (showing leniency to pro se plaintiff); contrast with *Ramirez v. Humala*, No. 24-CV-242 (RPK) (JAM), 2025 WL 1384161 (E.D.N.Y. May 13, 2025) (attorney sanctioned); *Williams v. Cap. One Bank, N.A.*, No. CV 24-2032 (RC), 2025 WL 843285, *3 (D.D.C. Mar. 18, 2025) (pro se standards); *Von Neumann v. Wells Fargo Bank N.A.*, No. 25-CV-00509-LTB-RTG, 2025 WL 2211655, *2 (D. Colo. Mar. 17, 2025) (warning pro se litigant); contrast between treatment of pro se litigants (*Allbaugh v. Univ. of Scranton*, No. 3:24-CV-2237, 2025 WL 2484188 (M.D. Pa. Aug. 28, 2025) and *Kruglyak v. Home Depot U.S.A., Inc.*, 774 F. Supp. 3d 767, 2025 WL 900621 (W.D. Va. 2025)), versus attorneys (*Mata v. Avianca, Inc.*, 678 F. Supp. 3d 443, 2023 WL 4114965 (S.D.N.Y. 2023) and *Lacey v. State Farm Gen. Ins. Co.*, No. CV 24-5205 FMO (MAAX), 2025 WL 1363069 (C.D. Cal. May 5, 2025)).

[104] *Chasteen v. Lynch*, 2024-Ohio-5857, *appeal not allowed*, 2025-Ohio-1283, 178 Ohio St. 3d 1434, 256 N.E.3d 74 (Dist.12).

[105] *Buckner v. Hilton Glob.*, No. 3:24-CV-375-RGJ, 2025 WL 1725426 (W.D. Ky. June 20, 2025).

[106] *Jones v. Simploy, Inc.*, 698 S.W.3d 480, 485, 2024 WL 4270960 (Mo. Ct. App. 2024) (treating pro se litigant with more leniency).

tools to level the playing field in legal proceedings.[107] This solicitude manifests in courts' application of standard pro se pleading requirements, as demonstrated in *Claxton v. Whitehouse Independent School District*, where the court noted that a plaintiff meets the standard "only when he 'pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.'"[108] However, this solicitude has limits, and courts will impose sanctions on pro se litigants who persist in AI-related misconduct after being educated about the technology's limitations.[109] As the court in *Gordon v. Wells Fargo Bank N.A. Inc.* observed that although courts are solicitous toward pro se litigants, there are reasonable limits to such accommodation.[110] The contrast is stark: while pro se litigant in *Gordon* received only a warning and certification requirement, attorneys in cases like *In re A.S.* faced immediate monetary sanctions and disgorgement of fees for similar violations.[111]

Professional Experience and Sophistication

Courts have refined their analysis to distinguish between different categories of legal professionals. Pro se litigants with legal training, including retired attorneys and law school graduates, receive less deference than truly inexperienced self-represented parties. Courts recognize that legal education, even if not recently exercised, creates enhanced obligations to understand and comply with procedural requirements.[112]

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[107] *Romero v. Goldman Sachs Bank USA*, No. 1:25-CV-2857-GHW, 2025 WL 1916119, *1 (S.D.N.Y. June 25, 2025) (affording pro se plaintiff "special solicitude"); *Allbaugh v. Univ. of Scranton*, No. 3:24-CV-2237, 2025 WL 2484188, *6 (M.D. Pa. Aug. 28, 2025) ("pro se litigants with substantial legal training are held to a higher standard than pro se litigants with no legal expertise"); *Willis v. U.S. Bank Nat'l Ass'n as Tr., Igloo Series Tr.*, No. 3:25-CV-516-BN, 2025 WL 1224273 (N.D. Tex. Apr. 28, 2025) (rule requiring disclosure of GAI will be enforced); *Willis v. U.S. Bank Nat'l Ass'n as Tr., Igloo Series Tr.*, 783 F. Supp. 3d 959, 2025 WL 1408897, *3, fn. 11 (N.D. Tex. 2025) (warning regarding use of GAI), ("Although the Rule 11 standard applies equally to pro se parties... a court has 'sufficient discretion to take account of the special circumstances'", quoting *Houston v. Southwest Airlines*, No. 3:17-CV-02610-N-BT, 2020 WL 774408, *1 (N.D. Texas, Feb. 18, 2020).

[108] *Claxton v. Whitehouse Indep. Sch. Dist.*, No. 6:24-CV-00402-JCB-JDL, 2025 WL 2369401, at *2 (E.D. Tex. Jan. 28, 2025).

[109] *Saxena v. Martinez-Hernandez*, No. 2:22-CV-02126-CDS-BNW2025 WL 1194003 (D. Nev. Apr. 23, 2025), *reconsideration denied*, No. 2:22-CV-02126-CDS-BNW, 2025 WL 1411887 (D. Nev. May 14, 2025), and *appeal dismissed*, No. 25-3390, 2025 WL 2466686 (9th Cir. July 30, 2025); and *Lahti v. Consensys Software Inc.*, No. 1:24-CV-183, 2025 WL 2404454 (S.D. Ohio Aug. 20, 2025) (both courts holding pro se litigants to strict standards).

[110] *Gordon v. Wells Fargo Bank N.A. Inc.*, No. 5:24-CV-388 (CAR), 2025 WL 1057211 (M.D. Ga. Apr. 8, 2025) (warning and certification requirement for pro se litigant).

[111] *In re A.S.*, 2025 IL App (4th) 250298-U, 2025 WL 2237331 (Aug. 4, 2025) (monetary sanctions for attorney).

[112] *Sanders v. United States*, 176 Fed. Cl. 163, 169-170, 2025 WL 957666 (2025) (showing leniency to pro se plaintiff); contrast with *Ramirez v. Humala*, No. 24-CV-242 (RPK) (JAM), 2025 WL 1384161 (E.D.N.Y. May 13, 2025) (attorney sanctioned).

The scope and extent of fabricated citations significantly influences sanction severity. Cases involving three to five fabricated citations typically receive lower sanctions than those involving eight or nine fake authorities, reflecting courts' recognition that extensive fabrication demonstrates either systematic misconduct or profound negligence in verification procedures. The integration of fabricated citations throughout substantive legal arguments, rather than relegating them to peripheral support, also aggravates sanctions.[113]

Institutional and Supervision Factors

Recent cases have highlighted the importance of institutional context in determining sanction severity. Comprehensive failures of firm-level quality control systems result in more severe sanctions than isolated individual mistakes. Courts view systematic institutional failures as evidence of deeper professional problems that require more substantial remedial action. The *In Re: Whitehall Pharmacy LLC* case exemplifies how institutional responses can influence sanctioning decisions, where counsel's immediate acknowledgment, self-reporting to professional conduct authorities, and implementation of comprehensive remedial measures led the court to withdraw its order to show cause without imposing sanctions.[114]

The sophistication of purported supervision and review procedures affects sanctions analysis. Firms that claim to have comprehensive review processes but fail to implement them effectively face more severe consequences than those with acknowledged limitations in their quality control systems. Courts are particularly critical of institutional failures that create false assurance about document quality.

The response to judicial inquiry about AI-related misconduct serves as a critical factor in determining sanction severity. Attorneys who provide immediate, honest acknowledgment of AI use and fabricated content receive significantly more lenient treatment than those who offer evasive responses or attempt to justify continued reliance on fictitious authorities. Courts view post-discovery conduct as highly probative of the attorney's professional integrity and commitment to correcting errors.[115]

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[113] *Mavy v. Comm'r of Soc. Sec. Admin.*, No. CV-25-00689-PHX-KML (ASB), 2025 WL 2355222, *5 (D. Ariz. Aug. 14, 2025) (finding that "well over the majority of the citations provided to this Court in Plaintiff's Opening Brief were fabricated, misleading, or unsupported"); *Johnson v. Dunn*, No. 2:21-CV-1701-AMM, 2025 WL 2086116, *2 (N.D. Ala. July 23, 2025) (five problematic citations); *Jackson v. Auto-Owners Insurance Company*, No. 7:24-CV-136–WLS, 2025 WL 1932274 (M.D. Ga. July 14, 2025) (nine fake citations); *Kruse v. Karlen*, 692 S.W.3d 43, 49, 2024 WL 559497 (Mo. Ct. App. 2024), *reh'g and/or transfer denied* (Apr. 9, 2024) (noting "twenty-two inaccurate case citations", resulting in $10,000 sanction); *United States v. Cohen*, 724 F. Supp. 3d 251, 2024 WL 1193604 (S.D.N.Y. 2024) (three cases, no sanctions); *Wadsworth v. Walmart Inc.*, 348 F.R.D. 489, 121 Fed.R.Serv.3d 459 (D. Wyo. 2025) (eight cases, higher sanctions).

[114] *In Re: Whitehall Pharmacy LLC, Debtor*, No. 4:25-BK-12406, 2025 WL 2556097, at *2-3 (Bankr. E.D. Ark. Sept. 3, 2025).

[115] *Elizondo v. City of Laredo*, No. 5:25-CV-50, 2025 WL 2071072, *3 (S.D. Tex. July 23, 2025) (court noting attorney's "candid acknowledgment of the problem and contrition" and implementing corrective

This principle was clearly demonstrated in *In Re: Whitehall Pharmacy LLC*, where counsel's immediate acknowledgment of error and voluntary self-reporting to the Arkansas Office of Professional Conduct significantly influenced the court's decision to withdraw sanctions entirely, demonstrating how prompt corrective action and acceptance of responsibility can fundamentally alter sanctioning outcomes.[116]

Timing considerations also influence sanction severity, with courts showing greater understanding for violations that occurred during the early adoption period of AI tools when their limitations were less widely publicized. However, this temporal consideration has diminished significantly as awareness of AI hallucination risks has spread throughout the legal profession. By 2025, courts routinely reject ignorance defenses, noting the extensive publicity surrounding AI limitations since 2023.

VI. The Distinction Between Good Faith and Bad Faith Conduct

The most critical factor in judicial sanctioning decisions involves the determination of whether AI-related misconduct reflects good faith error or bad faith conduct.[117] Courts have developed sophisticated analyses for making this distinction, with significantly different consequences flowing from each determination. Good faith errors, typically involving negligent reliance on AI-generated content without adequate verification, generally result in warnings, educational requirements, or modest monetary sanctions.[118] Bad faith conduct, characterized by conscious avoidance of verification duties or continued advocacy for known fabrications, triggers substantial sanctions and professional consequences.[119]

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measures); *ByoPlanet Int'l, LLC v. Johansson*, No. 0:25-CV-60630, 2025 WL 2091025, *8 (S.D. Fla. July 17, 2025) (emphasizing continued misconduct "after April 25, 2025" when attorney was "on notice").

[116] *In Re: Whitehall Pharmacy LLC, Debtor*, No. 4:25-BK-12406, 2025 WL 2556097, at *2-3 (Bankr. E.D. Ark. Sept. 3, 2025).

[117] *United States v. Cohen*, 724 F. Supp. 3d 251, 258, 2024 WL 1193604 (S.D.N.Y. 2024) ("requires a finding of 'bad faith'"); *United States v. Hayes*, 763 F. Supp. 3d 1054, 1064-1071, 2025 WL 235531 (E.D. Cal. 2025) (extensive bad faith analysis), *reconsideration denied*, No. 2:24-CR-0280-DJC, 2025 WL 1067323 (E.D. Cal. Apr. 9, 2025).

[118] *Al-Hamim v. Star Hearthstone, LLC*, 2024 COA 128, 564 P.3d 1117, 1125-1126 (declining to impose sanctions on pro se litigant who "acknowledged his use of AI, apologized for his mistake, and accepted responsibility"); *Hall v. Acad. Charter Sch.*, No. 2:24-CV-08630-JMW, 2025 WL 2256653, *5-6 (E.D.N.Y. Aug. 7, 2025) (declining to impose monetary sanctions where attorney's conduct was "the result of extreme carelessness and negligence, done under tragic personal circumstances" - death of spouse); *United States v. Cohen*, 724 F. Supp. 3d 251, 258-259 2024 WL 1193604 (S.D.N.Y. 2024) (finding no bad faith where attorney genuinely believed citations came from reputable source); contrast with *Mata v. Avianca, Inc.*, 678 F. Supp. 3d 443, 2023 WL 4114965 (S.D.N.Y. 2023) (finding bad faith and imposing $5,000 sanction); *Strike 3 Holdings, LLC v. Doe*, No. 2:24-CV-8183-TJH (SPX), 2025 WL 882212, *3 (C.D. Cal. Jan. 22, 2025) (warning for first offense); *In re Whitehall Pharmacy LLC*, No. 4:25-BK-12406, 2025 WL 2556097, *4 (Bankr. E.D. Ark. Sept. 3, 2025) (finding no bad faith where attorneys "pled negligence and systemic lapses in lieu of an intent to mislead"); *Gordon v. Wells Fargo Bank N.A. Inc.*, No. 5:24-CV-388 (CAR), 2025 WL 1057211 (M.D. Ga. Apr. 8, 2025) (court's stern warning to pro se litigant to carefully refrain from making meritless or frivolous arguments).

[119] *Benjamin v. Costco Wholesale Corp.*, 779 F. Supp. 3d 341, 350, 2025 WL 1195925 (E.D.N.Y. 2025) (finding bad faith where attorney "proceeded to submit the arguments supported by case law she had

The concept of "conscious avoidance" has emerged as a key element in bad faith determinations.[120] Courts have found bad faith where attorneys acknowledged awareness of AI's propensity to generate fabricated content but chose not to implement adequate verification procedures. This willful blindness standard allows courts to impose serious sanctions even without proof of actual knowledge of specific fabrications, recognizing that professional competence requires reasonable precautions when using tools with known limitations.[121]

The timing and quality of responses to discovery of AI-related errors significantly influences good faith determinations. Attorneys who immediately acknowledge mistakes, voluntarily notify opposing parties, and take prompt corrective action receive more favorable treatment than those who delay acknowledgment or attempt to justify continued reliance on fabricated authorities.[122] Courts view the post-discovery response as highly probative of the attorney's original intent and professional commitment to rectifying errors.

Recent cases have refined this analysis by considering the sophistication of the attorney's understanding of AI technology. Courts show less sympathy for experienced attorneys who claim ignorance of AI limitations, particularly after the widespread publicity about AI hallucinations since 2023.[123] Conversely, courts may find good faith more readily

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never read" and "did this knowing that she had no personal knowledge of the accuracy of the statements"); *Bunce v. Visual Tech. Innovations, Inc.*, No. CV 23-1740, 2025 WL 662398, *3 (E.D. Pa. Feb. 27, 2025) (finding attorney "blindly trusted an algorithm he had never used before" and "conducted no research into ChatGPT's efficacy as a legal tool"); *In re Baby Boy*, 2025 IL App (4th) 241427, 2025 WL 2046315 (where attorney continued to mislead court about cases in response to show cause order); *Kaur v. Desso*, No. 9:25-CV-726 (AMN), 2025 WL 1895859, *3 (N.D.N.Y. July 9, 2025) (stating "conscious avoidance may be the equivalent of knowledge," citing *Mata*, 678 F. Supp. 3d at 463); extensively discussed in *Mata v. Avianca, Inc.*, 678 F. Supp. 3d 443, 463-464, 2023 WL 4114965 (S.D.N.Y. 2023) (defining the test: "consciously avoided learning [a] fact while aware of a high probability of its existence"); *Puerto Rico Soccer League NFP, Corp. v. Federación Puertorriqueña de Futbol*, No. CV 23-1203 (RAM), 2025 WL 1080732, *3 (D.P.R. Apr. 10, 2025) (sanctions for "litany of inaccurate information").

[120] *McCarthy v. United States Drug Enf't Admin.*, No. 24-2704, 2025 WL 2028399 (3d Cir. July 21, 2025) ("McCarthy's counsel further acknowledges that he never took care to confirm the accuracy of the summaries or even that the decisions existed").

[121] *Saxena v. Martinez-Hernandez*, No. 2:22-CV-02126-CDS-BNW, 2025 WL 522234 (D. Nev. Feb. 18, 2025) (Saxena's dismissal with prejudice after denying fabrications existed when confronted), *reconsideration denied*, No. 2:22-CV-02126-CDS-BNW, 2025 WL 1194003 (D. Nev. Apr. 23, 2025), and *reconsideration denied*, No. 2:22-CV-02126-CDS-BNW, 2025 WL 1411887 (D. Nev. May 14, 2025), and *appeal dismissed*, No. 25-3390, 2025 WL 2466686 (9th Cir. July 30, 2025); *ByoPlanet Int'l, LLC v. Johansson*, No. 0:25-CV-60630, 2025 WL 2091025, *8 (S.D. Fla. July 17, 2025) (finding continued use after notice constituted bad faith).

[122] Contrast shown in cases: *Mata v. Avianca, Inc.*, 678 F. Supp. 3d 443, 2023 WL 4114965 (S.D.N.Y. 2023) (attorneys doubled down on fake cases) versus *Kruglyak v. Home Depot U.S.A., Inc.*, 774 F. Supp. 3d 767, 2025 WL 900621 (W.D. Va. 2025) (promptly admitted AI use when confronted).

[123] *Willis v. U.S. Bank National Association as Trustee, Igloo Series Trust*, United States District Court, N.D. Texas, Dallas Division, April 28, 2025, 2025 WL 1224273, *3 (citing *Sanders v. United States*, 176 Fed. Cl. 163, 2025 WL 957666 (2025), noting "the relative novelty of AI" but warning about future sanctions).

in cases involving genuine technological misunderstanding, particularly when coupled with immediate corrective action upon discovery of errors.[124]

The good faith analysis also considers the broader context of professional conduct and case management. Isolated AI-related errors by attorneys with otherwise exemplary professional records receive more lenient treatment than violations by practitioners with patterns of questionable conduct or those who compound AI-related errors with other procedural violations. Courts recognize that the integration of new technology into legal practice inevitably involves a learning curve, but they distinguish between reasonable mistakes and reckless disregard for professional obligations.

VII. Monetary Sanctions and Their Calculation

The monetary sanctions imposed for AI-related misconduct demonstrate considerable variation based on the severity of violations and jurisdictional practices. A clear pattern has emerged, with basic violations typically resulting in sanctions ranging from $1,000 to $3,000, representing what appears to be a developing standard for first-time AI citation violations.[125] However, this range expands significantly based on

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[124] *Garner v. Kadince, Inc.*, 2025 UT App 80, ¶ 12, 571 P.3d 812, 815 (noting counsel's "acceptance of responsibility" for their conduct in determining sanctions).

[125] *Benjamin v. Costco Wholesale Corp.*, 779 F. Supp. 3d 341, 351, 2025 WL 1195925 (E.D.N.Y. 2025) (imposing $1,000 sanction); *Coomer v. Lindell*, No. 22-CV-01129-NYW-SBP, 2025 WL 1865282, *8 (D. Colo. July 7, 2025) (imposing $3,000 each on two attorneys, totaling $6,000); *Gauthier v. Goodyear Tire & Rubber Co.*, No. 1:23-CV-281, 2024 WL 4882651, *3 (E.D. Tex. Nov. 25, 2024) (imposing $2,000 penalty); *Elizondo v. City of Laredo*, No. 5:25-CV-50, 2025 WL 2071072, *4 (S.D. Tex. July 23, 2025) (imposing $2,500 penalty); *In re Baby Boy*, 2025 IL App (4th) 241427, 2025 WL 2046315 ($1,000 fine plus fee disgorgement); *Hill v. Oklahoma*, No. CIV-25-522-SLP, 2025 WL 1840659 (W.D. Okla. July 3, 2025) (references federal cases imposing $1,000 sanctions); *Keaau Dev. P'ship LLC v. Lawrence*, 156 Haw. 179, 181, 571 P.3d 958 (Ct. App. 2025) (imposing $100 sanction), *as amended* (May 15, 2025); *Jones v. Simploy, Inc.*, 698 S.W.3d 480, 485, 2024 WL 4270960 (Mo. Ct. App. 2024) (discussing $10,000 sanction in *Kruse v. Karlen*); *Kaur v. Desso*, No. 9:25-CV-726 (AMN), 2025 WL 1895859, *4 (N.D.N.Y. July 9, 2025) (imposing $1,000 sanction); *In re Martin*, 670 B.R. 636, 650, 2025 WL 2017224 (Bankr. N.D. Ill. 2025) (imposing $5,500 sanction); *Jackson v. Auto-Owners Insurance Company*, No. 7:24-CV-136–WLS, 2025 WL 1932274, *5 (M.D. Ga. July 14, 2025) (imposing $1,000 sanction); *Allbaugh v. Univ. of Scranton*, No. 3:24-CV-2237, 2025 WL 2484188, *1 (M.D. Pa. Aug. 28, 2025) ($1,000 fine); *Nguyen v. Savage Enters.*, No. 4:24-CV-00815-BSM, 2025 WL 679024 (E.D. Ark. Mar. 3, 2025) ($1,000 sanction); *Mortazavi v. Booz Allen Hamilton, Inc.*, No. 2:24-CV-07189-SB-RAO, 2024 WL 4308032 (C.D. Cal. Sept. 26, 2024) ($2,500 indicated in show cause order); *Ramirez v. Humala*, No. 24-CV-242 (RPK) (JAM), 2025 WL 1384161, *2-3 (E.D.N.Y. May 13, 2025) (imposing $1,000 fine on attorney and firm jointly); *Seither & Cherry Quad Cities, Inc. v. Oakland Automation, LLC*, No. 23-11310, 2025 WL 2105286 (E.D. Mich. July 28, 2025) ($1,485 in costs); *Shahid v. Esaam*, 918 S.E.2d 198, 2025 WL 1792657 (Ga. Ct. App. 2025) ($2,500 penalty); *Wadsworth v. Walmart Inc.*, 348 F.R.D. 489, 498, 121 Fed.R.Serv.3d 459 (D. Wyo. 2025) ($3,000 for drafter, $1,000 for others); *United States v. Hayes*, 763 F. Supp. 3d 1054, 1072, 2025 WL 235531 (E.D. Cal. 2025) ($1,500 sanction), *reconsideration denied*, No. 2:24-CR-0280-DJC, 2025 WL 1067323 (E.D. Cal. Apr. 9, 2025); contrast with *Mata v. Avianca, Inc.*, 678 F. Supp. 3d 443, 2023 WL 4114965 (S.D.N.Y. 2023) ($5,000 penalty); *Kruse v. Karlen*, 692 S.W.3d 43, 2024 WL 559497 (Mo. Ct. App. 2024) ($10,000 in damages);, *reh'g and/or transfer denied* (Apr. 9, 2024) *Davis v. Marion Cnty. Superior Ct. Juv. Det. Ctr.*, No. 1:24-CV-01918-JRS-MJD, 2025 WL 2502308, *4 (S.D. Ind. Sept. 2, 2025) (sanctioning attorney $7,500, noting, "[m]onetary sanctions ranging from $2,000 to $6,000 have been imposed in similar contexts in the past few years").

aggravating factors,[126] with some cases resulting in sanctions exceeding $30,000 when multiple violations or bad faith conduct are involved.[127]

The calculation methodology for monetary sanctions reflects traditional considerations of deterrence, proportionality, and the economic impact of misconduct. Courts consider the costs imposed on opposing parties, including attorney fees expended in researching nonexistent authorities and responding to frivolous legal arguments.[128] Judicial resources consumed in attempting to verify fabricated citations also factor into sanctions calculations, with some courts explicitly quantifying the time spent by judges and staff on such efforts.

Fee disgorgement represents the most severe form of monetary sanction, requiring attorneys to return all compensation received for work product that relied substantially on fabricated authorities.[129] The Illinois appellate court's order requiring disgorgement of $6,925.62 in attorney fees plus an additional $1,000 fine exemplifies this approach, reflecting the principle that attorneys should not profit from professionally deficient work. Fee disgorgement cases typically involve situations where AI-generated content formed a substantial portion of the work product for which clients were billed.

Recent cases have established some refinement in the monetary sanctions range. Pro se litigants with legal training typically receive fines at the lower end of the spectrum ($1,000),[130] while practicing attorneys face higher penalties ($2,500-$6,000) depending on the severity of misconduct.[131] The most severe monetary sanctions involve comprehensive institutional failures or cases with multiple aggravating factors.[132]

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[126] *Bunce v. Visual Tech. Innovations, Inc.*, No. CV 23-1740, 2025 WL 662398, *4 (E.D. Pa. Feb. 27, 2025) (imposing $2,500 penalty).

[127] *Lacey v. State Farm Gen. Ins. Co.*, No. CV 24-5205 FMO (MAAX), 2025 WL 1363069 (C.D. Cal. May 5, 2025) (total of $31,100 ordered - $26,100 in Special Master fees plus $5,000 to defense).

[128] *Garner v. Kadince, Inc.*, 2025 UT App 80, ¶ 16, 571 P.3d 812, 816 (requiring payment of opposing counsel's fees); *Ferris v. Amazon.com Services, LLC*, 778 F.Supp.3d 879, 121 Fed.R.Serv.3d 802, 882 (N.D. Miss. 2025) (ordering payment of costs "attributable to responding to Mr. Ferris' fabricated citations"); *Puerto Rico Soccer League NFP, Corp. v. Federación Puertorriqueña de Futbol*, No. CV 23-1203 (RAM), 2025 WL 1080732, *3-4 (D.P.R. Apr. 10, 2025) (ordering payment of attorneys' fees incurred by defendants); *Williams v. Kirch*, No. 25A-SC-196, 2025 WL 2383623, *2 (Ind. Ct. App. Aug. 18, 2025) (court ordering Williams to pay $650 of opponent's $3,611.28 in attorney fees).

[129] *In re Baby Boy*, 2025 IL App (4th) 241427, 2025 WL 2046315, ¶ 129 ("We therefore rule that Mr. Panichi must disgorge the payment of $6,925.62").

[130] *Allbaugh v. Univ. of Scranton*, No. 3:24-CV-2237, 2025 WL 2484188, *6 (M.D. Pa. Aug. 28, 2025) ($1,000 for pro se plaintiff who was former attorney).

[131] *Bunce v. Visual Tech. Innovations, Inc.*, No. CV 23-1740, 2025 WL 662398, *4 (E.D. Pa. Feb. 27, 2025) (imposing $2,500 penalty); *Mata v. Avianca, Inc.*, 678 F. Supp. 3d 443, 2023 WL 4114965 (S.D.N.Y. 2023) ($5,000 penalty jointly and severally imposed on two attorneys and law firm).

[132] *Mid Cent. Operating Eng'rs Health & Welfare Fund v. HoosierVac LLC*, No. 2:24-CV-00326-JPH-MJD, 2025 WL 1511211 (S.D. Ind. May 28, 2025 ($15,000 for three briefs with violations, or $5,000 per brief); *Wadsworth v. Walmart Inc.*, 348 F.R.D. 489, 498-499, 121 Fed.R.Serv.3d 459 (D. Wyo. 2025) (Wadsworth's differentiated sanctions based on role).

The variation in monetary sanctions across jurisdictions reflects different approaches to deterrence and local sanctioning practices. Federal courts tend to impose sanctions in the lower end of the range for first-time violations, emphasizing education and professional development over purely punitive measures. State courts show greater variation, with some jurisdictions imposing maximum statutory penalties under specific procedural rules while others focus on compensation for actual damages caused by the misconduct.

VIII. Non-Monetary Sanctions and Professional Consequences

Beyond monetary penalties, courts have developed a comprehensive array of non-monetary sanctions designed to address the educational and professional development aspects of AI-related misconduct. Mandatory continuing legal education requirements focusing on AI ethics and technology competence have become standard components of sanctions orders.[133] These educational requirements recognize that AI-related misconduct often stems from inadequate understanding of the technology's limitations rather than intentional wrongdoing.[134]

Professional consequences extending beyond individual case sanctions have become increasingly common as courts recognize the systemic nature of AI-related challenges.[135] Referrals to state bar disciplinary authorities allow for investigation of potential professional conduct violations under applicable ethics rules.[136] These referrals

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[133] *Bunce v. Visual Tech. Innovations, Inc.*, No. CV 23-1740, 2025 WL 662398, *4 (E.D. Pa. Feb. 27, 2025) (requiring "one-hour CLE-credited seminar or educational program related to both AI and legal ethics"); *Gauthier v. Goodyear Tire & Rubber Co.*, No. 1:23-CV-281, 2024 WL 4882651, *3 (E.D. Tex. Nov. 25, 2024) (requiring CLE on AI and legal ethics); *Elizondo v. City of Laredo*, No. 5:25-CV-50, 2025 WL 2071072, *4 (S.D. Tex. July 23, 2025) (requiring "minimum of three hours of Continuing Legal Education in ethics or legal technology"); *Mata v. Avianca, Inc.*, 678 F. Supp. 3d 443, 2023 WL 4114965 (S.D.N.Y. 2023) (discussing CLE requirements as potential sanctions); *Versant Funding LLC v. Teras Breakbulk Ocean Navigation Enters.*, LLC, No. 17-CV-81140, 2025 WL 1440351, *7 (S.D. Fla. May 20, 2025) (requiring CLE on AI with ethics component); *Ethical Issues Regarding the Use of Artificial Intelligence*, PA Eth. Op. 2024-200, 2024 WL 2854419, *2 (recommending "continuing legal education" on AI); *Rep. & Recommendations of the New York State Bar Ass'n Task Force on A.I.*, 2024 WL 1655076, at 2 (Apr. 6, 2024) ("Focus on Education").

[134] *In re Martin*, 670 B.R. 636, 650, 2025 WL 2017224 (Bankr. N.D. Ill. 2025) (requiring attendance at NCBJ AI session); *In re Richburg,* No. AP 25-80037-EG, 2025 WL 2470473, *6 (Bankr. D.S.C. Aug. 27, 2025) (requiring 3 hours of CLE on AI ethics); *Jackson v. Auto-Owners Insurance Company*, No. 7:24-CV-136–WLS, 2025 WL 1932274, *5 (M.D. Ga. July 14, 2025) (requiring CLE course on AI); *Seither & Cherry Quad Cities, Inc. v. Oakland Automation*, *LLC*, No. 23-11310, 2025 WL 2105286, *2 (E.D. Mich. July 28, 2025) ("The court encourages, but does not require, Plaintiffs' counsel to both complete a CLE course on the use of LLMs in legal research and legal ethics").

[135] *Mavy v. Comm'r of Soc. Sec. Admin.*, No. CV-25-00689-PHX-KML (ASB), 2025 WL 2355222, *10-11 (D. Ariz. Aug. 14, 2025) (revoking pro hac vice status, striking brief, requiring letters to judges, and referral to state bar).

[136] *Dehghani v. Castro*, aff'd, 782 F. Supp. 3d 1051, 2025 WL 1361765, *7 (D.N.M. 2025) (ordering attorney to "self-report to both New Mexico and Texas state bars disciplinary boards"), *aff'd*, 782 F. Supp. 3d 1051, 2025 WL 1361765 (D.N.M. 2025).; *ByoPlanet Int'l, LLC v. Johansson*, No. 0:25-CV-60630, 2025 WL 2091025, *11 (S.D. Fla. July 17, 2025) (referring attorney to Florida Bar); *In re Baby Boy*, 2025 IL App (4th) 241427, 2025 WL 2046315, ¶ 132 ("a copy of this opinion shall be sent to the Illinois Attorney Registration and Disciplinary Commission"); *Johnson v. Dunn*, No. 2:21-CV-1701-AMM, 2025 WL

serve both punitive and educational functions, ensuring that AI-related misconduct receives appropriate attention from professional regulatory bodies while contributing to the development of ethics guidance for the broader profession.

Case-level sanctions reflect courts' immediate need to address the procedural consequences of AI-related violations. Striking pleadings or motions containing fabricated authorities removes the offending material from the record while requiring proper re-filing with verified content.[137] In extreme cases, courts have dismissed entire cases or appeals, particularly where AI-related misconduct is combined with other procedural violations or patterns of abusive litigation conduct.[138]

Enhanced Professional Consequences

Recent cases demonstrate an escalation in the severity of professional consequences. Courts have begun imposing "striking with prejudice" orders that

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2086116, *1, 21 (N.D. Ala. July 23, 2025) (referring matter to Alabama State Bar); *Park v. Kim*, 91 F.4th 610, 615-616, 117 Fed.R.Serv.3d 1693 (2d Cir. 2024) (referring attorney to Grievance Panel); *In re A.S.*, 2025 IL App (4th) 250298-U, ¶ 20, 2025 WL 2237331 ("ordered the appellate court clerk to send a copy of the court's decision to the Illinois Attorney Registration and Disciplinary Commission"); *Davis v. Marion Cnty. Superior Ct. Juv. Det. Ctr.*, No. 1:24-CV-01918-JRS-MJD, 2025 WL 2502308, *5 (S.D. Ind. Sept. 2, 2025) ("the Undersigned REFERS the matter of Mr. Sture's misconduct in this case to the Chief Judge pursuant to Local Rule of Disciplinary Enforcement 2(a)"); *Ethical Issues Regarding the Use of Artificial Intelligence*, PA Eth. Op. 2024-200, 2024 WL 2854419, at 5 (noting referrals to grievance panels).

[137] *Mavy v. Comm'r of Soc. Sec. Admin.*, No. CV-25-00689-PHX-KML (ASB), 2025 WL 2355222, *10 (D. Ariz. Aug. 14, 2025) (ordering that "Plaintiff's Opening Brief shall be stricken"); see also *Hall v. Acad. Charter Sch.*, No. 2:24-CV-08630-JMW, 2025 WL 2256653 (E.D.N.Y. Aug. 7, 2025); *In re Martin*, 670 B.R. 636, 649, 2025 WL 2017224 (Bankr. N.D. Ill. 2025) (noting court's ability to strike unsigned brief); *Lacey v. State Farm Gen. Ins. Co.*, No. CV 24-5205 FMO (MAAX), 2025 WL 1363069, *4 (C.D. Cal. May 5, 2025) (Special Master struck supplemental briefs); *Powhatan Cnty. Sch. Bd. v. Skinger*, No. 3:24CV874, 2025 WL 1559593, *11 (E.D. Va. June 2, 2025). (striking six separate filings); *O'Brien v. Flick*, No. 24-61529-CIV, 2025 WL 242924 (S.D. Fla. Jan. 10, 2025) (motion to strike granted); *Vargas v. Salazar*, No. 4:23-CV-04267, 2024 WL 4804091 (S.D. Tex. Nov. 1, 2024), *report and recommendation adopted*, No. 4:23CV4267, 2024 WL 4804065 (S.D. Tex. Nov. 15, 2024) (denying motion to strike but ordering amended complaint without citations).

[138] *ByoPlanet Int'l, LLC v. Johansson*, No. 0:25-CV-60630, 2025 WL 2091025, *10 (S.D. Fla. July 17, 2025) (dismissing "four cases before this Court... without prejudice and without leave to amend"); *Grant v. City of Long Beach*, 96 F.4th 1255, 1257 (9th Cir. 2024) (dismissing appeal entirely due to "material failure to comply" with rules); *Kruse v. Karlen*, 692 S.W.3d 43, 53, 2024 WL 559497 (Mo. Ct. App. 2024) (appeal dismissed), *reh'g and/or transfer denied* (Apr. 9, 2024); *Garces v. Hernandez*, No. 25-50342, 2025 WL 2401001, *1 (5th Cir. Aug. 19, 2025) (appeal dismissed); *O'Brien v. Flick*, No. 24-61529-CIV, 2025 WL 242924, *7 (S.D. Fla. Jan. 10, 2025) (dismissing case with prejudice as sanction); *Park v. Kim*, 91 F.4th 610, 612-613, 117 Fed.R.Serv.3d 1693 (2d Cir. 2024) (affirming dismissal); *Saxena v. Martinez-Hernandez*, No. 2:22-CV-02126-CDS-BNW, 2025 WL 522234 (D. Nev. Feb. 18, 2025) (dismissal with prejudice of entire complaint), *reconsideration denied*, No. 2:22-CV-02126-CDS-BNW, 2025 WL 1194003 (D. Nev. Apr. 23, 2025), and *reconsideration denied*, No. 2:22-CV-02126-CDS-BNW, 2025 WL 1411887 (D. Nev. May 14, 2025), and *appeal dismissed*, No. 25-3390, 2025 WL 2466686 (9th Cir. July 30, 2025); see also *Williams v. Kirch*, No. 25A-SC-196, 2025 WL 2383623, *2 (Ind. Ct. App. Aug. 18, 2025) (citing other cases imposing dismissal as sanction); *Williamson v. Trans Union LLC*, No. 3:24-CV-43-WWB-PDB, 2025 WL 2443390 (M.D. Fla. May 13, 2025), *report and recommendation adopted sub nom. Williamson v. Transunion LLC*, No. 3:24-CV-43-WWB-PDB, 2025 WL 2443063 (M.D. Fla. Aug. 5, 2025) (dismissal with prejudice after 127 false citations and 58 rule violations).

permanently remove attorneys from cases, going beyond simple withdrawal to create a more lasting professional consequence. Requirements that attorneys notify specific judges who were falsely cited in fabricated cases represent a new category of targeted remedial action designed to address the specific harms caused by AI misconduct.

The revocation of pro hac vice admission has emerged as a particularly significant professional consequence that extends beyond the immediate case.[139] Courts have used this sanction to prevent attorneys from practicing in their jurisdiction while disciplinary proceedings are pending or where patterns of misconduct suggest unfitness for continued practice. The public nature of pro hac vice revocations serves a deterrent function while protecting the jurisdiction from further misconduct by the same practitioner, as does, for instance, the complete revocation of a DEA certificate of registration for a physician assistant.[140]

Prospective requirements for AI disclosure and verification represent an emerging category of sanctions designed to prevent future violations rather than simply punish past misconduct.[141] Courts have ordered attorneys to implement specific verification protocols for AI-assisted work and to disclose AI use in future filings. These prospective requirements recognize that AI tools will continue to play a role in legal practice while ensuring that appropriate safeguards are in place.

Notification and Communication Requirements

Courts have developed sophisticated notification requirements that extend the impact of sanctions beyond the immediate case. Requirements that sanctioned attorneys notify all judges presiding over cases where they serve as counsel of record ensure that other courts are aware of AI-related violations.[142] Some courts require written letters to judges who were falsely cited in fabricated cases, creating a direct communication channel to address the specific harms caused by AI misconduct.[143]

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[139] *Mavy v. Comm'r of Soc. Sec. Admin.*, No. CV-25-00689-PHX-KML (ASB), 2025 WL 2355222 (D. Ariz. Aug. 14, 2025) (revoking pro hac vice status of counsel); *Wadsworth v. Walmart Inc.*, 348 F.R.D. 489, 498, 121 Fed.R.Serv.3d 459 (D. Wyo. 2025) (revoking pro hac vice status).

[140] *McCarthy v. United States Drug Enf't Admin.*, No. 24-2704, 2025 WL 2028399 (3d Cir. July 21, 2025) (serves as a severe example, namely, the complete revocation of DEA Certificate of Registration for physician assistant who cited fabricated cases in a regulatory proceeding; affirmed by the Third Circuit Court of Appeals).

[141] *Everett J. Prescott, Inc. v. Beall,* No. 1:25-CV-00071-JAW, 2025 WL 2084353, *2 (D. Me. July 24, 2025) ("In each of his future filings, Mr. Beall must include a written representation that he has personally checked each legal citation").

[142] *Mavy v. Comm'r of Soc. Sec. Admin.*, No. CV-25-00689-PHX-KML (ASB), 2025 WL 2355222, *10, 13 (D. Ariz. Aug. 14, 2025) (ordering counsel to "transmit a letter to each of the three judges to whom she attributed fictitious cases").

[143] *Johnson v. Dunn*, No. 2:21-CV-1701-AMM, 2025 WL 2086116, *21 (N.D. Ala. July 23, 2025) (requiring notification to judges in pending cases); *Mata v. Avianca*, Inc., 678 F. Supp. 3d 443, 466, 2023 WL 4114965 (S.D.N.Y. 2023) (ordering attorneys to send letters to judges falsely identified); *Mavy v. Comm'r of Soc. Sec. Admin.*, No. CV-25-00689-PHX-KML (ASB), 2025 WL 2355222 (D. Ariz. Aug. 14, 2025) (ordering similar notification to three judges).

IX. Mitigating Factors and Judicial Restraint

Courts have identified several categories of mitigating factors that counsel toward reduced sanctions or alternative remedies. Personal circumstances affecting an attorney's ability to provide competent representation receive significant consideration, particularly when documented medical issues, family emergencies, or other extraordinary circumstances contributed to inadequate verification of AI-generated content. The death of an attorney's spouse, serious illness, or other personal tragedies have resulted in warnings rather than monetary sanctions when courts find that such circumstances materially affected professional performance.[144]

Emergency timing constraints provide another category of mitigation that courts regularly consider. Attorneys facing court-imposed deadlines or emergency motion requirements may receive more lenient treatment when time pressures contributed to inadequate verification of AI-generated content.[145] However, courts emphasize that emergency circumstances do not eliminate verification duties but may affect the reasonableness of reliance on technological tools and the appropriate scope of sanctions.

The quality and timing of remedial action significantly influences mitigation analysis.[146] Attorneys who discover AI-related errors and immediately notify opposing parties, file corrections with the court, and take comprehensive steps to prevent future violations receive substantially more favorable treatment than those who delay corrective action or attempt to minimize the significance of their errors.[147] Courts view prompt remedial action as evidence of professional integrity and commitment to maintaining appropriate standards.[148]

Enhanced Mitigation Analysis

Recent cases have developed more nuanced approaches to mitigation that consider the broader context of professional responsibility and technological adaptation. Courts recognize that the legal profession is undergoing a significant transition in its

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[144] *Kaur v. Desso*, No. 9:25-CV-726 (AMN), 2025 WL 1895859, *2 (N.D.N.Y. July 9, 2025) (attorney suffering from respiratory infection); *Jackson v. Auto-Owners Insurance Company*, No. 7:24-CV-136–WLS, 2025 WL 1932274, *2 (M.D. Ga. July 14, 2025) (staff transitions and being sole attorney).

[145] *Davis v. Marion Cnty. Superior Ct. Juv. Det. Ctr.*, No. 1:24-CV-01918-JRS-MJD, 2025 WL 2502308, *2 (S.D. Ind. Sept. 2, 2025) (where attorney's claim of short deadline was rejected: "he had much more time than that to consider and research the issues").

[146] *In re Whitehall Pharmacy LLC*, No. 4:25-BK-12406, 2025 WL 2556097, *2 (Bankr. E.D. Ark. Sept. 3, 2025) (where counsel's four remedial actions -- taking responsibility, self-imposing safeguards, not billing client, self-reporting -- led to no sanctions).

[147] *Wadsworth v. Walmart Inc.*, 348 F.R.D. 489, 494, 121 Fed.R.Serv.3d 459 (D. Wyo. 2025) (crediting remedial steps).

[148] *Ramirez v. Humala*, No. 24-CV-242 (RPK) (JAM), 2025 WL 1384161, *2 (E.D.N.Y. May 13, 2025) (mitigation for prompt acknowledgment and internal review); *United States v. Cohen*, 724 F. Supp. 3d 251, 2024 WL 1193604 (S.D.N.Y. 2024) (analysis distinguishing immediate acknowledgment from delayed responses).

relationship with AI technology,[149] and they show understanding for attorneys who demonstrate good faith efforts to adapt while maintaining professional standards.

First-time violations by attorneys with otherwise exemplary professional records receive enhanced mitigation consideration.[150] Courts recognize that the integration of new technology into established professional practices inevitably involves some learning curve, and they distinguish between reasonable mistakes during this adaptation period and reckless disregard for professional obligations. However, this mitigation diminishes significantly for subsequent violations, with courts emphasizing that the legal profession has been adequately warned about AI limitations.

The technological context of violations provides another source of mitigation, particularly for early cases when AI limitations were less widely understood or when attorneys relied on representations from AI tool providers about accuracy and reliability. Courts have shown understanding for reasonable reliance on AI tool marketing materials or professional recommendations, while emphasizing that such reliance must be coupled with appropriate verification procedures.

Institutional Mitigation Factors

Courts consider firm-level efforts to prevent AI-related misconduct as mitigating factors, including implementation of AI policies, training programs, and quality control systems. However, courts distinguish between genuine institutional commitments to professional standards and superficial compliance measures that fail to prevent AI-related violations in practice.

The voluntary adoption of enhanced verification procedures following discovery of AI-related errors can serve as a mitigating factor, particularly when such measures go beyond minimum requirements and demonstrate genuine commitment to preventing future violations.[151]

X. Jurisdictional Variations and Emerging Standards

Federal courts have demonstrated remarkable consistency in their approach to AI-related sanctions,[152] with district courts and appellate courts applying similar analytical

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[149] *Willis v. U.S. Bank National Association as Trustee, Igloo Series Trust*, United States District Court, N.D. Texas, Dallas Division, April 28, 2025, 2025 WL 1224273 (rule requiring disclosure of GAI will be enforced), *Willis v. U.S. Bank Nat'l Ass'n as Tr., Igloo Series Tr.*, 783 F. Supp. 3d 959, 960, 2025 WL 1408897 (N.D. Tex. 2025) (warning regarding use of GAI) (citing *Sanders v. United States*, 176 Fed. Cl. 163, 2025 WL 957666 (2025) ("given the relative novelty of AI")).

[150] *United States v. Cohen*, 724 F. Supp. 3d 251, 258-259, 2024 WL 1193604 (S.D.N.Y. 2024) (considering overall conduct); *Ramirez v. Humala*, No. 24-CV-242 (RPK) (JAM), 2025 WL 1384161, *2 (E.D.N.Y. May 13, 2025) (lower sanction due to "prompt admission of error").

[151] *In re Whitehall Pharmacy LLC*, No. 4:25-BK-12406, 2025 WL 2556097, *2-3 (Bankr. E.D. Ark. Sept. 3, 2025) ("AI will no longer be used in the preparation of motions," "All counsel at DLF must enroll in and attend additional CLE," "Every case citation... must now be verified directly in Westlaw or Lexis.").

[152] See consistent warnings across the following districts: *Ligeri v. Amazon.com Servs. LLC*, No. 2:25-CV-00764-JHC, 2025 WL 2161497 (W.D. Wash. July 30, 2025), *reconsideration denied*, No. 2:25-CV-00764-JHC, 2025 WL 2212595 (W.D. Wash. Aug. 4, 2025); *Marion v. Hollis Cobb Assocs., Inc.*, No. 1:24-CV-

frameworks despite operating under different procedural rules and local practices.[153] Federal district courts typically emphasize Rule 11 violations and inherent authority as the basis for sanctions, with monetary penalties generally falling within the $1,000 to $10,000 range depending on the severity of misconduct and aggravating factors.[154]

2582-MLB-JCF, 2025 WL 1275828 (N.D. Ga. Feb. 14, 2025), *report and recommendation adopted*, No. 1:24-CV-2582-MLB, 2025 WL 1606912 (N.D. Ga. Apr. 21, 2025); *Martin v. Hawai'i*, No. CV 24-00294 MWJS-WRP, 2024 WL 3877013 (D. Haw. Aug. 20, 2024), *appeal dismissed sub nom. Hawaii v. Martin*, No. 24-5447, 2024 WL 5007071 (9th Cir. Nov. 5, 2024); *Lothamer Tax Resol., Inc. v. Kimmel*, No. 1:25-CV-579, 2025 WL 2490380 (W.D. Mich. Aug. 29, 2025); *Pete v. Houston Methodist Hospital/Texas Medical Center*, No. 1:25-CV-00273-MJT-CLS, 2025 WL 2544001 (E.D. Tex. Sept. 3, 2025).

[153] *Bevins v. Colgate-Palmolive Co.*, No. CV 25-576, 2025 WL 1085695, *7 (E.D. Pa. Apr. 10, 2025) (applying Rule 11(b)(2)); *Bunce v. Visual Tech. Innovations, Inc.*, No. CV 23-1740, 2025 WL 662398, *3-4 (E.D. Pa. Feb. 27, 2025) (same); *ByoPlanet Int'l, LLC v. Johansson*, No. 0:25-CV-60630, 2025 WL 2091025, *7-8 (S.D. Fla. July 17, 2025) (applying Rule 11 across four consolidated cases); *Mata v. Avianca, Inc.*, 678 F. Supp. 3d 443, 2023 WL 4114965 (S.D.N.Y. 2023) (applying Rule 11); *Benjamin v. Costco Wholesale Corp.*, 779 F. Supp. 3d 341, 346-351, 2025 WL 1195925 (E.D.N.Y. 2025) (applying same Rule 11 framework); *Hall v. Acad. Charter Sch.*, No. 2:24-CV-08630-JMW, 2025 WL 2256653, *1-3 (E.D.N.Y. Aug. 7, 2025) (applying Rule 11); and consistency seen across *Johnson v. Dunn*, No. 2:21-CV-1701-AMM, 2025 WL 2086116 (N.D. Ala. July 23, 2025), *Jackson v. Auto-Owners Insurance Company*, No. 7:24-CV-136–WLS, 2025 WL 1932274 (M.D. Ga. July 14, 2025), *Kruglyak v. Home Depot U.S.A., Inc.*, 774 F. Supp. 3d 767, 2025 WL 900621 (W.D. Va. 2025), *Allbaugh v. Univ. of Scranton*, No. 3:24-CV-2237, 2025 WL 2484188 (M.D. Pa. Aug. 28, 2025), and *Kaur v. Desso*, No. 9:25-CV-726 (AMN), 2025 WL 1895859 (N.D.N.Y. July 9, 2025) (all applying Federal Rule 11).

[154] *Johnson v. Dunn*, No. 2:21-CV-1701-AMM, 2025 WL 2086116 (N.D. Ala. July 23, 2025) (using Rule 11 and inherent authority); *Kaur v. Desso*, United States District Court, No. 9:25-CV-726 (AMN), 2025 WL 1895859 (N.D.N.Y. July 9, 2025) (imposing $1,000); *Jackson v. Auto-Owners Insurance Company*, No. 7:24-CV-136–WLS, 2025 WL 1932274 (M.D. Ga. July 14, 2025) (imposing $1,000); *Nguyen v. Savage Enters.*, No. 4:24-CV-00815-BSM, 2025 WL 679024 (E.D. Ark. Mar. 3, 2025) ($1,000); *Mata v. Avianca, Inc.*, 678 F. Supp. 3d 443, 2023 WL 4114965 (S.D.N.Y. 2023) ($5,000 each); *Mid Cent. Operating Eng'rs Health & Welfare Fund v. HoosierVac LLC*, No. 2:24-CV-00326-JPH-MJD, 2025 WL 1511211 (S.D. Ind. May 28, 2025 ($6,000 sanction imposed); *Mid Cent. 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) ($15,000 and referral to disciplinary authority recommended); *Park v. Kim*, 91 F.4th 610, 117 Fed.R.Serv.3d 1693 (2d Cir. 2024) (Rule 11); *Ramirez v. Humala*, No. 24-CV-242 (RPK) (JAM), 2025 WL 1384161 (E.D.N.Y. May 13, 2025) (Rule 11); *Sanders v. United States*, 176 Fed. Cl. 163, 2025 WL 957666 (2025) (Rule 11). *Bunce v. Visual Tech. Innovations, Inc.*, No. CV 23-1740, 2025 WL 662398, *4 (E.D. Pa. Feb. 27, 2025) ($2,500 penalty); *ByoPlanet Int'l, LLC v. Johansson*, No. 0:25-CV-60630, 2025 WL 2091025, *10 (S.D. Fla. July 17, 2025) (attorneys' fees ordered); *Benjamin v. Costco Wholesale Corp.*, 779 F. Supp. 3d 341, 2025 WL 1195925 (E.D.N.Y. 2025) ($1,000 sanction); *Gauthier v. Goodyear Tire & Rubber Co.*, No. 1:23-CV-281, 2024 WL 4882651 (E.D. Tex. Nov. 25, 2024) ($2,000 penalty under Rule 11); *Seither & Cherry Quad Cities, Inc. v. Oakland Automation, LLC*, No. 23-11310, 2025 WL 2105286, *1-2 (E.D. Mich. July 28, 2025) ($1,485 sanction imposed); *Lahti v. Consensys Software Inc.*, No. 1:24-CV-183, 2025 WL 2404454, *4 (S.D. Ohio Aug. 20, 2025) ($5,000 monetary sanction range discussed); *United States v. Cohen*, 724 F. Supp. 3d 251, 2024 WL 1193604 (S.D.N.Y. 2024) (discussing Rule 11 sanctions for citation to non-existent cases but ultimately declining to impose sanctions); *Versant Funding LLC v. Teras Breakbulk Ocean Navigation Enters.*, LLC, No. 17-CV-81140, 2025 WL 1440351, *6 (S.D. Fla. May 20, 2025) (imposing $1,000 fine on pro hac vice counsel and $500 on local counsel under Rule 11(b) and inherent authority); *Wadsworth v. Walmart Inc.*, 348 F.R.D. 489, 121 Fed.R.Serv.3d 459 (D. Wyo. 2025) (imposing $3,000, $1,000, and $1,000 fines under Rule 11); *Williams v. Cap. One Bank, N.A.*, No. CV 24-2032 (RC), 2025 WL 843285 (D.D.C. Mar. 18, 2025) (warning about Rule 11 sanctions); *Elizondo v. City of Laredo*, No. 5:25-CV-50, 2025 WL 2071072 (S.D. Tex. July 23, 2025) ($2,500 sanction under Rule 11); *Ferris v. Amazon.com Services, LLC*, 778 F.Supp.3d 879, 121 Fed.R.Serv.3d 802 (N.D. Miss. 2025) (costs to be

Federal appellate courts have shown particular concern about AI-related misconduct given the specialized nature of appellate practice and the enhanced professional standards expected of appellate practitioners.[155] These courts often focus on referrals to professional grievance panels rather than monetary sanctions[156], recognizing that appellate practice requires specialized competence and that violations in this context may reflect broader professional fitness issues requiring regulatory attention.

Bankruptcy courts have developed distinctive approaches that reflect the ongoing nature of bankruptcy proceedings and the relationship between debtors, creditors, and the court.[157] These courts often impose joint liability on law firms for associate or clerk misconduct, emphasizing that firm-level supervision and quality control systems bear responsibility for ensuring adequate verification of AI-generated content.[158] The educational component of bankruptcy court sanctions tends to be more comprehensive,

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determined under Rule 11); *Dehghani v. Castro*, 782 F. Supp. 3d 1051, 2025 WL 1361765 (D.N.M. 2025) (order affirming sanctions, including $1,500, by magistrate judge, under Rule 11); *Dehghani v. Castro*, No. 2:25-CV-0052 MIS-DLM, 2025 WL 988009 (D.N.M. Apr. 2, 2025) (magistrate judge's order on sanctions, monetary, education, and disciplinary);, *aff'd*, 782 F. Supp. 3d 1051, 2025 WL 1361765 (D.N.M. 2025); *In re Martin*, 670 B.R. 636, 649-650, 2025 WL 2017224 (Bankr. N.D. Ill. 2025) ($5,500 penalty); *Idehen v. Stoute-Phillip*, 86 Misc. 3d 1244(A), 236 N.Y.S.3d 921, 2025 WL 2178395, *8-9 (N.Y. Civ. Ct. 2025) ($1,000 sanction); *Allbaugh v. Univ. of Scranton*, No. 3:24-CV-2237, 2025 WL 2484188 (M.D. Pa. Aug. 28, 2025) ($1,000); *Kruglyak v. Home Depot U.S.A., Inc.*, 774 F. Supp. 3d 767, 2025 WL 900621 (W.D. Va. 2025) (discussed range of $1,000-$6,000); *Kruse v. Karlen*, 692 S.W.3d 43, 2024 WL 559497 (Mo. Ct. App. 2024) ($10,000), *reh'g and/or transfer denied* (Apr. 9, 2024).

[155] *Park v. Kim*, 91 F.4th 610, 117 Fed.R.Serv.3d 1693 (2d Cir. 2024) (appellate court referring attorney to grievance panel); *Garner v. Kadince, Inc.*, 2025 UT App 80, 571 P.3d 812 (imposing $1,000 donation plus attorney fees and fee refunds); *Clerk of Ct. & Comptroller for 13th Jud. Cir., Hillsborough Cnty., Fla. v. Rangel*, No. 2D2024-1772, 2025 WL 2486314 (Fla. Dist. Ct. App. Aug. 29, 2025) (referring attorney to Florida Bar); *In re Baby Boy*, 2025 IL App (4th) 241427, ¶¶ 43-52,2025 WL 2046315 (Fourth Circuit appellate court imposing multiple sanctions including disgorgement of $6,925.62); *Grant v. City of Long Beach*, 96 F.4th 1255, 1256-1257 (9th Cir. 2024) (Ninth Circuit dismissing appeal for fabricated cases); *Johnson v. Dunn*, No. 2:21-CV-1701-AMM, 2025 WL 2086116 (N.D. Ala. July 23, 2025) (which ordered "REFERS this matter to the Alabama State Bar and other applicable licensing authorities").

[156] *Clerk of Ct. & Comptroller for 13th Jud. Cir., Hillsborough Cnty., Fla. v. Rangel*, No. 2D2024-1772, 2025 WL 2486314 (Fla. Dist. Ct. App. Aug. 29, 2025) (referral to Florida Bar); *In re Baby Boy*, 2025 IL App (4th) 241427, ¶ 132, 2025 WL 2046315(ordering referral to Illinois Attorney Registration and Disciplinary Commission); *Shahid v. Esaam*, 918 S.E.2d 198, 2025 WL 1792657 (Ga. Ct. App. 2025) (imposing $2,500 frivolous motion penalty under Court of Appeals Rule 7(e)(2)).

[157] *In re Martin*, 670 B.R. 636, 643, 2025 WL 2017224 (Bankr. N.D. Ill. 2025) ("Absent exceptional circumstances, a law firm must be held jointly responsible for a violation committed by its partner, associate, or employee" citing Rule 9011(c)(1) … imposing $5,500 and educational requirements); *In re Richburg*, No. AP 25-80037-EG, 2025 WL 2470473 (Bankr. D.S.C. Aug. 27, 2025) (imposing non-monetary sanctions only due to procedural limitations); *In re Whitehall Pharmacy LLC,* No. 4:25-BK-12406, 2025 WL 2556097 (Bankr. E.D. Ark. Sept. 3, 2025) (showing bankruptcy court's analysis of first day motions and critical vendor issues).

[158] *In re Martin*, 670 B.R. 636, 643, 2025 WL 2017224 (Bankr. N.D. Ill. 2025) ("Absent exceptional circumstances, a law firm must be held jointly responsible for a violation committed by its partner, associate, or employee," citing Rule 9011(c)(1)).

reflecting the specialized nature of bankruptcy practice and the ongoing relationship between the court and repeat practitioners.

Procedural Limitations and Constraints

Recent cases have revealed important procedural limitations on courts' sanctioning authority. Federal Rule of Bankruptcy Procedure 9001(c)(4)(B)(ii) prevents courts from imposing monetary sanctions sua sponte after voluntary dismissal of claims, creating a potential escape mechanism for attorneys who quickly dismiss cases containing AI-related violations.[159] Courts have warned that voluntary dismissal is not a cure-all solution to avoid sanctions, but the procedural constraints are real and affect sanctioning strategies.

Similar limitations exist in other contexts where procedural rules or timing constraints limit courts' abilities to impose monetary sanctions. These limitations have led courts to rely more heavily on non-monetary sanctions and professional responsibility referrals as alternative enforcement mechanisms.

State courts demonstrate greater variation in their approaches, reflecting different procedural rules, local legal cultures, and sanctioning traditions.[160] State appellate courts often focus on compensation-based remedies, requiring fee refunds to clients or payment of opposing counsel's costs rather than purely punitive monetary sanctions.[161] This approach reflects state courts' traditional emphasis on making aggrieved parties whole rather than primarily deterring future misconduct.

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[159] *In re Richburg*, No. AP 25-80037-EG, 2025 WL 2470473, *3 (Bankr. D.S.C. Aug. 27, 2025).

[160] *Augustin v. Formula 3 Brooklyn Inc.*, 86 Misc. 3d 1236(A), 236 N.Y.S.3d 586, 2025 WL 2006010 (N.Y. Sup. Ct. 2025) (showing state court implementing specific AI disclosure rules and hearing requirements); *Delano Crossing 2016, LLC v. Cnty. of Wright*, No. 86-CV-23-2147, 2025 WL 1539250 (Minn. Tax May 29, 2025) (declining sanctions but referring to state bar), versus *Clerk of Ct. & Comptroller for 13th Jud. Cir., Hillsborough Cnty., Fla. v. Rangel*, No. 2D2024-1772, 2025 WL 2486314 (Fla. Dist. Ct. App. Aug. 29, 2025) (referring to Florida Bar); Utah's measured sanctions in *Garner v. Kadince, Inc.*, 2025 UT App 80, 571 P.3d 812, versus Ohio's sanctions with magistrate determination in *Gamble v. Gamble*, 2025-Ohio-2381, 2025 WL 1863792; contrast between *Idehen v. Stoute-Phillip*, 86 Misc. 3d 1244(A), 236 N.Y.S.3d 921 (N.Y. Civ. Ct. 2025) (imposing $1,000 fine) and *Gutierrez v. Gutierrez*, 399 So. 3d 1185, 49 Fla. L. Weekly D2440 (Fla. Dist. Ct. App. 2024) (dismissing appeals and barring future pro se filings), *review dismissed sub nom. Gutierrez v. In Re Gutierrez*, No. SC2024-1782, 2025 WL 325963 (Fla. Jan. 28, 2025), *reinstatement granted*, No. SC2024-1782, 2025 WL 342830 (Fla. Jan. 30, 2025), and *opinion after reinstatement of appeal sub nom. Gutierrez v. Gutierrez*, No. SC2024-1782, 2025 WL 1416895 (Fla. May 16, 2025), and *mandamus dismissed*, No. SC2025-0417, 2025 WL 1157136 (Fla. Apr. 21, 2025), and *review denied*, No. SC2024-1782, 2025 WL 1416895 (Fla. May 16, 2025); Hawaii appellate court in *Keaau Dev. P'ship LLC v. Lawrence*, 156 Haw. 179, 571 P.3d 958 (Ct. App. 2025), *as amended* (May 15, 2025) (using HRCP Rule 11); contrast between Missouri appellate courts in *Kruse v. Karlen*, 692 S.W.3d 43, 2024 WL 559497 (Mo. Ct. App. 2024) (using Rule 84.19 for frivolous appeals), *reh'g and/or transfer denied* (Apr. 9, 2024) and *Jones v. Simploy, Inc.*, 698 S.W.3d 480, 2024 WL 4270960 (Mo. Ct. App. 2024) (showing leniency).

[161] *Kruse v. Karlen*, 692 S.W.3d 43, 2024 WL 559497 (Mo. Ct. App. 2024), *reh'g and/or transfer denied* (Apr. 9, 2024) (ordering $10,000 "damages" to opposing party rather than fine to court).

Court-Specific Rules and Standing Orders

The emergence of court-specific AI rules represents a significant development in jurisdictional approaches to AI-related misconduct.[162] Several courts have adopted local rules or standing orders requiring disclosure of AI use in legal research and drafting, with specific sanctions frameworks for violations.[163] These rules typically require certification that AI-generated content has been verified for accuracy and that any AI assistance has been appropriately disclosed to the court and opposing parties.

Judge-specific standing orders have become increasingly common,[164] with individual judges implementing requirements for AI disclosure, verification certification, and specific formatting requirements for AI-related disclosures. These orders represent a shift from reactive sanctions to proactive prevention of AI-related misconduct.

Special master proceedings have demonstrated some of the most aggressive sanctioning approaches, with total financial penalties exceeding $30,000 in complex cases.[165] This enhanced sanctioning authority reflects the specialized nature of special master proceedings and the expectation that parties appearing before special masters

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[162] *Augustin v. Formula 3 Brooklyn Inc.*, 86 Misc. 3d 1236(A), 236 N.Y.S.3d 586, 2025 WL 2006010, *2 (N.Y. Sup. Ct. 2025) (detailing "IAS Part 2 Rules, Part [II], Subpart B, § 15, concerning use of artificial intelligence programs").

[163] *An v. Archblock, Inc.*, No. 2024-0102-LWW, 2025 WL 1024137 (Del. Ch. Apr. 4, 2025) (requiring certification of GenAI use with specific disclosure requirements); *Elizondo v. City of Laredo*, No. 5:25-CV-50, 2025 WL 2071072, *2 (S.D. Tex. July 23, 2025) (referencing General Order 2025-04 and judge-specific local rules); *Mortazavi v. Booz Allen Hamilton, Inc.*, No. 2:24-CV-07189-SB-RAO, 2024 WL 4308032 (C.D. Cal. Sept. 26, 2024) (referencing court's standing order requiring AI disclosure); *Willis v. U.S. Bank National Association as Trustee, Igloo Series Trust*, United States District Court, N.D. Texas, Dallas Division, April 28, 2025, 2025 WL 1224273 (rule requiring disclosure of GAI will be enforced); *Willis v. U.S. Bank Nat'l Ass'n as Tr., Igloo Series Tr.*, 783 F. Supp. 3d 959, 2025 WL 1408897 (N.D. Tex. 2025) (warning regarding use of GAI); *Willis v. U.S. Bank Nat'l Ass'n as Tr.*, Igloo Series Tr., No. 3:25-CV-516-BN, 2025 WL 1224273 (N.D. Tex. Apr. 28, 2025).(discussing "Court's local civil rule requirement that litigants disclose the use of Generative Artificial Intelligence" and citing Northern District of Texas Local Civil Rule 7.2(f)); ; *Elizondo v. City of Laredo*, No. 5:25-CV-50, 2025 WL 2071072 (S.D. Tex. July 23, 2025) (citing "General Order 2025-04" and judge's local rule on AI use); *Gjovik v. Apple Inc.*, No. 23-CV-04597-EMC, 2025 WL 1447380 (N.D. Cal. May 19, 2025) (discussing court's local rules on AI); *Allbaugh v. Univ. of Scranton*, No. 3:24-CV-2237, 2025 WL 2484188 (M.D. Pa. Aug. 28, 2025) (which quotes the court's standing order: "any party... who utilizes any generative AI tool... must include with the document a Certificate of Use of Generative AI"); *Versant Funding LLC v. Teras Breakbulk Ocean Navigation Enters.*, LLC, No. 17-CV-81140, 2025 WL 1440351, *4 (S.D. Fla. May 20, 2025) (noting "this Court has not yet enacted rules or orders specifically addressing the use of artificial intelligence"); *Ethical Issues Regarding the Use of Artificial Intelligence*, PA Eth. Op. 2024-200, 2024 WL 2854419, *4-5 (quoting specific standing orders from E.D. Pa. and Texas judges); *Rep. & Recommendations of the New York State Bar Ass'n Task Force on A.I.*, 2024 WL 1655076, *27-28 (Apr. 6, 2024) (discussing court rules).

[164] *Elizondo v. City of Laredo*, No. 5:25-CV-50, 2025 WL 2071072 (S.D. Tex. July 23, 2025) (referencing "J. Garcia Marmolejo Civ. Ct. P. 8"); *Allbaugh v. University of Scranton*, No. 3:24-CV-2237, 2025 WL 2484188 (M.D. Pa. Aug. 28, 2025) (referencing Judge Mehalchick's specific standing order on AI use); *Ethical Issues Regarding the Use of Artificial Intelligence*, PA Eth. Op. 2024-200, 2024 WL 2854419, *4-5 (providing specific examples of judges' standing orders).

[165] *Lacey v. State Farm Gen. Ins. Co.*, No. CV 24-5205 FMO (MAAX), 2025 WL 1363069 (C.D. Cal. May 5, 2025) (total of $31,100 ordered - $26,100 in Special Master fees plus $5,000 to defense).

will maintain the highest professional standards. The precedent set by special master sanctions may influence broader judicial approaches as courts develop greater expertise in addressing AI-related misconduct.

XI. Professional Responsibility Integration

The integration of AI-related sanctions with existing professional responsibility frameworks demonstrates judicial commitment to maintaining consistent professional standards despite technological change. Courts consistently emphasize that existing ethics rules, particularly those governing competence, candor to tribunals, and supervision of subordinates, apply fully to AI-assisted legal practice without requiring new or modified standards.[166]

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[166] *Willis v. U.S. Bank National Association as Trustee, Igloo Series Trust*, United States District Court, N.D. Texas, Dallas Division, April 28, 2025, 2025 WL 1224273 (rule requiring disclosure of GAI will be enforced), *Willis v. U.S. Bank Nat'l Ass'n as Tr., Igloo Series Tr.*, 783 F. Supp. 3d 959, 961-962, 2025 WL 1408897 (N.D. Tex. 2025).(warning regarding use of GAI and noting Rule 11 obligations apply to AI use); *Puerto Rico Soccer League NFP, Corp. v. Federación Puertorriqueña de Futbol*, No. CV 23-1203 (RAM), 2025 WL 1080732, *3 (D.P.R. Apr. 10, 2025) (Model Rule 1.1 violation); *Benjamin v. Costco Wholesale Corp.*, 779 F. Supp. 3d 341, 349, 2025 WL 1195925 (E.D.N.Y. 2025) (citing N.Y. Rules of Professional Conduct Rule 1.1(a) on competent representation); *Mavy v. Comm'r of Soc. Sec. Admin.*, No. CV-25-00689-PHX-KML (ASB), 2025 WL 2355222, *11 (D. Ariz. Aug. 14, 2025) (discussing Rule 11 duties as non-delegable, also discussing Rules 1.1, 3.1, 3.3); *Dehghani v. Castro*, 782 F. Supp. 3d 1051, 2025 WL 1361765 (D.N.M. 2025) (order affirming sanctions by magistrate judge), April 02, 2025, 2025 WL 988009 (magistrate judge's order on sanctions, monetary, education, and disciplinary), at 5-6 (discussing Rules 16-303, 16-501, 16-804(C) (New Mexico) and Texas Rules 3.03, 5.01); *Delano Crossing 2016, LLC v. Cnty. of Wright*, No. 86-CV-23-2147, 2025 WL 1539250, *5 (Minn. Tax May 29, 2025) (citing Minn. Rules of Pro. Conduct R. 1.1 and R. 3.3(a)(1)); *Johnson v. Dunn*, No. 2:21-CV-1701-AMM, 2025 WL 2086116 (N.D. Ala. July 23, 2025) (applying Alabama Rule of Professional Conduct 3.3; applying Rule 11); *Mid Cent. Operating Eng'rs Health & Welfare Fund v. HoosierVac LLC*, No. 2:24-CV-00326-JPH-MJD, 2025 WL 1511211 (S.D. Ind. May 28, 2025) ($6,000 sanction imposed); *Mid Cent. 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) ($15,000 and referral to disciplinary authority recommended) (analyzing Rules 1.1, 3.1, 3.3); *Park v. Kim*, 91 F.4th 610, 614-615, 117 Fed.R.Serv.3d 1693 (2d Cir. 2024) (Rule 11 duties); *Lahti v. Consensys Software Inc.,* No. 1:24-CV-183, 2025 WL 2404454, *3 (S.D. Ohio Aug. 20, 2025) (Rule 11(b)(2) obligations); *United States v. Hayes*, 763 F. Supp. 3d 1054, 2025 WL 235531 (E.D. Cal. 2025), *reconsideration denied*, No. 2:24-CR-0280-DJC, 2025 WL 1067323 (E.D. Cal. Apr. 9, 2025) (citing California Rules of Professional Conduct 3.1(a)(2), 3.3(a)(1), and 3.3(a)(2)); *Strike 3 Holdings, LLC v. Doe*, No. 2:24-CV-8183-TJH (SPX), 2025 WL 882212, *3 (C.D. Cal. Jan. 22, 2025) (citing Cal. R. Prof. Conduct 3.3(a)(1) and Fed. R. Civ. P. 11(b)(2)); *Wadsworth v. Walmart Inc.*, 348 F.R.D. 489, 495-496, 121 Fed.R.Serv.3d 459 (D. Wyo. 2025) (discussing Rule 11 duties and nondelegable responsibilities); *Claxton v. Whitehouse Indep. Sch. Dist.*, No. 6:24-CV-00402-JCB-JDL, 2025 WL 2369401, *2 (E.D. Tex. Jan. 28, 2025), *report and recommendation adopted*, (E.D. Tex. July 29, 2025) (citing Local Rule CV-11(g): "Litigants remain responsible for the accuracy and quality of legal documents produced with the assistance of technology"); *Rollins v. Premier Motorcar Gallery, Inc.*, No. 4:24-CV-413-MW-MAF, 2025 WL 2166019 (N.D. Fla. July 15, 2025) ("Rule 11(b) require[s] that attorneys read, and thereby confirm the existence and validity of, the legal authorities on which they rely...This applies equally to pro se litigants"), *report and recommendation adopted*, No. 4:24CV413-MW/MAF, 2025 WL 2161428 (N.D. Fla. July 30, 2025); *Ethical Issues Regarding the Use of Artificial Intelligence*, PA Eth. Op. 2024-200, 2024 WL 2854419, at 7-11 (analyzing Rules 1.1, 3.3, 5.1, 5.3); *Rep. & Recommendations of the New York State Bar Ass'n Task Force on A.I.*, 2024 WL 1655076, at 14-19 (Apr. 6, 2024) (on professional conduct rules).

The competence requirement under Model Rule 1.1 has emerged as a central theme in AI-related sanctions cases.[167] Courts interpret this rule to require not only technical proficiency in using AI tools but also understanding of their limitations and implementation of appropriate verification procedures. The duty of competence extends to staying informed about technological developments that affect legal practice, including awareness of AI's propensity to generate fabricated content.

The candor requirement under Model Rule 3.3 (see OH ST RPC Rule 3.3) provides another foundation for AI-related sanctions, particularly in cases involving continued advocacy for known fabrications or failure to correct material misstatements to the court.[168] Courts emphasize that the duty of candor cannot be satisfied by disclaiming

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[167] *Willis v. U.S. Bank National Association as Trustee, Igloo Series Trust*, United States District Court, N.D. Texas, Dallas Division, April 28, 2025, 2025 WL 1224273 (rule requiring disclosure of GAI will be enforced), Willis v. U.S. Bank Nat'l Ass'n as Tr., Igloo Series Tr., 783 F. Supp. 3d 959, 2025 WL 1408897 (N.D. Tex. 2025). (warning regarding use of GAI and stating parties must "confirm the validity of any cited legal authority"); *Al-Hamim v. Star Hearthstone, LLC*, 2024 COA 128, 564 P.3d 1117 (discussing Colorado's adoption of competence standards for AI use); *Delano Crossing 2016, LLC v. v. Cnty. of Wright*, No. 86-CV-23-2147, 2025 WL 1539250, *5 (Minn. Tax May 29, 2025) ("Competent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation"); *In re Martin*, 670 B.R. 636, 648, 2025 WL 2017224 (Bankr. N.D. Ill. 2025) (discussing ABA Model Rule 1.1, Comment 8 requiring lawyers to "keep abreast of changes in the law and its practice, including benefits and risks associated with relevant technology"); *Mavy v. Comm'r of Soc. Sec. Admin.*, No. CV-25-00689-PHX-KML (ASB), 2025 WL 2355222, *11 (D. Ariz. Aug. 14, 2025) (discussing Rule 1.1 Competence); *Mid Cent. Operating Eng'rs Health & Welfare Fund v. HoosierVac LLC*, No. 2:24-CV-00326-JPH-MJD, 2025 WL 1511211 (S.D. Ind. May 28, 2025); *Mid Cent. 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) (analyzing Rule 1.1); *Puerto Rico Soccer League NFP, Corp. v. Federación Puertorriqueña de Futbol*, No. CV 23-1203 (RAM), 2025 WL 1080732, *2 (D.P.R. Apr. 10, 2025) (Model Rule 1.1 violations discussed); *Wadsworth v. Walmart Inc.*, 348 F.R.D. 489, 495-496, 121 Fed.R.Serv.3d 459 (D. Wyo. 2025) (discussing supervising attorneys' responsibilities for subordinates' AI misconduct); *Davis v. Marion Cnty. Superior Ct. Juv. Det. Ctr.*, No. 1:24-CV-01918-JRS-MJD, 2025 WL 2502308, *5 (S.D. Ind. Sept. 2, 2025) (discussing Indiana Rule of Professional Conduct 1.1); *Ethical Issues Regarding the Use of Artificial Intelligence*, PA Eth. Op. 2024-200, 2024 WL 2854419, at 7; Rep. *& Recommendations of the New York State Bar Ass'n Task Force on A.I.*, 2024 WL 1655076, at 14 (Apr. 6, 2024) (Comment [8] to Rule 1.1).

[168] *Puerto Rico Soccer League NFP, Corp. v. Federación Puertorriqueña de Futbol*, No. CV 23-1203 (RAM), 2025 WL 1080732, *2-3 (D.P.R. Apr. 10, 2025) (Model Rule 3.3 violations); *Advani v. App. Term*, 2nd Jud. Dep't, No. 25-CV-1627 (JMF), 2025 WL 2201065, *3 (S.D.N.Y. Aug. 1, 2025) (noting "presentation of false citations... is sanctionable conduct"); *Dehghani v. Castro*, No. 2:25-CV-0052 MIS-DLM, 2025 WL 988009 (D.N.M. Apr. 2, 2025) (discussing candor obligations), *aff'd*, 782 F. Supp. 3d 1051, 2025 WL 1361765 (D.N.M. 2025) ; *Delano Crossing 2016, LLC v. Cnty. of Wright*, No. 86-CV-23-2147, 2025 WL 1539250, *5 (Minn. Tax May 29, 2025) ("a lawyer 'shall not knowingly... make a false statement of fact or law to a tribunal'"); *Hall v. Acad. Charter Sch.*, No. 2:24-CV-08630-JMW, 2025 WL 2256653, *2 (E.D.N.Y. Aug. 7, 2025) (discussing Rule 3.3 requiring disclosure of adverse authority); *Johnson v. Dunn*, No. 2:21-CV-1701-AMM, 2025 WL 2086116 (N.D. Ala. July 23, 2025) (applying Alabama Rule of Professional Conduct 3.3: "A lawyer shall not knowingly... Make a false statement of material fact or law to a tribunal"); *Mavy v. Comm'r of Soc. Sec. Admin.*, No. CV-25-00689-PHX-KML (ASB), 2025 WL 2355222 (D. Ariz. Aug. 14, 2025) (discussing Rule 3.3); *Mid Cent. Operating Eng'rs Health & Welfare Fund v. HoosierVac LLC*, No. 2:24-CV-00326-JPH-MJD, 2025 WL 1511211 (S.D. Ind. May 28, 2025); *Mid Cent. 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) (stating "A lawyer shall not knowingly...make a false statement of fact or law to a tribunal"); *United States v. Hayes*, 763 F. Supp. 3d 1054, 1066, 2025 WL 235531 (E.D. Cal. 2025), *reconsideration denied*, No. 2:24-CR-0280-DJC, 2025 WL 1067323 (E.D. Cal. Apr. 9, 2025)

responsibility for AI-generated content but requires affirmative verification and correction when errors are discovered.

Supervision and Management Obligations

Supervision obligations under Model Rule 5.1 (see OH ST RPC Rule 5.1 and 5.3) have particular relevance in cases involving AI use by associates, clerks, or contract attorneys.[169] Courts consistently reject attempts by supervising attorneys to disclaim responsibility for subordinates' AI-related misconduct, emphasizing that proper supervision includes ensuring adequate training and verification procedures for AI-assisted work. The nondelegable nature of professional obligations means that supervising attorneys bear ultimate responsibility for all work product submitted under their signature.[170]

Recent cases have clarified that supervision obligations extend equally to independent contractors and employees.[171] Courts reject any distinction between contractor and employee relationships when analyzing supervision duties, consistently

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("Citing nonexistent case law or misrepresenting the holdings of a case is making a false statement to a court. It does not matter if [generative AI] told you so."); *Davis v. Marion Cnty. Superior Ct. Juv. Det. Ctr.*, No. 1:24-CV-01918-JRS-MJD, 2025 WL 2502308, *5 (S.D. Ind. Sept. 2, 2025) ("A lawyer shall not knowingly...make a false statement of fact or law to a tribunal"); *Ethical Issues Regarding the Use of Artificial Intelligence*, PA Eth. Op. 2024-200, 2024 WL 2854419, *9; Rep. *& Recommendations of the New York State Bar Ass'n Task Force on A.I.*, 2024 WL 1655076,at 19-20 (Apr. 6, 2024).

[169] *Mavy v. Comm'r of Soc. Sec. Admin.*, No. CV-25-00689-PHX-KML (ASB), 2025 WL 2355222, *6 (D. Ariz. Aug. 14, 2025) ("the signing attorney cannot leave it to some trusted subordinate... by signing he represents not merely the fact that it is so, but also the fact that he personally has applied his own judgment," noting Rule 5.1 responsibilities); *Dehghani v. Castro*, No. 2:25-CV-0052 MIS-DLM, 2025 WL 988009 (D.N.M. Apr. 2, 2025) (discussing supervisory attorney responsibilities under state rules), *aff'd*, 782 F. Supp. 3d 1051, 2025 WL 1361765 (D.N.M. 2025); *Johnson v. Dunn*, No. 2:21-CV-1701-AMM, 2025 WL 2086116 (N.D. Ala. July 23, 2025) (supervision principles discussed regarding Lunsford's supervisory role); *Lacey v. State Farm Gen. Ins. Co.*, No. CV 24-5205 FMO (MAAX), 2025 WL 1363069 (C.D. Cal. May 5, 2025) (regarding firm responsibility); *Muhammad v. Gap Inc.*, No. 2:24-CV-3676, 2025 WL 1836657 (S.D. Ohio July 3, 2025) (discussing supervising attorney responsibilities); *Wadsworth v. Walmart Inc.*, 348 F.R.D. 489, 495-496, 121 Fed.R.Serv.3d 459 (D. Wyo. 2025) (discussing supervising attorneys' responsibilities for subordinates' AI misconduct).

[170] *In re Martin*, 670 B.R. 636, 643, 2025 WL 2017224 (Bankr. N.D. Ill. 2025) (Rule 9011(c)(1) requiring law firms be held jointly responsible); *Johnson v. Dunn*, No. 2:21-CV-1701-AMM, 2025 WL 2086116 (N.D. Ala. July 23, 2025) (holding Lunsford responsible despite not personally using AI); *Jackson v. Auto-Owners Insurance Company*, No. 7:24-CV-136–WLS, 2025 WL 1932274 (M.D. Ga. July 14, 2025) (explicitly states: "The failure of any attorney to thoroughly review documents prepared using AI is as unacceptable as failing to review documents prepared by a paralegal", and responsibility is "nondelegable"); *Ethical Issues Regarding the Use of Artificial Intelligence*, PA Eth. Op. 2024-200, 2024 WL 2854419, at 10; *Rep. & Recommendations of the New York State Bar Ass'n Task Force on A.I.*, 2024 WL 1655076, at 14, 21 (Apr. 6, 2024).

[171] *Dehghani v. Castro*, No. 2:25-CV-0052 MIS-DLM, 2025 WL 988009 (D.N.M. Apr. 2, 2025) (contract attorney case, applying same standards), *aff'd*, 782 F. Supp. 3d 1051, 2025 WL 1361765 (D.N.M. 2025).

holding that the supervising attorney's obligations remain the same regardless of the contractual structure of the working relationship.[172]

The development of AI-specific ethics guidance by bar associations and professional organizations reflects the profession's recognition that existing rules require clarification and amplification in the context of AI-assisted practice. However, courts have been reluctant to wait for such guidance before imposing sanctions, emphasizing that fundamental professional obligations provide adequate foundation for addressing AI-related misconduct.

Academic Integrity and AI Detection in Educational Settings

The intersection of AI-related misconduct with academic integrity standards has emerged as a significant area of judicial consideration, as demonstrated by the comprehensive proceedings in *Rignol v. Yale University*.[173] This case illustrates how educational institutions are grappling with AI detection and enforcement in academic contexts, providing insights that parallel and inform professional responsibility frameworks in legal practice.

In *Rignol*, a graduate student at Yale School of Management faced disciplinary proceedings after a teaching assistant flagged his examination for potential AI use, noting that his 30-page exam response significantly exceeded the typical 20-page length of other submissions and scored unusually high on AI detection tools. The case reveals the sophisticated multi-step investigation process educational institutions have developed for AI-related violations, including initial faculty review, formal honor committee proceedings, and appellate review mechanisms. The institution's approach involved both technical detection methods—using tools like ChatGPT to assess the likelihood of AI generation—and substantive analysis comparing student responses to outputs generated by submitting exam questions directly to ChatGPT.

The procedural framework employed by Yale's Honor Committee demonstrates the evolution of institutional responses to AI misconduct, requiring formal notification of charges, disclosure of evidence, opportunities for response and recusal requests, and structured deliberation processes. Significantly, the committee's ultimate finding rested not solely on technical detection but on the student's failure to cooperate with the investigation, particularly his refusal to provide requested electronic documents that could have verified his claimed work process. This emphasis on procedural compliance and cooperation echoes the candor obligations courts have consistently enforced in professional legal practice.

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[172] *In re Martin*, 670 B.R. 636, 643, 2025 WL 2017224 (Bankr. N.D. Ill. 2025) (Rule 9011(c)(1) requiring law firms be held jointly responsible).

[173] *Rignol v. Yale Univ.*, No. 25-CV-159 (SFR), 2025 WL 1295604 (D. Conn. May 5, 2025).

The case also highlights the challenges institutions face in distinguishing between legitimate technological assistance and prohibited AI use. The Honor Committee's analysis considered multiple factors beyond detection tool results, including the suspicious similarity between exam answers and AI-generated responses, the unprecedented length and quality of submissions completed under time constraints, and the respondent's evolving explanations for his work methods. This multi-factor approach mirrors the sophisticated analysis courts have developed for evaluating good faith versus bad faith conduct in AI-related legal misconduct cases.

The sanctions imposed—a one-year suspension and failing grade—reflect institutional recognition that AI violations in academic settings warrant serious consequences comparable to traditional forms of academic dishonesty. The case underscores that educational institutions, like courts addressing attorney misconduct, view unauthorized AI use as fundamentally undermining the integrity of their assessment and credentialing functions. This parallel between academic and professional standards reinforces the broader principle that AI assistance must be coupled with appropriate disclosure, verification, and compliance with institutional rules, whether in educational or professional contexts.

Technology Competence Standards

Courts have interpreted professional competence requirements to include technological literacy sufficient to understand the limitations and risks of AI tools.[174] This interpretation reflects the broader evolution of professional competence standards to include technological proficiency as legal practice becomes increasingly dependent on electronic tools and systems.

The obligation to maintain technological competence includes understanding how AI systems work, their propensity for generating fabricated content, and appropriate verification procedures for AI-assisted work. Courts have shown little sympathy for attorneys who claim technological ignorance as a defense to AI-related misconduct, particularly when such ignorance is coupled with failure to seek appropriate training or consultation.[175]

XII. Deterrence Effectiveness and Systemic Impact

The deterrent effect of AI-related sanctions appears to be achieving significant impact based on anecdotal evidence from practitioners and the evolving sophistication of

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[174] *Allbaugh v. Univ. of Scranton*, No. 3:24-CV-2237, 2025 WL 2484188 (M.D. Pa. Aug. 28, 2025) (noting attorney should be familiar with Rule 11 requirements); *Seither & Cherry Quad Cities, Inc. v. Oakland Automation, LLC*, No. 23-11310, 2025 WL 2105286, *1 (E.D. Mich. July 28, 2025) (noting attorneys should understand AI limitations).

[175] *Elizondo v. City of Laredo*, No. 5:25-CV-50, 2025 WL 2071072, *1 (S.D. Tex. July 23, 2025) (attorney's claim of limited technological prowess not excusing violation); *Gauthier v. Goodyear Tire & Rubber Co.*, No. 1:23-CV-281, 2024 WL 4882651 (E.D. Tex. Nov. 25, 2024)1 (attorney's unfamiliarity with AI not excusing failure to verify).

court orders.[176] The widespread publicity surrounding early sanctions cases has contributed to increased awareness of AI limitations throughout the legal profession, with many practitioners implementing enhanced verification procedures for AI-assisted work.[177]

The specific deterrent effect on sanctioned attorneys demonstrates considerable success, with few reported cases of repeat violations by the same practitioners.[178] This suggests that the combination of monetary sanctions, professional consequences, and educational requirements effectively communicates the seriousness of AI-related misconduct and motivates compliance with professional standards.

General deterrence appears to be functioning effectively based on the evolution of professional practices and the development of firm-level policies governing AI use.[179] Many law firms have implemented specific protocols for AI verification, disclosure procedures, and training requirements in direct response to published sanctions cases.[180]

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[176] *ByoPlanet Int'l, LLC v. Johansson*, No. 0:25-CV-60630, 2025 WL 2091025, *9 (S.D. Fla. July 17, 2025) (discussing deterrent value); *Benjamin v. Costco Wholesale Corp.*, 779 F. Supp. 3d 341, 347, 2025 WL 1195925 (E.D.N.Y. 2025) (noting purpose is "deterrence of baseless filings"); *In re Martin*, 670 B.R. 636, 647, 2025 WL 2017224 (Bankr. N.D. Ill. 2025) ("At this point, to be blunt, any lawyer unaware that using generative AI platforms to do legal research is playing with fire is living in a cloud"); *Wadsworth v. Walmart Inc.*, 348 F.R.D. 489, 494, 121 Fed.R.Serv.3d 459 (D. Wyo. 2025) (noting remedial steps taken by firms after sanctions); c*ontrasted by In re A.S.*, 2025 IL App (4th) 250298-U, ¶ 18, 2025 WL 2237331 ("concerning this conduct occurred, at least as it relates to the reply brief, after he personally appeared before this court for similar conduct"); *Davis v. Marion Cnty. Superior Ct. Juv. Det. Ctr.*, No. 1:24-CV-01918-JRS-MJD, 2025 WL 2502308, *4 (S.D. Ind. Sept. 2, 2025) ("Given the distressing number of cases... it is clear that the imposition of modest sanctions has failed to act as a deterrent").

[177] *Willis v. U.S. Bank Nat'l Ass'n as Tr., Igloo Series Tr.,* No. 3:25-CV-516-BN, 2025 WL 1224273 (N.D. Tex. Apr. 28, 2025); *Willis v. U.S. Bank Nat'l Ass'n as Tr., Igloo Series Tr.*, 783 F. Supp. 3d 959, 2025 WL 1408897 (N.D. Tex. 2025) (citing *Sanders v. United States*, 176 Fed. Cl. 163, 2025 WL 957666 (2025) ("It is no secret that generative AI programs are known to 'hallucinate' nonexistent cases")). *In re Martin*, 670 B.R. 636, 647, 2025 WL 2017224 (Bankr. N.D. Ill. 2025) (noting Chief Justice Roberts' 2023 Year-End Report devoted to AI risks; multiple cases citing prior AI sanction cases); *Mata v. Avianca, Inc.*, 678 F. Supp. 3d 443, 466, 2023 WL 4114965 (S.D.N.Y. 2023) (noting "significant publicity generated by Respondents' actions"); *Parra v. United States*, No. 25-CV-431, 2025 WL 1792979, *11 (Fed. Cl. June 27, 2025) ("Plaintiff, however, is now on notice of the risks associated with using AI" and noting widespread awareness); also *Parker v. Costco Wholesale Corp.*, No. C25-0519-SKV, 2025 WL 2481280, *1 (W.D. Wash. Aug. 28, 2025) (noting patterns "consistent with unverified generative artificial intelligence ('AI') outputs").

[178] See counter-example in *United States v. Hayes*, 763 F. Supp. 3d 1054, 1072-1073, 2025 WL 235531 (E.D. Cal. 2025) (noting that after Mr. Francisco's Order to Show Cause response promising to uphold "highest standards of professionalism," he filed misleading notice in different case just nine days later), *reconsideration denied*, No. 2:24-CR-0280-DJC, 2025 WL 1067323 (E.D. Cal. Apr. 9, 2025); *In re A.S.*, 2025 IL App (4th) 250298-U, ¶ 18, 2025 WL 2237331 ("concerning this conduct occurred, at least as it relates to the reply brief, after he personally appeared before this court for similar conduct").

[179] Courts have consistently emphasized deterrence; see *Lacey v. State Farm Gen. Ins. Co.*, No. CV 24-5205 FMO (MAAX), 2025 WL 1363069, *2 (C.D. Cal. May 5, 2025) (a sanction imposed under Rule 11 "'must be limited to what suffices to deter repetition. . .'" Citing relevant provision of Civ.R. 11 subsection).

[180] *Mavy v. Comm'r of Soc. Sec. Admin.*, No. CV-25-00689-PHX-KML (ASB), 2025 WL 2355222, *5 (D. Ariz. Aug. 14, 2025) (counsel implementing new procedures after sanctions); *Elizondo v. City of Laredo*, No. 5:25-CV-50, 2025 WL 2071072, *1 (S.D. Tex. July 23, 2025) (attorney "implemented new internal

Legal education programs increasingly incorporate AI ethics and competence training, reflecting the profession's recognition of these issues' importance.[181]

Market and Industry Response

The systemic impact of AI-related sanctions extends beyond individual practitioners to influence the development of AI tools and their marketing to legal professionals. Tool providers have begun implementing enhanced warnings about verification requirements and limitations on their products' reliability.[182] Some providers have developed specific features designed to facilitate verification and ensure appropriate disclosure of AI assistance.

Professional liability insurance carriers have responded to AI-related sanctions by developing specific coverage exclusions or requirements for AI use policies. This market response creates additional incentives for attorneys to implement appropriate safeguards for AI-assisted work.[183]

However, the deterrent effect faces ongoing challenges as AI technology continues to evolve and new practitioners enter the profession. Courts recognize that sustained vigilance and consistent enforcement will be necessary to maintain professional standards as AI tools become more sophisticated and widely adopted.[184] The development of standardized sanctions approaches and professional education programs will be critical to ensuring continued effectiveness of deterrent measures.

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policies prohibiting the use of generative AI tools"); *Garner v. Kadince, Inc.*, 2025 UT App 80, ¶ 5, 571 P.3d 812, 814 (law firm "initiated" AI policy after incident); *In re Martin*, 670 B.R. 636, 642, 2025 WL 2017224 (Bankr. N.D. Ill. 2025) (Semrad firm creating formal AI policy after sanctions); *Mata v. Avianca, Inc.*, 678 F. Supp. 3d 443, 2023 WL 4114965 (S.D.N.Y. 2023) (discussing Levidow Firm's remedial measures).

[181] *Augustin v. Formula 3 Brooklyn Inc.*, 86 Misc. 3d 1236(A), 236 N.Y.S.3d 586, 2025 WL 2006010, *2 (N.Y. Sup. Ct. 2025) (noting "the American Bar Association has released guidance on AI use, and the technology has been a featured topic at legal conferences"); *In re Martin*, 670 B.R. 636, 648, 2025 WL 2017224 (Bankr. N.D. Ill. 2025) (referencing Illinois State Bar Association's AI-focused conference); *In re Baby Boy*, 2025 IL App (4th) 241427, 2025 WL 2046315 (noting widespread AI education efforts); *Johnson v. Dunn*, No. 2:21-CV-1701-AMM, 2025 WL 2086116 (N.D. Ala. July 23, 2025) (where attorney volunteered to develop "an informative program to educate law students regarding the risks of AI").

[182] See *When AI Policies Fail: The AI Sanctions in Johnson v. Dunn and What They Mean for the Profession*, EDRM, https://edrm.net/2025/07/when-ai-policies-fail-the-ai-sanctions-in-johnson-v-dunn-and-what-they-mean-for-the-profession/ (last accessed 9/4/2025).

[183] See *Berkley Introduces "Absolute" AI Exclusion in Liability Policies*, https://natlawreview.com/article/continued-proliferation-ai-exclusions (last accessed 9/4/2025).; see also *Use Artificial Intelligence Intelligently: Avoid Sanctions, Ditch the Billable Hour, and Become the Lawyer of the Future*, 40 No. 5 GPSolo 50, at 52 (Sept/Oct 2023) (discussing insurance carriers' AI policies).

[184] *Ligeri v. Amazon.com Servs. LLC*, No. 2:25-CV-00764-JHC, 2025 WL 2161497, *2 (W.D. Wash. July 30, 2025) ("the Court warns Ligeri that any future filings that contain citations to nonexistent cases and fake 'quotes' may result in sanctions"), *reconsideration denied*, No. 2:25-CV-00764-JHC, 2025 WL 2212595 (W.D. Wash. Aug. 4, 2025); *Pete v. Houston Methodist Hospital/Texas Medical Center*, No. 1:25-CV-00273-MJT-CLS, 2025 WL 2544001, *2-3 (E.D. Tex. Sept. 3, 2025) (warning about future filings containing false facts or AI-generated false caselaw).

Educational and Institutional Impact

Legal education institutions have begun integrating AI ethics and competence training into their curricula in response to sanctions cases and evolving professional standards.[185] This educational response helps ensure that new practitioners enter the profession with appropriate understanding of AI limitations and verification obligations.[186]

Bar associations have accelerated development of AI-specific ethics guidance and professional education programs in response to sanctions cases and member demand for clarification of professional obligations in AI-assisted practice.[187]

XIII. Procedural Limitations and Escape Mechanisms

Recent cases have revealed several procedural limitations on courts' abilities to impose sanctions for AI-related misconduct. These limitations create potential escape mechanisms that attorneys might exploit to avoid consequences for AI-related violations, though courts have warned against relying on such procedural technicalities.

Federal Rule of Bankruptcy Procedure 9001(c)(4)(B)(ii) prevents courts from imposing monetary sanctions sua sponte when the violation is discovered after voluntary dismissal of the claims at issue.[188] This limitation reflects broader procedural principles about the timing of sanctions motions and the relationship between case disposition and sanctions authority. Courts have warned that voluntary dismissal is not a cure-all solution to avoid monetary sanctions, noting that other sanctioning mechanisms remain available and that the timing of dismissal may affect the good faith analysis.[189]

The emergence of local rules specifically addressing AI use represents an important procedural development in courts' ability to address AI-related misconduct proactively. The Eastern District of Texas Local Rule CV-11(g) exemplifies this approach,

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[185] *Rep. & Recommendations of the New York State Bar Ass'n Task Force on A.I.*, 2024 WL 1655076 (Apr. 6, 2024) (Recommendation 2 on education focus); *Ethical Issues Regarding the Use of Artificial Intelligence*, PA Eth. Op. 2024-200, 2024 WL 2854419, at 12 (on "continuing legal education").

[186] *Johnson v. Dunn*, No. 2:21-CV-1701-AMM, 2025 WL 2086116 (N.D. Ala. July 23, 2025) (where attorney volunteered to develop "an informative program to educate law students regarding the risks of AI"); *In re Martin*, 670 B.R. 636, 648, 2025 WL 2017224 (Bankr. N.D. Ill. 2025) (referencing Illinois State Bar Association's AI-focused conference); *In re Baby Boy*, 2025 IL App (4th) 241427, 2025 WL 2046315 (noting widespread AI education efforts); *Augustin v. Formula 3 Brooklyn Inc.*, 86 Misc. 3d 1236(A), 236 N.Y.S.3d 586, 2025 WL 2006010, *2 (N.Y. Sup. Ct. 2025) (noting "the American Bar Association has released guidance on AI use, and the technology has been a featured topic at legal conferences").

[187] See ABA issues first ethics guidance on a lawyer's use of AI tools (Formal Opinion 512), https://www.americanbar.org/news/abanews/aba-news-archives/2024/07/aba-issues-first-ethics-guidance-ai-tools (last accessed 9/4/2025).

[188] *In re Richburg*, No. AP 25-80037-EG, 2025 WL 2470473, *3 (Bankr. D.S.C. Aug. 27, 2025) ("The court must not impose a monetary sanction...on its own, unless it issued the show-cause order under (c)(3) before voluntary dismissal").

[189] *In re Richburg*, No. AP 25-80037-EG, 2025 WL 2470473, *5 (Bankr. D.S.C. Aug. 27, 2025) ("the Court notes, for future reference, that voluntary dismissal is not the cure-all solution to avoid monetary sanctions for violations of Fed. R. Bankr. P. 9011").

explicitly stating that litigants "remain responsible for the accuracy and quality of legal documents produced with the assistance of technology" and warning that "certain technologies may produce factually or legally inaccurate content." This rule requires litigants who employ technology to "review and verify any computer-generated content to ensure that it complies with all such standards," specifically referencing Federal Rule of Civil Procedure 11 obligations.[190] Such local rules provide courts with clear authority to sanction AI-related misconduct while putting practitioners on explicit notice of their verification obligations before violations occur.

Courts have also developed robust show cause procedures as a mechanism for addressing potential AI-related misconduct. These procedures require parties to either produce evidence supporting their citations or explain why sanctions should not be imposed. For instance, courts have ordered parties suspected of citing non-existent cases to provide "a true and accurate copy" of the cited authority by a specific deadline, with the alternative requirement to "show cause in writing as to why [they] should not be sanctioned pursuant to Fed. R. Civ. P. 11." This approach serves both investigative and deterrent functions, allowing courts to verify the existence of cited authorities while providing parties with an opportunity to correct errors or explain their conduct before sanctions are imposed. The specificity of these orders—requiring production of complete and unedited copies of cases—reflects courts' increasing sophistication in detecting AI-generated fabrications and their determination to ensure accountability for such misconduct.

Similar timing limitations exist in other contexts where courts must issue show cause orders before specific deadlines or lose their authority to impose certain types of sanctions.[191] These procedural constraints require courts to balance the need for thorough investigation of AI-related misconduct against the risk of losing sanctioning authority due to procedural delays.

Alternative Sanctioning Mechanisms

When procedural limitations prevent monetary sanctions, courts have developed alternative enforcement mechanisms that maintain deterrent effect while respecting procedural constraints.[192] Non-monetary sanctions, including mandatory continuing legal

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[190] https://www.txed.uscourts.gov/?q=local-rule-cv-11-signing-pleadings-motions-and-other-documents (last accessed 9/15/2025).

[191] *Johnson v. Dunn*, No. 2:21-CV-1701-AMM, 2025 WL 2086116 (N.D. Ala. July 23, 2025) (noting Rule 11 "does not apply" to discovery motions under Rules 30 and 37).

[192] *Delano Crossing 2016, LLC v. Cnty. of Wright*, No. 86-CV-23-2147, 2025 WL 1539250 (Minn. Tax May 29, 2025) (declining monetary sanctions but referring to bar); *Johnson v. Dunn*, No. 2:21-CV-1701-AMM, 2025 WL 2086116 (N.D. Ala. July 23, 2025) (using inherent authority when Rule 11 did not apply to discovery motions; imposing non-monetary sanctions including disqualification and bar referral).

education, verification protocol requirements, and professional responsibility referrals, remain available even when monetary penalties are precluded.[193]

Courts have also utilized their inherent authority and case management powers to impose consequences for AI-related misconduct that fall outside traditional sanctions frameworks.[194] These alternative mechanisms ensure that procedural limitations do not create complete immunity from consequences for AI-related violations.

The threat of future sanctions in related cases or subsequent proceedings provides another deterrent mechanism that operates independently of procedural limitations in specific cases.[195] Courts have indicated that discovery of AI-related misconduct in one case will influence their analyses of any future violations by the same practitioner, even when immediate sanctions are procedurally foreclosed.

XIV. Conclusion and Synthesis

The comprehensive survey of AI-related sanctions across federal and state jurisdictions reveals a judicial system that has demonstrated remarkable adaptability in addressing the challenges posed by artificial intelligence in legal practice. Courts have successfully applied existing procedural rules and professional responsibility standards

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[193] *Al-Hamim v. Star Hearthstone, LLC*, 2024 COA 128, 564 P.3d 1117 (warning but no monetary sanctions for first offense); *Mavy Comm'r of Soc. Sec. Admin.*, No. CV-25-00689-PHX-KML (ASB), 2025 WL 2355222, *12 (D. Ariz. Aug. 14, 2025) (requiring notification to judges in all cases, and referral to bar); *An v. Archblock, Inc.*, No. 2024-0102-LWW, 2025 WL 1024137 (Del. Ch. Apr. 4, 2025) (requiring AI certification for future filings); *In re Richburg*, No. AP 25-80037-EG, 2025 WL 2470473, *6 (Bankr. D.S.C. Aug. 27, 2025) (ordering 3 hours of CLE); *In re Baby Boy*, 2025 IL App (4th) 241427, ¶ 127, 2025 WL 2046315, (ordering in-person AI course attendance); *Johnson v. Dunn*, No. 2:21-CV-1701-AMM, 2025 WL 2086116 (N.D. Ala. July 23, 2025) (imposing disqualification, public reprimand, and bar referral when Rule 11 didn't apply); *Mata v. Avianca, Inc.*, 678 F. Supp. 3d 443, 2023 WL 4114965 (S.D.N.Y. 2023) (CLE requirements); *O'Brien v. Flick*, No. 24-61529-CIV, 2025 WL 242924 (S.D. Fla. Jan. 10, 2025) (letter requirements).

[194] *Hall v. Acad. Charter Sch.*, No. 2:24-CV-08630-JMW, 2025 WL 2256653, *3 (E.D.N.Y. Aug. 7, 2025) ("This Court possesses the inherent power to sanction a party 'for conduct which abuses the judicial process,'" citing *Chambers v. NASCO*, 501 U.S. 32, 44045 (1991)); *Johnson v. Dunn*, No. 2:21-CV-1701-AMM, 2025 WL 2086116 (N.D. Ala. July 23, 2025) ("This series of gaps leaves the court with only its inherent authority"); *Jackson v. Auto-Owners Insurance Company*, No. 7:24-CV-136–WLS, 2025 WL 1932274 (M.D. Ga. July 14, 2025) (citing inherent power as alternative basis); *Romero v. Goldman Sachs Bank USA*, No. 1:25-CV-2857-GHW, 2025 WL 1916119, *1 (S.D.N.Y. June 25, 2025) (inherent power of court); *Puerto Rico Soccer League NFP, Corp. v. Federación Puertorriqueña de Futbol*, No. CV 23-1203 (RAM), 2025 WL 1080732, *3 (D.P.R. Apr. 10, 2025) (inherent authority).

[195] *Gutierrez v. Gutierrez*, 399 So. 3d 1185, 1187-1188, 49 Fla. L. Weekly D2440 (Fla. Dist. Ct. App. 2024) (barring future pro se filings after repeated violations), *review dismissed sub nom. Gutierrez v. In Re Gutierrez*, No. SC2024-1782, 2025 WL 325963 (Fla. Jan. 28, 2025), *reinstatement granted*, No. SC2024-1782, 2025 WL 342830 (Fla. Jan. 30, 2025), and *opinion after reinstatement of appeal sub nom. Gutierrez v. Gutierrez*, No. SC2024-1782, 2025 WL 1416895 (Fla. May 16, 2025), and *mandamus dismissed*, No. SC2025-0417, 2025 WL 1157136 (Fla. Apr. 21, 2025), and *review denied*, No. SC2024-1782, 2025 WL 1416895 (Fla. May 16, 2025); *Malone-Bey v. Lauderdale Cnty. Sch. Bd.*, No. 3:25-CV-380-KHJ-MTP, 2025 WL 2098352 (S.D. Miss. July 25, 2025) ("future filings with citations to fictitious legal opinions... may result in sanctions").

to new technological contexts while developing increasingly sophisticated approaches to detecting and sanctioning AI-related misconduct.

The universal rejection of AI-based defenses represents perhaps the most significant development in this area of law. No court has accepted arguments that artificial intelligence somehow excuses attorneys from fundamental professional obligations or that AI-generated errors deserve different treatment than other forms of professional misconduct. This consistency across jurisdictions provides clear guidance to practitioners that technological assistance must be coupled with adequate verification and professional oversight.

Judicial Vulnerability to AI-Related Errors

To be fair, the judiciary is not immune from errors involving the negligent or reckless use of artificial intelligence. The recent case of *In Re CorMedix Inc. Securities Litigation* in the District of New Jersey provides a sobering reminder that AI-related challenges affect all participants in the legal system, including those charged with enforcing standards against such misconduct. In this matter, a federal district judge filed an opinion that contained numerous errors characteristic of AI-generated content, including fabricated quotations and mischaracterized case outcomes.[196]

This case represents a rare example of a judge being called out for the sort of elementary mistakes in legal drafting that courts have more frequently sanctioned in the work of attorneys and pro se litigants. The incident underscores that the challenges posed by artificial intelligence tools are not limited to practitioners appearing before the court but extend to the judiciary itself. Such vulnerabilities have come to the fore as legal professionals at all levels increasingly rely on artificial intelligence to assist in case preparation and opinion drafting.

The *CorMedix* situation highlights the universal nature of the risks associated with AI use in legal work and reinforces the importance of verification procedures regardless of one's position within the legal system. It also demonstrates that the standards courts have articulated for attorney conduct—requiring independent verification of AI-generated content and maintaining ultimate responsibility for all filed documents—apply with equal force to judicial work product. This symmetry in professional obligations strengthens rather than undermines the emerging framework for AI use in legal practice.

The evolution from educational warnings to standardized sanctions demonstrates judicial learning and adaptation as AI-related cases have proliferated. Early judicial restraint and emphasis on education has given way to more consistent enforcement as the legal profession has been adequately warned about AI limitations and professional obligations. The emergence of monetary sanctions in the $1,000 to $3,000 range for basic

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[196] *In re CorMedix Inc. Sec. Litig.*, No. CV 21-14020 (JXN) (CLW), 2024 WL 1214382 (D.N.J. Mar. 21, 2024), (letter available at https://www.bloomberglaw.com/public/desktop/document/INRECORMEDIXINCSECURITIESLITIGATION DocketNo221cv14020DNJJul222021?doc_id=X54LQ97UI3G9O1OAJ99LTA3TH70 (last accessed 9/4/2025)).

violations provides predictable consequences while maintaining judicial discretion for aggravating or mitigating factors.

The distinction between good faith and bad faith conduct has emerged as the most critical factor in determining appropriate sanctions. Courts' sophisticated analysis of intent, verification efforts, and post-discovery conduct provides a framework that encourages responsible AI use while imposing serious consequences for negligent or intentional misconduct. This analytical approach balances the legitimate benefits of AI tools with the fundamental requirements of professional practice.

Institutional and Systemic Responses

Recent cases demonstrate that courts are paying increased attention to institutional failures and systematic breakdowns in quality control systems. The emergence of comprehensive firm-level sanctions reflects judicial recognition that AI-related misconduct often results from institutional rather than individual failures. This focus on systemic issues requires law firms to implement genuine quality control measures rather than superficial compliance with professional responsibility requirements.

The development of court-specific rules and standing orders represents a shift from reactive to proactive regulation of AI use in legal practice. These prophylactic measures reflect judicial recognition that prevention of AI-related misconduct is more effective than post-violation sanctions, though both approaches remain necessary components of a comprehensive regulatory framework.

The professional responsibility integration demonstrates that AI-related misconduct represents an application of existing ethical obligations rather than a new category of professional violation. Courts' emphasis on competence, candor, and supervision requirements provides continuity with established professional standards while addressing the unique challenges posed by AI technology.

Future Directions and Implications

Looking forward, the trajectory of AI-related sanctions suggests continued refinement and standardization as courts develop greater expertise in this area. The emergence of court-specific rules, enhanced detection capabilities, and professional education programs indicates that AI-related sanctions will become an increasingly sophisticated and effective component of professional regulation.

The procedural limitations revealed by recent cases may prompt revisions to court rules and sanctions procedures to ensure that AI-related misconduct cannot escape consequences through technical procedural maneuvers. Courts have demonstrated awareness of these limitations and willingness to develop alternative enforcement mechanisms that maintain deterrent effect.

The judicial system's successful adaptation to this technological challenge provides confidence that professional standards can be maintained while allowing for continued innovation and development in legal practice tools and methods. The comprehensive framework that has emerged from these cases offers practitioners clear

guidance on responsible AI use while ensuring that technological advancement does not undermine fundamental professional obligations.

The survey demonstrates that while AI presents new challenges for legal practice, existing professional responsibility frameworks provide adequate foundation for addressing AI-related misconduct when properly understood and applied. The sophistication and consistency of judicial responses across diverse jurisdictions suggests that the legal system has successfully adapted to this technological challenge while maintaining the professional standards essential to effective legal representation and judicial administration.

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Parra v. United States, No. 25-CV-431, 2025 WL 1792979 (Fed. Cl. June 27, 2025).

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Pop Top Corp. v. Rakuten Kobo Inc., No. 20-CV-04482-YGR (DMR), 2025 WL 2098597 (N.D. Cal. July 25, 2025).

Powhatan Cnty. Sch. Bd. v. Skinger, No. 3:24CV874, 2025 WL 1559593 (E.D. Va. June 2, 2025); 2025 WL 1842621 (E.D. Va. July 2, 2025).

Puerto Rico Soccer League NFP, Corp. v. Federación Puertorriqueña de Futbol, No. CV 23-1203 (RAM), 2025 WL 1080732 (D.P.R. Apr. 10, 2025).

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Rubio v. D.C., No. CV 23-719 (RDM), 2024 WL 4957373 (D.D.C. Dec. 3, 2024), *aff'd sub nom. Rubio v. D.C. Dep't of Hum. Servs.*, No. 24-7183, 2025 WL 1189459 (D.C. Cir. Apr. 22, 2025).

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Saxena v. Martinez-Hernandez, No. 2:22-CV-02126-CDS-BNW, 2025 WL 522234 (D. Nev. Feb. 18, 2025), *reconsideration denied*, No. 2:22-CV-02126-CDS-BNW, 2025 WL 1194003 (D. Nev. Apr. 23, 2025), and *reconsideration denied*, No. 2:22-CV-02126-CDS-BNW, 2025 WL 1411887 (D. Nev. May 14, 2025), and *appeal dismissed*, No. 25-3390, 2025 WL 2466686 (9th Cir. July 30, 2025).

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Schoene v. Oregon Dep't of Hum. Servs., No. 3:23-CV-742-SI, 2025 WL 1755839 (D. Or. June 25, 2025).

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Strong v. Rushmore Loan Mgmt. Servs., LLC, No. 8:24-CV-352, 2025 WL 100904 (D. Neb. Jan. 15, 2025).

United States v. Cohen, 724 F. Supp. 3d 251, 2024 WL 1193604 (S.D.N.Y. 2024).

United States v. Hayes, 763 F. Supp. 3d 1054, 1072, 2025 WL 235531 (E.D. Cal. 2025), *reconsideration denied*, No. 2:24-CR-0280-DJC, 2025 WL 1067323 (E.D. Cal. Apr. 9, 2025).

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Versant Funding LLC v. Teras Breakbulk Ocean Navigation Enters., LLC, No. 17-CV-81140, 2025 WL 1440351 (S.D. Fla. May 20, 2025).

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Whaley v. Experian Info. Sols., Inc., No. 3:22-CV-356, 2023 WL 7926455 (S.D. Ohio Nov. 16, 2023), *reconsideration denied*, No. 3:22-CV-356, 2024 WL 665613 (Feb. 16, 2024).

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COMPREHENSIVE QUESTIONS FOR AI-RELATED SANCTIONS HEARING

These questions are designed in a manner of "proof of facts" to explore relevant factors identified in the comprehensive survey of AI-related sanctions, including intent, knowledge, supervision, verification procedures, professional competence, impact on the court and opposing parties, mitigating circumstances, and deterrent considerations. The questions progress from basic awareness issues to specific case facts, broader practice patterns, and systemic considerations that will inform appropriate sanctioning decisions.

I. Initial Awareness and Knowledge Questions

General AI Awareness

1. When did you first become aware of artificial intelligence tools that could assist with legal research and writing?

2. Are you aware that AI tools like ChatGPT, Claude, and other large language models can generate fictitious legal citations, cases, and quotations?

3. When did you first learn about the potential for AI systems to "hallucinate" or fabricate legal authorities?

4. Have you read any of the widely publicized sanctions cases involving AI-generated fake citations, such as *Mata v. Avianca* or similar cases since 2023?

5. Are you familiar with any professional responsibility guidance issued by bar associations regarding AI use in legal practice?

6. Have you attended any continuing legal education programs that addressed AI use in legal practice?

II. Specific Case Investigation Questions

The Assistant's AI Use

7. Did you know that your legal assistant was using artificial intelligence tools to draft the appellant's brief in this case?

8. If yes, when did you become aware of this AI use? If no, when did you first learn about it?

9. Did your legal assistant inform you that they were using AI tools before, during, or after the brief was prepared?

10. What specific AI tool or platform did your assistant use to generate the brief content, and was it a free or paid version?

11. Did you authorize or approve your assistant's use of AI for this brief?

12. Did you provide any instructions to your assistant about verifying AI-generated content?

Verification and Review Process

13. Did you personally review the brief before it was filed with the court?

14. If you reviewed the brief, did you attempt to verify any of the legal citations contained within it?

15. Did you check any of the cited cases to ensure they existed and were accurately quoted?

16. Did you verify that the quoted statements allegedly made by the prosecutor actually appeared in the trial transcript?

17. What was your standard practice for reviewing work product prepared by your assistant?

18. Do you have any written policies or procedures governing the review of briefs prepared by assistants or associates?

The Fabricated Citations

19. How many fabricated case citations were included in the brief?

20. Were any of these fabricated cases central to your legal arguments, or were they merely peripheral authorities?

21. Did you attempt to locate any of these cases in legal databases before filing the brief?

22. When did you first discover that the citations were fabricated?

23. How did you discover that the citations were fictitious?

The False Transcript Quotations

24. Did you review the trial transcript before filing the appellant's brief?

25. How did fabricated quotations from the prosecutor come to be included in your brief?

26. Did your assistant claim to have reviewed the transcript, or did they rely on AI to generate these quotations?

27. When did you discover that the quotations attributed to the prosecutor were fabricated?

28. Did you have access to the actual trial transcript during the preparation of the brief?

III. Supervision and Training Questions

Employee Supervision

29. What training did you provide to your legal assistant regarding legal research and citation practices?

30. Did you provide any specific training about the risks and limitations of AI tools?

31. What level of supervision do you typically provide for work performed by your assistant?

32. Do you have written guidelines for your assistant regarding legal research standards?

33. How long has your assistant been working for you, and what is their level of legal education or training?

34. Has your assistant ever been involved in similar errors or misconduct in the past?

Firm Policies and Procedures

35. Does your firm have any written policies regarding the use of AI tools in legal practice?

36. Do you have quality control procedures for reviewing briefs and other court filings?

37. What training do you provide to employees about professional responsibility standards?

38. How do you ensure compliance with Rule 11 requirements in your practice?

IV. Professional Conduct and Standards Questions

Rule 11 and Professional Competence

39. Are you familiar with Federal or Ohio Rule of Civil Procedure 11 and its requirement that legal contentions be "warranted by existing law"?

40. Do you understand that signing a brief constitutes a certification that you have conducted a reasonable inquiry into the factual and legal bases for the document?

41. What constitutes a "reasonable inquiry" in your understanding when AI tools are involved in document preparation?

42. Do you believe you satisfied your duty of competence under Model Rule 1.1 in this case?

43. How do you ensure compliance with your duty of candor to the tribunal under Model Rule 3.3?

Technology Competence

44. Do you consider yourself technologically competent to supervise AI-assisted legal work?

45. What steps have you taken to educate yourself about AI capabilities and limitations?

46. Do you believe attorneys have a duty to understand the tools their employees use in legal practice?

47. What verification procedures do you believe are necessary when AI tools are used in legal research?

V. Pattern of Practice Questions

Other AI Use

48. Have you or your employees used AI tools in other cases or legal matters?

49. If so, what verification procedures have you implemented for AI-assisted work?

50. Have you encountered similar problems with fabricated citations or content in other cases?

51. Do you use AI tools personally in your legal practice?

52. If you use AI tools, what safeguards do you employ to ensure accuracy?

Client Communication

53. Do you inform clients when AI tools are used in preparing their legal documents?

54. How do you bill for time spent on AI-assisted legal work?

55. Do you believe clients should be notified when AI is used in their representation?

VI. Discovery and Response Questions

Initial Response

56. When did you first notify opposing counsel about the fabricated citations?

57. When did you first notify this court about the problems with your brief?

58. What corrective action did you take upon discovering the fabricated content?

59. Did you consider withdrawing the brief immediately upon discovering the fabrications?

Remedial Measures

60. What steps have you taken to prevent similar problems in the future?

61. Have you implemented new verification procedures since discovering this problem?

62. Have you provided additional training to your assistant or other employees?

63. Have you revised your firm's policies regarding AI use or document review?

64. Have you notified your malpractice insurance carrier about this incident?

VII. Intent and Good Faith Questions

State of Mind

65. Did you intend to mislead the court with fabricated citations?

66. Did you believe the citations were authentic when the brief was filed?

67. Were you aware that AI tools could fabricate legal authorities when this brief was prepared?

68. Do you believe your conduct constituted good faith reliance on your assistant's work?

69. Would you have filed the brief if you had known the citations were fabricated?

Conscious Avoidance

70. Did you deliberately avoid verifying the citations to maintain plausible deniability?

71. Were there any "red flags" that should have alerted you to problems with the brief?

72. Did the citations seem too perfectly supportive of your arguments?

73. Did you notice any unusual formatting or content in the AI-generated material?

VIII. Impact and Harm Assessment

Judicial Resources

74. Do you understand how much time this court spent attempting to locate your fabricated citations?

75. Are you aware of the impact your misconduct had on the appellate process?

76. Do you understand how fabricated authorities undermine the integrity of legal proceedings?

Opposing Party Impact

77. What costs did your misconduct impose on opposing counsel?

78. Did opposing counsel have to expend resources researching your fabricated citations?

79. How did your misconduct affect the fairness of the adversarial process?

Client Impact

80. How has this misconduct affected your client's case?

81. Have you notified your client about the problems with their brief?

82. What remedial action have you taken to protect your client's interests?

IX. Mitigation and Personal Circumstances

Personal Factors

83. Were there any personal circumstances that contributed to inadequate supervision of this brief?

84. Were you dealing with any health issues, family emergencies, or other extraordinary circumstances during the preparation of this brief?

85. What was your caseload and stress level when this brief was being prepared?

86. Do you have any prior disciplinary history or sanctions for professional misconduct?

Professional Record

87. How long have you been practicing law?

88. What is your experience level in appellate practice?

89. Do you have any specialized training or certification in appellate advocacy?

90. Have you received any professional recognition or awards for your legal work?

Remedial Efforts

91. What continuing legal education have you completed since discovering this problem?

92. Have you sought any mentoring or consulting regarding AI use in legal practice?

93. What specific changes have you made to your practice to prevent future violations?

X. Financial and Billing Questions

Fee Issues

94. How much did you charge your client for preparing the appellant's brief?

95. What portion of that work was actually performed by AI rather than human legal analysis?

96. Do you believe it is appropriate to charge full attorney rates for AI-generated content?

97. Have you considered returning any fees to your client for this deficient work product?

98. How do you distinguish between legitimate AI assistance and AI-generated work product for billing purposes?

XI. Disclosure and Court Rules

Disclosure Obligations

99. Are you aware of any court rules in this jurisdiction requiring disclosure of AI use?

100. Do you believe attorneys should be required to disclose when AI tools are used in brief preparation?

101. Would disclosure of AI use have changed how you supervised the brief preparation?

102. Do you believe the court has a right to know when AI tools are used in legal filings?

XII. Future Practice and Deterrence

Future AI Use

103. Do you intend to continue using AI tools in your legal practice?

104. If so, what safeguards will you implement to prevent similar problems?

105. What verification procedures do you believe are necessary for responsible AI use?

106. How will you train and supervise employees who use AI tools?

Professional Development

107. What additional education or training do you believe you need regarding AI use in legal practice?

108. Are you willing to complete continuing legal education focused on technology competence and AI ethics?

109. Would you benefit from mentoring or oversight regarding AI use in your practice?

Deterrence Considerations

110. What sanction do you believe would be appropriate to deter similar conduct by other attorneys?

111. Do you believe monetary sanctions alone are sufficient, or are other remedial measures necessary?

112. What message should this court send to the legal community about AI-related misconduct?

113. How can the legal profession best adapt to AI technology while maintaining professional standards?

XIII. Systemic and Policy Questions

Professional Responsibility Evolution

114. Do you believe existing professional responsibility rules are adequate to address AI-related misconduct?

115. What guidance do you think bar associations should provide regarding AI use?

116. How should law schools prepare future attorneys for responsible AI use?

Court Administration

117. Do you believe courts should adopt specific rules governing AI disclosure and verification?

118. What role should courts play in educating attorneys about AI limitations?

119. How can the judicial system best adapt to the increasing use of AI in legal practice?

XIV. Final Assessment Questions

Understanding and Acceptance

120. Do you accept full responsibility for the misconduct that occurred in this case?

121.   Do you understand why your conduct violated professional responsibility standards?

122.   What would you do differently if faced with similar circumstances?

123.   Do you believe you can continue to practice law competently while using AI tools?

Commitment to Change

124.   What concrete steps will you take to ensure this type of misconduct never happens again?

125.   Are you willing to implement court-ordered safeguards or oversight of your AI use?

126.   How will you demonstrate to this court and the legal community that you understand the seriousness of this misconduct?

DISCIPLINARY
CASE UPDATE

Disciplinary Case Update 2024-2025

Disbarment Cases

> ➤ *Disciplinary Counsel v. Port*, 2024-Ohio-5566. Violations of Prof.Cond.R. 1.1, 1.5(a), 1.7(a)(2), 1.15(a), 1.16(e), 3.3(a)(1), 3.8(a), 8.4(c), 8.4(d), and 8.4(h)

While acting as the appointed administrator for an estate, Respondent wrote 15 checks and executed 18 wire transfers to himself, withdrew $40,000 in cash, and made multiple transfers to another estate. He later fabricated bank records to conceal his misappropriation. In another matter, as estate administrator, he hired a company owned by his wife to clean the estate's primary asset of real property. The property was later sold for $21,600 to another company formed by his wife and then sold by the company for $195,000 before a motion was made for the court to approve the appraisal and order the sale. Respondent was removed as administrator of the estate. In a different matter, Respondent was retained to locate and protect inheritances for a client's aunt. Respondent found $28,885.13 in inheritances and intended to put that money in a trust, but the aunt died before the trust was formed. Respondent used the money to pay funeral expenses, but falsely represented to the client and Relator the amount that he paid. Respondent kept the remaining balance of $437.88 after deducting $14,346 for billed legal work. In a fourth matter, Respondent was retained to create a Medicaid asset protection trust. A month passed without any progress and the client terminated the representation. Respondent did not refund any portion of the $9,400 fee.

> ➤ *Disciplinary Counsel v. Ranke*, 2024-Ohio-5491. Violations of Prof.Cond.R. 1.3, 1.4(a)(3), 1.4(a)(4), 1.15(c), 1.16(d), 1.16(e), 3.3(a)(1), 3.4(d), 8.4(c), 8.4(d), 8.1(a), and 8.1(b).

Respondent was appointed as appellate counsel to appeal the convictions of a client, failed to file a timely notice of appeal, and falsely represented to the client that an appeal had been filed. In another matter, Respondent was hired to handle a child custody matter and did not deposit cash payments from the client in her IOLTA. She performed no legal work and failed to respond to the client's inquiries about the status of the case. In a third matter, Respondent was retained to represent a client and her business in a civil lawsuit filed by three former employees seeking damages for unpaid wages. Respondent accepted attorney fees totaling $8,100 that were not deposited in an IOLTA. Respondent did not file a motion to dismiss or respond to discovery requests. Based on subsequent motions filed by the plaintiffs, the defendants and Respondent were ordered to pay sanctions and attorney fees. Respondent filed a late response to a motion for summary judgment and the plaintiffs were awarded $268,802.72 in damages in addition to attorney fees and costs. Respondent did not inform her clients of the

judgment or the award of attorney fees and costs. A malpractice action was successfully pursued against Respondent by her client. It was determined by the hearing panel that Respondent had lied to the trial court about an affidavit that she claimed had been filed. In a final matter, Respondent nor her client appeared at a divorce trial, having falsely told her client that the trial had been "kicked." The client later learned that a judgment entry of divorce had been filed when she received a letter from her husband's lawyer with a quitclaim deed that had been filed pursuant to the court's entry.

Solicitation / Inappropriate Sexual Relationships

➢ *Disciplinary Counsel v. Dugan*, 2024-Ohio-5118. One-year, stayed suspension. Violation of Prof.Cond.R. 1.8(j).

Respondent agreed to represent a pro bono client in her pending divorce. After discussing details about a hearing to obtain a protection order, Respondent sent the client a series of lewd messages, told her about his sexual preferences, and asked her what sexual positions she preferred. Respondent admitted that he sent the messages and later sent other messages soliciting a sexual relationship with the client. Over the following weeks, he continued to solicit sexual activity including an offer to give the client a chest massage. He repeatedly called her "baby" and suggested she come to his residence. The client accused Respondent of ignoring her because she had rejected his sexual advances. The client filed a grievance alleging Respondent had made sexual advances, tried to sexually assault her, and consistently berated and swore at her. In response to Relator's letter of inquiry, Respondent denied an attempt to commit sexual assault but admitted to engaging in "sexual wordplay" with the client. Chief Justice Kennedy concurred in part and dissented in part and would have imposed a one-year suspension, with six months stayed in accordance with *Disciplinary Counsel v. Bunstine*.

➢ *Disciplinary Counsel v. Black*, 2025-Ohio-1790. Two-year suspension, six months stayed. Violation of Prof.Cond.R. 8.4(h).

Respondent engaged in inappropriate sexual conduct with employees while serving as a county prosecutor. He created an unprofessional work environment with inappropriate language and behavior including frequent screaming outbursts and refusing to speak with certain staff members. One employee, if called, would have testified that Respondent generally disparaged and exploited employees. Text messages between Respondent and employees consistently contained inappropriate comments and sexual innuendo. The parties stipulated that one employee would have testified that Respondent continued to pressure her into engaging in additional sexual activity after an initial sexual contact. The employee and a former employee filed a

lawsuit against Respondent for harassment that was later settled out of court and dismissed. Respondent resigned from his position as prosecutor prior to hearing.

Criminal Conduct

➤ *Disciplinary Counsel v. McClain*, 2024-Ohio-5197. Two-year suspension. Violation of Prof.Cond.R. 8.4(h).

Respondent, his girlfriend, and a group of female friends were at a bar where he became intoxicated, aggravated, and belligerent. When the group decided to leave the bar, Respondent walked off from the group. When approached by two members of the group to convince him to leave with them, Respondent assaulted one of them and attempted to kick the other. The rest of the group left the bar without Respondent. The women returned to Respondent's home and removed guns that he kept in the house. Respondent returned home, became enraged, smashed a bottle, and threw miscellaneous items around the house. A melee ensued and one of the women grabbed a knife and stabbed Respondent. The women left the house and were pursued by Respondent with a gun. When he caught his girlfriend and another woman, he pointed the gun at them and held them at point-blank range. When he attempted to grab and kick the women, he lost his footing, fell, fired one shot into the air, and eventually returned home. A SWAT team was summoned and Respondent held himself in his home for several hours until gas canisters were thrown through the windows of his home. Respondent was later charged and pleaded guilty to several felony and misdemeanor counts including aggravated assault, domestic violence, and inducing panic. He was placed on three years of community control and ordered to not contact the women, other than his girlfriend.

➤ *Disciplinary Counsel v. Haven*, 2024-Ohio-5278. One-year suspension. Violations of Prof.Cond.R. 8.4(d) and 8.4(h).

Local police received a tip that Respondent was armed and suicidal. When contacted, Respondent indicated that he had a gun with bullets in the chamber and that he would not allow police into his home. Respondent eventually calmed down when police reached his home. Later, police learned that Respondent was driving to West Point Military Academy, possibly to commit suicide, and police issued a law-enforcement bulletin that he was armed and intoxicated. Respondent voluntarily turned around and began to drive home after talking to his brother by phone. Law enforcement intercepted Respondent and ordered him to get out of his vehicle, which he refused to do for 24 minutes while informing them that he had a loaded firearm and should shoot him. He was later taken into custody and transported to a hospital for an emergency mental-

health violation. He was indicted for improperly handing a firearm in a motor vehicle and an OVI. He pleaded guilty to both charges and received intervention in lieu of conviction in the improper-handling case and sentenced to three days of incarceration or a 72-hour driver-intervention program and 12 months of community control. In another matter, Respondent's wife filed a petition for divorce. Respondent became highly agitated during a hearing before a magistrate that was suspended due to concerns Respondent was incompetent to proceed or could have a mental-health crisis if the hearing continued. Respondent had several irrational and irrelevant outbursts during the disciplinary hearing,

> ➤ *[Disciplinary Counsel v. Hartley](...)*, 2024-Ohio-5232. Indefinite suspension.
>   Violations of Prof.Cond.R. 8.4(b) and 8.4(h).

Respondent contacted the mother of a former client, L.T., and asked her to come to his home. She refused, but he later arrived at her home at her invitation visibly intoxicated. Respondent then made several inappropriate and sexually charged comments about L.T.'s 13-year-old daughter. She asked him to leave, but he refused, leading to a physical struggle when L.T. attempted to call 9-1-1. Respondent was ultimately found guilty of disorderly conduct. Respondent later had a physical altercation with his wife and was found guilty of disorderly conduct. Charges were also brought against Respondent for domestic violence and child endangering related to an October 2002 incident when he grabbed his 8-year-old daughter by the neck, leaving her unable to breathe, to which Respondent pleaded no contest to an amended charge of disorderly conduct. Respondent was also found guilty of telecommunication-harassment counts related to Facebook posts concerning his wife and pleaded guilty to menacing for making public threats on Facebook against the lawyer representing the mother of his daughters. The threats followed the filing of a motion filed by the lawyer in a custody matter indicating that Respondent was making threats of violence toward the children's mother and stepfather. In the lawyer's police report, she indicated that she believed that Respondent posed a "legitimate threat to her personal safety." During the disciplinary hearing, Respondent offered alternative explanations for the charges filed against him and placed blame for his convictions on the victims of his acts, the court, or his counsel. The panel found Respondent an "arrogant, trying, taxing, and exasperating" witness. He replied to a question from his own counsel with the observation that "[t]he law is lesser because I'm not a part of it now."

DISCIPLINARY
PROCESS OVERVIEW
(Optional)

Ohio Board of Professional Conduct

Disciplinary Case Statistics
2022-2024

Supreme Court Decisions

(excluding defaults and reinstatements)

2022	2023	2024
31	22	44

Sanction Imposed

(excluding defaults)

	2022	2023	2024
Public reprimand	2	3	5
Term suspension	21	16	28
Indefinite suspension	6	3	6
Disbarment	0	0	5
Dismissal	2	0	0

Court Action on Board-Recommended Sanction

	2022	2023	2024
Imposed recommended sanction	26 (84%)	18 (82%)	37 (84%)
Modified recommended sanction	5 (16%)	4 (18%)	7 (16%)
· Increased	2	2	3
· Decreased	3	2	3

Court Action on Consent to Discipline Cases

(cases in which the Board recommended acceptance)

	2022	2023	2024
Accept with public reprimand	0	3	3
Accept with term suspension	4	1	3
Rejected and remanded	0	0	0

Default Cases

	2022	2023	2024
Total defaults certified to SCO	9	6	1
Interim suspension imposed	9	4	0
Indefinite suspension imposed	6	0	4

Disciplinary Case Statistics
2022-2024

Respondent with Prior Discipline

(includes discipline for misconduct and suspensions for non-compliance with CLE or attorney registration requirements.)

	2022	2023	2024
	6 (19%)	4 (18%)	14 (32%)

License Reinstatements

	2022	2023	2024
Upon application	13	9	8*
Upon petition:			
· Granted	1	2	2
· Denied	2	0	0
· Withdrawn	1	0	0

*One application for reinstatement was denied.

Judicial Misconduct Cases (Board Dispositions)

(includes all cases involving violations of the Code of Judicial Conduct when the respondent was a judicial officer or candidate at the time the misconduct occurred.)

	2022	2023	2024*
Total	4	5	4
Rule V cases	3	3	3
Judicial campaign misconduct (expedited)	1	2	1
Dismissals	1	1	0

* One additional case was dismissed due to the respondent's resignation with discipilne pending.
   Five judicial misconduct cases were pending before the Board as of 12/31/2024.

Miscellaneous Disciplinary Dispositions

	2022	2023	2024
Resignations with discipline pending accepted	9	9	11
Resignations with discipline pending denied	0	0	0
Interim remedial suspension imposed	3	2	2
Child support default suspension imposed	0	0	1
Interim felony suspension imposed	8	12	1
Impairment suspension imposed	0	2	1
Reciprocal discipline imposed	2	2	5

Ohio Board of Professional Conduct

Disciplinary Case Statistics
2022-2024

Top Five Disciplinary Offenses of 2024

(based on total number of grievances opened for investigation
and primary misconduct alleged)

	2024
1. Neglect/failure to protect client's interest	21%
2. Judicial misconduct	8%
3. Excessive fee	7%
4. Misrepresentation/False Statement	6%
5. Trial misconduct/IOLTA (tie)	4%

	2022	2023	2024
Active Registered Attorneys	44,399	43,246	44,226
Awards to Victims of Lawyers by Lawyers' Fund for Client Protection	$998,363	$749,942	$744,986

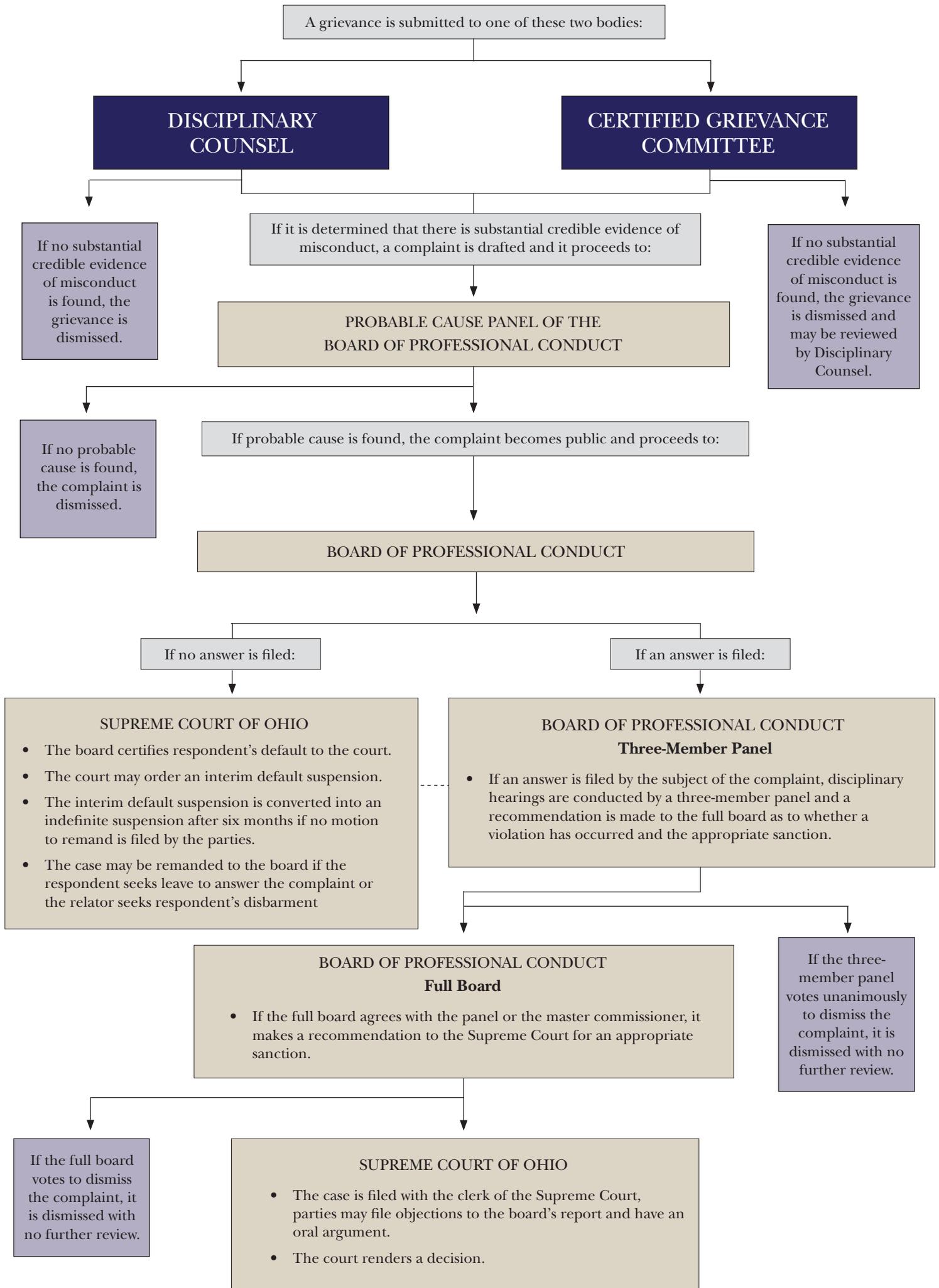|	2022**	2023***	2024
Total Grievances Filed	**3,697**	**4,151**	**4,052**
Disciplinary Counsel (ODC)	2,719 (74%)	3,114 (75%)	3092 (76%)
Certified Grievance Committees (CGC)	978 (25%)	1,037 (25%)	960 (24%)
Total Dismissals on Intake*	**668**	**646**	**678**
Dismissed after initial review by ODC	285 (8%)	312 (8%)	354 (9%)
Dismissed after initial review by CGC	383 (10%)	334 (8%)	324 (8%)
Total Grievances Investigated*	**3,029**	**3,505**	**3,374**
Opened for Investigation by ODC	2,434 (66%)	2,802 (68%)	2738 (68%)
Opened for Investigation by CGC	595 (16%)	703 (17%)	636 (16%)
New complaints filed with the Board	**45**	**45**	**45**

* Percentages based on total grievances

** 2022 totals do not reflect missing quarterly reports from Miami and Portage grievance committees.

*** 2023 totals do not reflect missting reports from Portage grievance committee.

DISCIPLINARY PROCESS

A grievance against a judge or attorney may be submitted to the Disciplinary Counsel or a certified grievance committee of a local bar association. If either of those bodies determines that substantial credible evidence of professional misconduct exists, a formal complaint is drafted. It then moves to a probable cause panel of the Board of Professional Conduct, which determines if there is probable cause. If the panel determines that there is probable cause, the formal complaint becomes public and is filed with the Board of Professional Conduct. Hearings are then conducted by the board and if it finds a violation, a recommendation is made to the Supreme Court of Ohio. The Supreme Court of Ohio makes the final decision as to findings of misconduct, and issues an appropriate sanction.

A grievance is submitted to one of these two bodies:

DISCIPLINARY COUNSEL

CERTIFIED GRIEVANCE COMMITTEE

If no substantial credible evidence of misconduct is found, the grievance is dismissed.

If it is determined that there is substantial credible evidence of misconduct, a complaint is drafted and it proceeds to:

If no substantial credible evidence of misconduct is found, the grievance is dismissed and may be reviewed by Disciplinary Counsel.

PROBABLE CAUSE PANEL OF THE BOARD OF PROFESSIONAL CONDUCT

If no probable cause is found, the complaint is dismissed.

If probable cause is found, the complaint becomes public and proceeds to:

BOARD OF PROFESSIONAL CONDUCT

If no answer is filed:

If an answer is filed:

SUPREME COURT OF OHIO
- The board certifies respondent's default to the court.
- The court may order an interim default suspension.
- The interim default suspension is converted into an indefinite suspension after six months if no motion to remand is filed by the parties.
- The case may be remanded to the board if the respondent seeks leave to answer the complaint or the relator seeks respondent's disbarment

BOARD OF PROFESSIONAL CONDUCT
Three-Member Panel
- If an answer is filed by the subject of the complaint, disciplinary hearings are conducted by a three-member panel and a recommendation is made to the full board as to whether a violation has occurred and the appropriate sanction.

BOARD OF PROFESSIONAL CONDUCT
Full Board
- If the full board agrees with the panel or the master commissioner, it makes a recommendation to the Supreme Court for an appropriate sanction.

If the three-member panel votes unanimously to dismiss the complaint, it is dismissed with no further review.

If the full board votes to dismiss the complaint, it is dismissed with no further review.

SUPREME COURT OF OHIO
- The case is filed with the clerk of the Supreme Court, parties may file objections to the board's report and have an oral argument.
- The court renders a decision.

DISCIPLINARY PROCESS OVERVIEW

2025 MILLER-BECKER SEMINAR
AKRON, OH

Elizabeth T. Smith
Director
Board of Professional Conduct

Joseph M. Caligiuri
Disciplinary Counsel

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GOV. BAR R. V

Three-tier Process

➢**Investigation**—Office of Disciplinary Counsel (ODC) or certified grievance committees (CGCs) investigate grievances

➢**Adjudication**—The Board of Professional Conduct (BPC) hears all disciplinary cases

➢**Review and imposition of discipline**—The Supreme Court decides all discipline cases
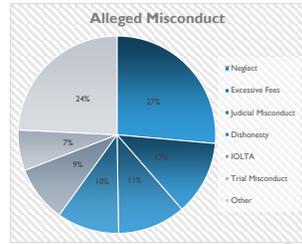
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2024 STATISTICS

➢4,052 grievances filed; 76% with ODC, 24% with CGCs

➢59% of all ODC grievances dismissed on intake (DOI)

➢80% of investigations conducted by ODC, 20% by CGCs

➢45 formal complaints filed with the Board (pre-Covid average—65-70/year)

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TYPES OF MISCONDUCT ALLEGED (ODC)

➤Neglect and failure to communicate dominate

➤Judicial grievances rising consistently
  ➤ Includes grievances against magistrates

➤Banks are required to notify ODC of an IOLTA overdraft

Alleged Misconduct

- Neglect — 27%
- Excessive Fees
- Judicial Misconduct
- Dishonesty
- IOLTA
- Trial Misconduct
- Other

24% 7% 9% 10% 11% 12%

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THE GRIEVANCE PROCESS

File a grievance

Intake review

DOI or Investigate

Dismiss or Formal Complaint

GRIEVANCE PROCEDURE

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LETTER OF INQUIRY

➤ODC sends all communications via email except inmate mail

➤The LOI includes a copy of the grievance

➤Written response within 2 weeks (may extend)

➤Failure to respond—not a good idea

➤Duty to cooperate

LOI

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INVESTIGATION

➤Response from the attorney or judge
  ➤Only ODC & OSBA may investigate judicial officials
➤Rebuttal unless respondent requests otherwise
➤ODC investigators available to assist CGCs
➤Subpoena power
➤Witness interviews and depositions
➤Investigations must be completed within 270 days
➤Avoid conflicts based on relationships between
CGC members and respondents

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POST-INVESTIGATION

DISMISSAL	FORMAL COMPLAINT

➤Must advise grievant of the dismissal in writing
 	
➤Grievant has 14 days to appeal CGC dismissal to ODC
  ➤*Rule proposal*: reciprocal appeals
	➤Notice of intent (NOI)
	➤Response from attorney or judge
	➤File with Board:
	➤Complaint
	➤Response to NOI, if any
	➤Summary of investigation
	  ➤Supporting documentation
	➤Waiver of probable cause, if any

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PROBABLE CAUSE

➤Two, three-member panels, with alternates
➤One panel meets each month
➤Review materials submitted by relator
➤Standard—substantial, credible evidence
➤Options—certify, dismiss, certify in part/dismiss in part
➤Appeal from dismissal to full board

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CERTIFICATION OF COMPLAINT

➢If probable cause is found:
  ➢Complaint is certified to Board and served on respondent
  ➢Respondent has 20 days to answer
  ➢Default proceedings, if no answer

➢Complaint is public once certified—online docket

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BOARD PROCEEDINGS

➢Answer filed—case assigned to 3-commissioner panel
➢Prehearing telephone conference with parties
➢Time guidelines for Board proceedings:
  ➢20 days—initial prehearing conference
  ➢150 days—hearing scheduled
  ➢40 days—after submission of case to panel, report prepared for submission to full Board

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BOARD PROCEEDINGS

➢Amended complaint—motion for leave to amend (absent respondent's consent); no separate probable cause determination

➢Stipulations—strongly encouraged, especially as to facts and exhibits

➢Consent to discipline
  ➢ Paper process with an up or down vote at panel, board, and court
  ➢ 90 days from the date of hearing panel appointment

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DEFAULT PROCEEDINGS

➤If the respondent fails to answer the formal complaint:
  ➤Board certifies respondent's default to Supreme Court
  ➤Court issues a show cause order
  ➤No reply, interim default suspension imposed
  ➤Relator or respondent can seek remand to Board
  ➤If no remand, second show cause order issued 90 days after interim default suspension is imposed
  ➤No reply, indefinite suspension
  ➤Relator or respondent can seek remand

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HEARING PROCEDURES

FORMAL HEARING	PRIMARY ISSUES
➤Rules of Evidence and Civil Rules apply	Facts
➤Relator—BOP by clear and convincing evidence	Rule violations
➤CGCs—bar counsel responsible for serving as lead counsel and litigating case to the panel	Aggravating & Mitigating factors
➤ Rule proposal: Volunteers may litigate case	Sanction

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PANEL AND BOARD

➤Panel may question the respondent
➤Panel findings/dismissals
➤Panel prepares written report to full Board
➤Full Board deliberates and votes
➤Approve/modify findings of fact, conclusions of law, aggravating/mitigating factors, and recommended sanction

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SUPREME COURT OF OHIO

- Board report and record filed with Supreme Court
- Court issues show cause order (except consent to discipline); parties have 20 days to object
- No objections—Court considers the Board's report and record
- Objections—oral argument (except reinstatement)
- Supreme Court is not bound by the parties' or the Board's recommendation, even if no objections

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WHAT INFLUENCES THE SANCTION?

AGGRAVATING FACTORS	MITIGATING FACTORS
➢Prior discipline (what is or is not?)	➢No prior discipline
➢Dishonest or selfish motive	➢Absence of a dishonest or selfish motive
➢Pattern of misconduct	➢Full and free disclosure
➢Noncooperation	➢Acknowledgment of wrongdoing
➢Failure to make restitution	➢Character and reputation
➢Failure to acknowledge wrongdoing	➢Timely restitution

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WHAT INFLUENCES THE SANCTION?

Mitigating Factor: Disorder

- Four requirements for a disorder to be considered in mitigation:
  - *Diagnosis* by a qualified health care professional
  - *Causation*—disorder caused or contributed to misconduct
  - *Treatment/counseling*—sustained period of successful treatment (mental disorder) or completion of approved treatment program (substance use disorder)
  - *Prognosis*—opinion that the respondent can engage in competent, ethical, and professional practice of law

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DISPOSITION TIMES

➢ODC & CGCs: 1 year to investigate
  ➢ After one year, prima facie evidence of undue delay

➢Board: 8 months from filing to disposition; 6 months or less if consent-to-discipline

➢Supreme Court: 8-10 months, less if consent to discipline or no objections

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QUESTIONS

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Ohio Board of Professional Conduct

PATRICK M. MCLAUGHLIN
CHAIR
TERI R. DANIEL
VICE- CHAIR

ELIZABETH T. SMITH
DIRECTOR
D. ALLAN ASBURY
SENIOR COUNSEL

Timeline for a Grievance

Grievance Filed	Day 1
Investigation Completed	No later than 270 Days (in exceptional circumstances an extension may be granted but for no longer than one year after investigation after grievance filed) (Gov. Bar R. V. (9)(D))
Decision Made by ODC or Grievance Committee Whether to Dismiss or Proceed	30 Days (Gov. Bar R. V. (9)(D))
Written Notice to Respondent of Intent to File or to Dismiss	No time limit but asap is recommended
Response to Written Notice of Intent to File	14 Days (Gov. Bar R. V. (10) (A) and (C))
Appeal by Grievant of Dismissal to ODC or Other Grievance Committee	14 Days (Gov. Bar R. V. (10) (D))
Decision on Appeal by ODC or Other Grievance Committee-Abuse of Discretion Standard	30 days (Gov. Bar R. V. (10) (D))
Complaint Prepared and Materials Separately Provided to Demonstrate Probable Cause	No time limit but asap is recommended (Gov. Bar R. V. (10) (F))
Probable Cause Panel Reviews Per Schedule Set in January of Each Year	(Gov. Bar R. V. (11)(A))
Probable Cause Determination by Probable Cause Panel of Three	No time limit but asap is recommended (Gov. Bar R. V. (11)(A))
If Probable Cause Not Found, CDC or Grievance Committee May Appeal to Board	7 Days (Gov. Bar R. V. (11)(D))

If Board Independently Finds No Probable Cause, No Appeal	**(Gov. Bar R. V. (11)(D))**
If Probable Cause is Found by the Panel or by the Board, Complaint is Certified by the Board and then Filed by the Relator	**(Gov. Bar R. V. (11)(C)) and (D)**
Respondent Answers Complaint	**20 days from date of filing of complaint (Gov. Bar R. V. (12)(D))**
Hearing Panel is Appointed	**After time for answer has passed (Gov. Bar R. V. (12)(C))**
Pre-Hearing Conference Held	**40 days after answer is filed (BPC Reg. 8(A))**
Pre-Hearing Scheduling Order	**(BPC Reg. 8(B))**
• **Exchange and file witness lists**	**56 days prior to hearing date**
• **Completion of depositions and other discovery**	**28 days prior to hearing date**
• **Exchange proposed exhibit lists and exhibits**	**21 days prior to hearing date**
• **Objections to Proposed exhibits**	**14 days prior to hearing date**
• **Response to Objections to proposed exhibits**	**7 days prior to hearing date**
• **File hearing exhibits, witness lists, and stipulations**	**7 days prior to hearing date**
HEARING	**No more than 150 days following the appointment of the panel (BPC Reg. 8(B))**
Panel Report Submitted to Director for Consideration at Next Scheduled Board Meeting	**Within 40 days of the filing of the hearing transcript (BPC Reg. 8(D))**
Board Approved Recommendation Filed with the Ohio Supreme Court	**ASAP after Board Approves Panel Recommendation at a Regularly Scheduled Board Meeting**

PRESENTERS' BIOS

PRESENTERS' BIOGRAPHICAL INFORMATION

D. ALLAN ASBURY joined the Ohio Board of Professional Conduct in 2014 and currently serves as Deputy Director / Senior Counsel. Before joining the Board, Allan served as Administrative Counsel for the Supreme Court and Secretary of the Board on the Unauthorized Practice of Law. His primary duties for the Board include researching and drafting advisory opinions, supporting Board hearing panels, providing ethics guidance to Ohio lawyers, judges, and judicial candidates, and assisting in the Board's ethics outreach and education efforts. Allan received his undergraduate and law degrees from Capital University. He began his practice of law as in-house counsel for a regional transit authority where he had primary responsibility for personal injury defense, labor, and employment matters. He is admitted to practice in Ohio, United States District Court for the Southern District of Ohio, and the U.S. Supreme Court. Allan is a Certified Court Manager through a certification program of the National Center for State Courts. He frequently delivers presentations to Ohio lawyers and judges on ethics and artificial intelligence and is currently a member of a Sedona Conference drafting team on artificial intelligence and the law.

JOSEPH M. CALIGIURI is Disciplinary Counsel in the Office of Disciplinary Counsel, where he has worked since 2002. He is responsible for investigating and prosecuting lawyers and judges accused of ethical misconduct. Joe is a frequent lecturer for the Ohio Judicial College, Ohio State Bar Association, and the Association of Judicial Disciplinary Counsel, where he recently completed a three-year term as President. Joe also teaches Professional Responsibility at The Ohio State University's Moritz College of Law. Joe was a former prosecutor in Buffalo, NY, and is a graduate of New England Law and the Clemson University MBA Program.

AMY BETH CYPHERT is an Associate Professor at the West Virginia University College of Law. A Morgantown native, she graduated from Carnegie Mellon University in 2001 as a Truman Scholar and earned her law degree *cum laude* from Harvard Law School in 2005. Following law school, Cyphert clerked for the Honorable Laura Taylor Swain in the Southern District of New York. She then worked as a senior litigation associate at WilmerHale in New York City, focusing on complex commercial litigation and First Amendment pro bono matters. At WVU, she developed and teaches courses on Artificial Intelligence and the Law, including a course on Regulating AI. Her recent research explores the impact of generative artificial intelligence on the legal profession, copyright law, and broader regulatory challenges. She has also written extensively about algorithmic decision-making in the criminal justice system. In 2021, she received the Privacy Papers for Policymakers Award from the Future of Privacy Forum for her scholarship on machine-learning algorithms and online surveillance.

SUSAN HARD has been a staff attorney with the Office of Disciplinary Counsel since December 2024. Before joining the Office of Disciplinary Counsel, Susan practiced family law and civil litigation for seven years, primarily in the juvenile courts and the common pleas civil courts. Her interest in technology began when she attended The Ohio State University's Moritz College of Law, where she focused her studies in intellectual property.

As AI's use within the legal profession becomes increasingly relevant, Susan hopes she can educate lawyers and judges in their journey to better understand this technology and its ethical implications.

MAIA JERIN is a Partner and Chief Compliance Officer at Gallagher Sharp LLP. She represents clients in complex commercial litigation and professional liability disputes, with a particular emphasis on legal malpractice and real estate professional liability. She is actively involved in the firm's attorney discipline practice and has defended real estate professionals before local realtor associations and the Ohio Division of Real Estate and Professional Licensing. As an experienced appellate attorney, Maia has argued appeals before state and federal courts on a wide range of business and professional liability matters. She has extensive experience in the discovery of electronically stored information (ESI) under the Federal and Ohio Rules of Civil Procedure, including protections of privilege and work product, and the preservation of data and metadata in connection with established ESI protocols. Maia is a graduate of Cleveland State University College of Law and John Carroll University. She is an Ohio Super Lawyers Rising Star for Professional Liability Defense and a member of FDCC Ladder Down Cleveland, Judge John M. Manos American Inn of Court, and the American, Ohio State, and Cleveland Bar Associations including the CMBA Leadership Academy. Prior to her legal career, Maia was a real estate sales and marketing executive.

MATT KANAI is an Assistant Disciplinary Counsel with the Office of Disciplinary Counsel. Prior to joining ODC, Matt worked at the Columbus City Attorney's Office, the Ohio Attorney General's Office, and Peoples Bank. He was appointed a U.S. Supreme Court Fellow for the National Association of Attorneys General and taught Appellate Advocacy at OSU. He has practiced extensively at the Ohio Court of Appeals and Supreme Court, the U.S. Sixth Circuit Court of Appeals, and the U.S. Supreme Court.

HON. JUDGE EUGENE A. LUCCI serves as Administrative Judge of the Ohio Eleventh District Court of Appeals, where he has presided since February 2023. His distinguished career spans over four decades across multiple facets of the justice system, combining judicial expertise, law enforcement experience, and cutting-edge technological knowledge. Judge Lucci served 22 years on the Lake County Common Pleas Court, serving as its presiding and administrative judge for eight years. Lucci took on significant administrative responsibilities, serving as chair of technology, security, local rules, magistrates, and special projects of the court. He was particularly involved in court technology and security initiatives, serving both as technology chair and security chair, for the last 19 years on the court. Prior to his judicial career, he practiced law from 1980 to 2000 as founding partner of McNamara, Lucci, Hanrahan & Loxterman, and served 13 years as a police officer and detective with multiple Ohio law enforcement agencies. Judge Lucci holds a B.A. from Case Western Reserve University (1975), J.D. from Cleveland-Marshall College of Law (1980), and Master of Judicial Studies from the University of Nevada, Reno (2012). He is admitted to practice in Ohio, Florida, federal courts, and the U.S. Supreme Court. His specialized training includes certification from the National Judicial College and designation as an Inaugural Fellow of the Advanced Science & Technology Adjudication Resource (ASTAR) Program.

ELIZABETH T. SMITH serves as Director of the Board of Professional Conduct for the Supreme Court of Ohio. Prior to her appointment, Smith was a partner with the law firm of Vorys, Sater, Seymour and Pease. As a trial attorney and litigator for 40 years, she has broad experience in the courtroom and before government agencies, including the Auditor of the State of Ohio, Ohio Departments of Education and Commerce, Ohio Ethics Commission, and the U.S. Department of Justice. Elizabeth also served as chief counsel to Ohio Attorney General Jim Petro. She has served on the Columbus Bar Association Professional Ethics Committee and the Supreme Court Board on the Unauthorized Practice of Law and is a graduate of Heidelberg University and The Ohio State University Moritz College of Law.

JAY WAMPLER grew up in Granville, Ohio, and graduated from Miami University. Before his legal career, he worked in the financial services industry for multiple Fortune 500 banks and coached high school basketball. He started his legal career as a law clerk to Judge Michael Barrett in the U.S. District Court for the Southern District of Ohio and then as a staff attorney to Judge Robert Ruhlman in the Hamilton County Court of Common Pleas. Jay was then hired as an assistant prosecuting attorney in Hamilton County, where he served as a trial prosecutor in the Civil, Criminal, and Appellate divisions and was co-chief of the Ethics division. At the same time, he was also the managing attorney of Wampler Law Firm, which focused on business litigation and adoption law. Prior to joining the Office of Disciplinary Counsel, Jay served as a senior hearing officer/administrative law judge at the Ohio Board of Tax Appeals. Jay, his wife, and three children live in West Chester, Ohio.

LISA M. ZARING is a partner with the Cincinnati Office of Montgomery Jonson LLP. She devotes her practice to representing professionals in a variety of legal and disciplinary matters. Lisa regularly advises judges and lawyers on ethics matters and defends judges and lawyers in cases before the Supreme Court of Ohio's Board of Professional Conduct. She has advocated for law students and out-of-state attorneys seeking admission to the state bar in proceedings before the Board of Commissioners on Character and Fitness. She has also guided a number of professionals charged with unauthorized practice of law, including real estate agents, accountants, debt collectors, and interpreters, through proceedings before the Board on the Unauthorized Practice of Law. Lisa regularly teaches continuing education courses and leads ethics seminars for judges and lawyers throughout Ohio.

HEATHER M. ZIRKE is the Director of the Joseph G. Miller and William C. Becker Center for Professional Responsibility of the University of Akron School of Law and Assistant Professor. Prior to joining Akron Law, she served as General Counsel and Bar Counsel for the Cleveland Metropolitan Bar Association. Heather is a graduate of Cleveland State University College of Law and Baldwin Wallace University.