

The New Ethics Rulebook: Conflicts, Compliance & Civility

Hon. David Rosen (Ret.), Hon Vedica Puri (Ret.),
Michael Nebenzahl, Esq., James Lance, Esq.

ADR Services, Inc. MCLE Day 2, March 4 2026

2 Hours Legal Ethics MCLE Credit

What We Will Cover

- 1 The Ethics Landscape in 2026
- 2 The Snitch Rule
- 3 Civility as an Ethical Obligation
- 4 CTAPP & New Compliance Requirements
- 5 Conflicts of Interest
- 6 Ethics & AI
- 7 Mandatory Pro-Bono Reporting
- 8 Mandatory Pro-Bono Reporting
- 9 Best Practices

The Ethics Landscape in 2026

Ethics Landscape in 2026

- Rapid changes in technology and practice models
- Post-pandemic professional norms evolving
- Increased regulatory scrutiny
- Greater public expectations



Post-Pandemic Practice Shifts

- Reduced courtroom experience for newer lawyers
- Remote advocacy norms
- Communication challenges
- Impact on professionalism

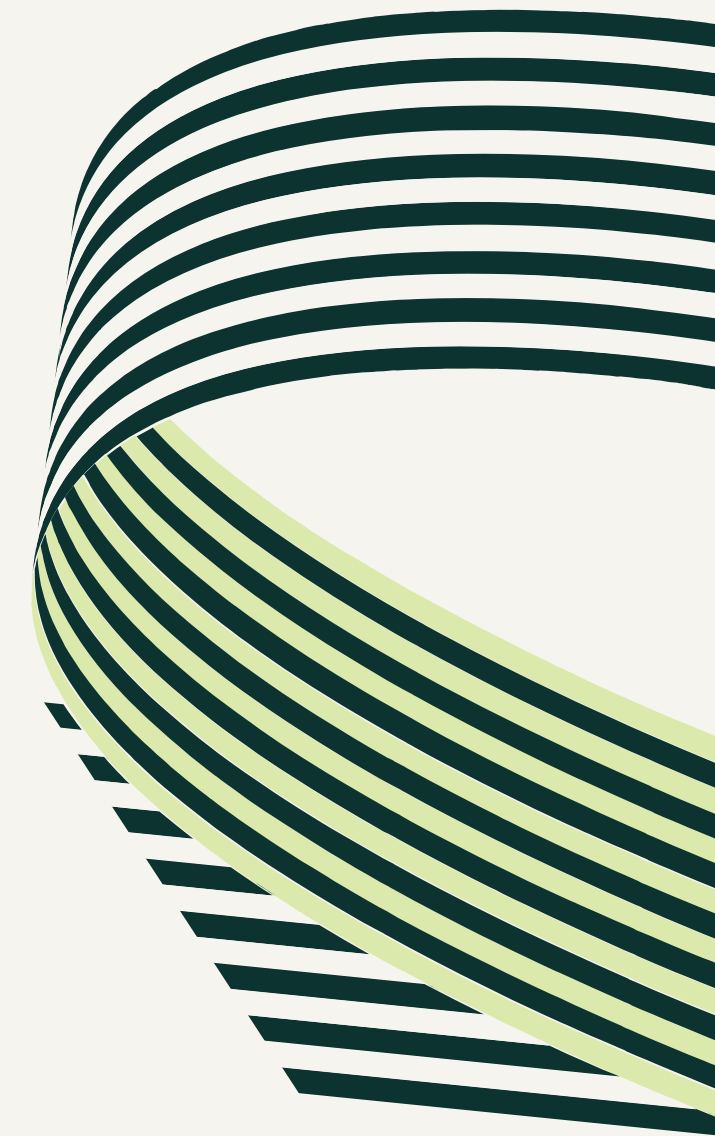
Generational and Technological Changes

- Divergent expectations and socialization between newer and veteran lawyers.
- How do these differences show up in discovery, emails, negotiation, and ADR?
- Training gaps

Business v Profession Tension

Competing Interests?

- Case Intake Practices
 - AI Recording of Attorney [Disclaimer]
 - AI Vendor
 - Collects Med Records, Police Report, Interacts with Insurer
 - Prepares Report – Different Color Flags
 - Off-Shore Paralegals
 - 2 attorneys – 300 cases
- Non-Attorney Referral Companies
 - Select 1 law firm in geographic area
 - Send similar report
 - Law firm signs fee agreement – pay fee to referral company
 - If withdraw in __ days or less, refunded ~75% of referral payment
- Contingent Fee Court Reporters



California's "Snitch Rule"

CRPC 8.3; ABA MRPC 8.3; California Business and Professions
Code Sections 6068(b), (d), (e)(2) (i) and (o)

CRPC 8.3

A California lawyer must “inform the State Bar, or a tribunal with jurisdiction to investigate or act upon [the] misconduct” whenever the lawyer knows of “credible evidence” that another lawyer has either “committed a criminal act” or has engaged in “conduct involving dishonesty, fraud, deceit, or reckless or intentional misrepresentation or misappropriation of funds or property,” and the conduct or act “raises a substantial question as to the layers of honesty, trustworthiness, or fitness as a lawyer in other respects.” (emphasis added)

Comment One to CRPC 8.3 notes that, of course, “[t]his rule does not abrogate a lawyer’s obligations to report the lawyer’s own misconduct as required by these rules or the State Bar Act. [citations]”



Note How CRPC 8.3 Differs from the Model Rule

The ABA's Model Rule of Professional Responsibility, rule 8.3, on the other hand, requires far more broadly that “[a] lawyer who knows that another lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer’s honesty, trustworthiness or fitness as a lawyer in other respects, shall inform the appropriate professional authority.” (emphasis added)

Judicial Reporting Requirements

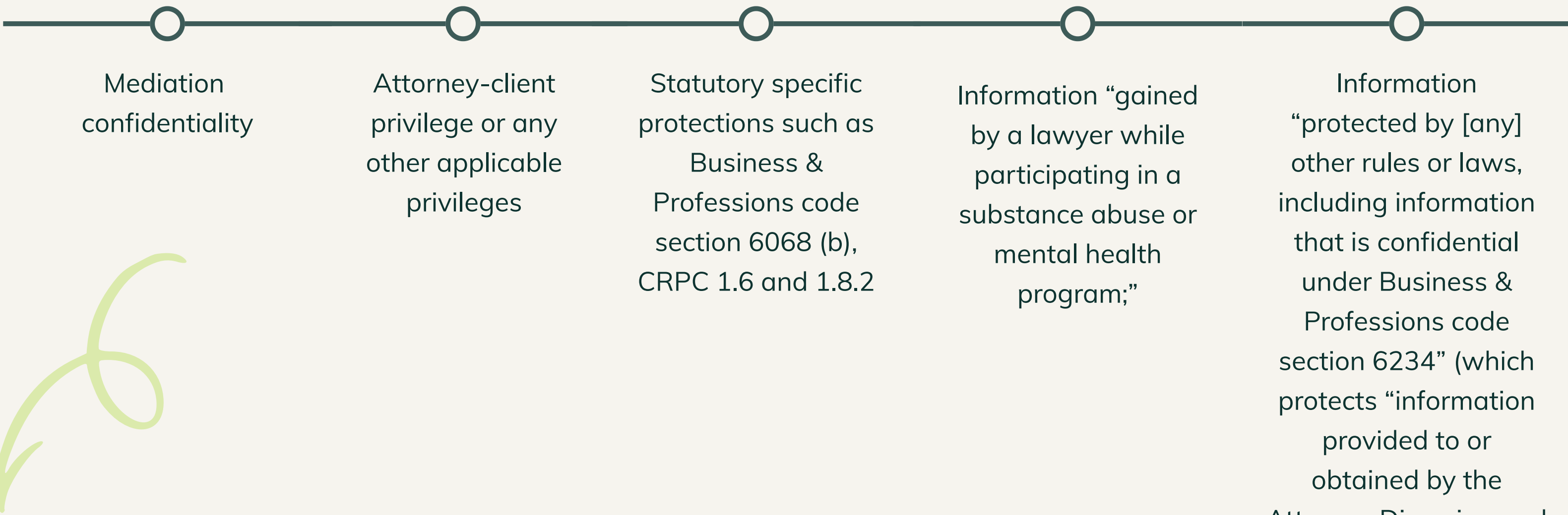
A judge is required under Business & Professions code section 6086.7, upon initial issuing an order, such as sanctions above a certain amount, that triggers notification requirements, for notifying the State Bar of the order. CRPC 10.609.



Does CRPC 8.3 affect such judicial reporting to the State Bar?

D.U. by and through Uccello v. 5 Unknown Named Deputy Marshals of U.S. Marshals' Service (9/19/24-CD CA) 2024 WL 4241614.

Exceptions to CRPC 8.3 – CRPC 8.3(d)



Mediation confidentiality

Attorney-client privilege or any other applicable privileges

Statutory specific protections such as Business & Professions code section 6068 (b), CRPC 1.6 and 1.8.2

Information “gained by a lawyer while participating in a substance abuse or mental health program;”

Information “protected by [any] other rules or laws, including information that is confidential under Business & Professions code section 6234” (which protects “information provided to or obtained by the Attorney Diversion and Assistance Program”).

*MRPC 8.3(c) is significantly less stringent in its carve-out language.

Penalties for False Reporting

“[L]awyers may be subject to criminal penalties for false and malicious reports or complaints filed with the State Bar or be subject to discipline or other penalties by offering false statements or false evidence to the tribunal....” (emphasis added)

citing, CRPC 3.3a, and Business & Professions code sections 6043.5 (a); 6068 (b).



Civility: Standards, Rules & Enforcement

Civility and Ethics

- Professionalism tied to competence
- Court expectations
- Impact on credibility

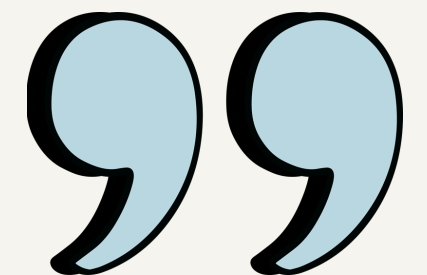
The Current State of Civility

- “[T]he legal profession suffers from a scourge of incivility. Discourtesy, hostility, intemperance, and other unprofessional conduct prolong litigation, making it more expensive for the litigants and the court system. Moreover, incivility ... interferes with ... transactions of every kind [and] can create toxic workplaces.... Y]oung lawyers, women lawyers, lawyers of color, and lawyers from other marginalized groups are disproportionately on the receiving end.” (Initial Report of the California Civility Task Force, p.2.)



Civility is about:
disagreeing without disrespect
seeking common ground as a starting point for dialogue about
differences
listening past one's preconceptions and teaching others to do
the same.

- The Institute for Civility in Government



I,, solemnly affirm that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of an attorney and counselor at law to the best of my knowledge and ability. **As an officer of the court, I will strive to conduct myself, at all times, with dignity, courtesy and integrity.**



Rule 9.7. Attorney Oath and Annual Declaration

(a) Oath required when admitted to practice law

[Since 2014 – CAL-ABOTA Initiative]

In addition to the language required by Business and Professions Code section 6067, the oath to be taken by every person on admission to practice law is to conclude with the following: **"As an officer of the court, I will strive to conduct myself at all times with dignity, courtesy and integrity."**

(b) Annual declaration – New October 2025

Each active licensee and each special admissions attorney (permitted to practice law in the State of California under rules 9.41.1, 9.44, 9.45, or 9.46) **must, pursuant to the procedure adopted by the State Bar, declare adherence to the oath language provided by (a) of this rule and Professions Code section 6067 on an annual basis.**

(d) Authorization for the Board of Trustees of the State Bar to adopt rules and procedures

The Board of Trustees of the State Bar is authorized to adopt such rules and procedures as it deems necessary and appropriate to ensure compliance with this rule.

(e) Fees and penalties

The State Bar has the authority to set and collect appropriate fees and penalties for violations of this rule.

Standards of Civility & Professional Conduct

- State Bar Task Force
- Meetings and Public Comment
- Uniform rules applicable state-wide



Summary of the Guidelines

- Section 1 reminds attorneys of their responsibility to the justice system that mandate dignity, decorum and courtesy.
- Section 2 covers an attorney's responsibility to the public and the profession, including mentoring new attorneys.
- Section 3 covers responsibility to clients and client representation – explain to client will not be an “attack dog.”

Section 4 – Be civil in written work

- Reflect “professional integrity, personal dignity, and respect for the legal system.”
- Do not “disparage the intelligence, integrity, ethics, morals,” of other participants in the proceeding.
- Avoid “hostile, demeaning or humiliating words.”

Section 5 - Be Practical

- Follow the simple courtesy of advising the Court or Counsel when running late.

Section 6 - Scheduling

- Tell your client up front you will act professionally and civilly.
- Explain that co-operation results in lower legal fees.
- Agree to reasonable requests for continuances that are not adverse to client's interests.
- Avoid ex parte requests for continuance requests that should have been resolved informally.
- No sandbagging - if request an extension or continuance with the intent cut off opposing party's rights, should so state.



Section 8 – Writings Directed to Counsel or the Court

No ad hominem attacks on opposing party or counsel

Do not disparage the ethics or integrity of others

If drafting a stipulation or agreement, point out changes made.



Section 9 - Discovery

- Meet and Confer!
- Do not use discovery to harass
- Play fair - if other side schedules a depo after conferring, do not unilaterally set other side's depo before that date
- Do not do anything at a depo that you would not do in front of a judge
- Do not take a break while question is pending to confer regarding an answer

As to Document Demands

- If inadvertently receive a privileged document, notify other side and return it.
- Do not delay production of documents for tactical reasons.
- Do not intentionally misconstrue a demand with the intention of avoiding disclosure.

Section 10 – Motion Practice

- Attempt to resolve informally first
 - Do not cause other side to file a motion and then not oppose it
 - Think twice before requesting monetary sanctions
-
- Section 11 – Treat nonparty witnesses with respect
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- Section 12 - Avoid ex parte communications with the Court, including letters or email, even if copied to other side
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- Section 13 – Utilize alternative dispute resolution tools where feasible

- Section 11 – Treat nonparty witnesses with respect
- Section 12 - Avoid ex parte communications with the Court, including letters or email, even if copied to other side
- Section 13 – Utilize alternative dispute resolution tools where feasible

Section 14 – Conduct in Court

- Maintain respect for and confidence in a judicial office
- Address the Court, not opposing counsel
- Ensure that clients and witnesses know what behavior is expected of them in court

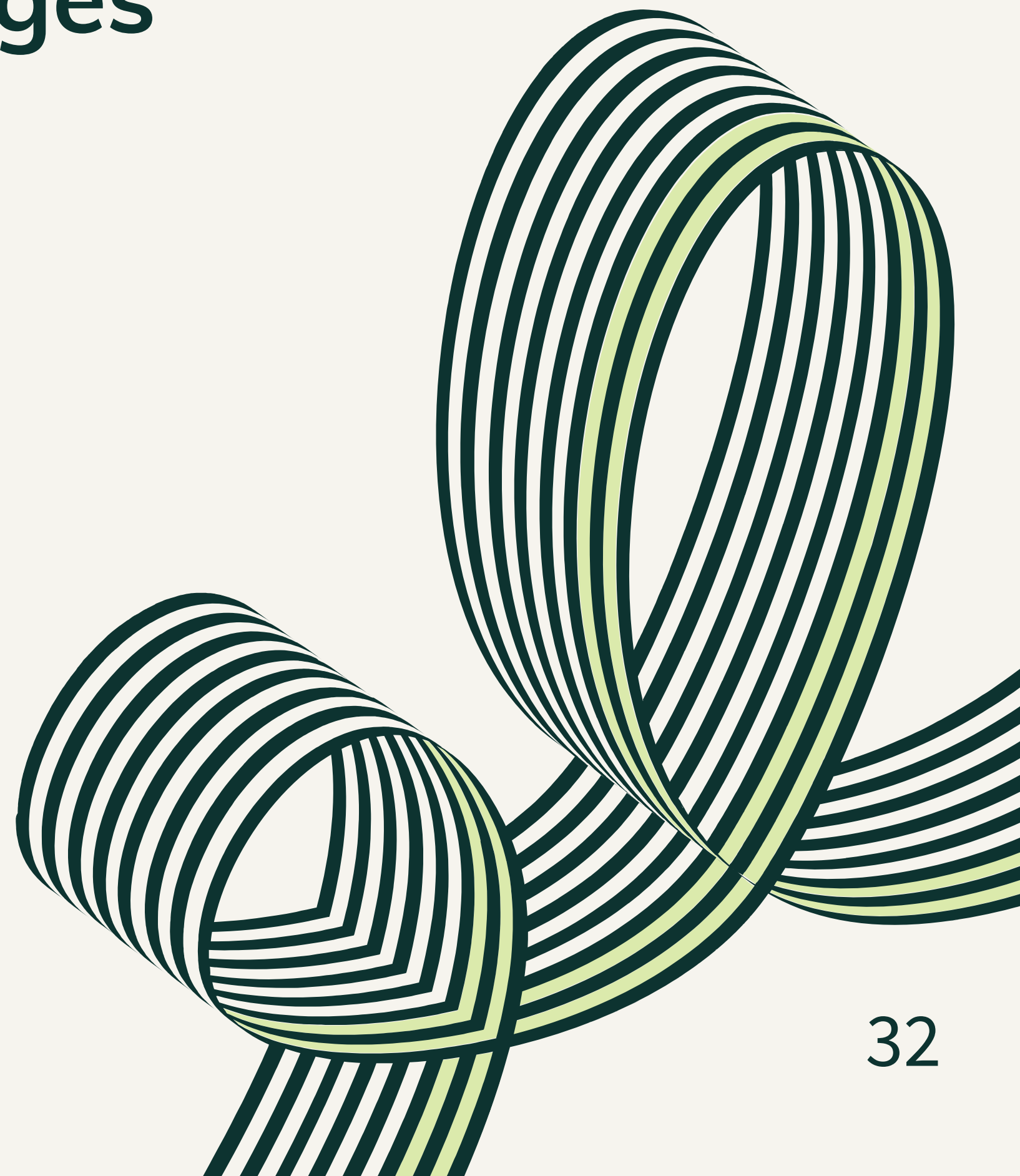


- Section 15 – No “quiet speed” defaults. See Weil & Brown, California Practice Guide, Civil Procedure Before Trial, §§ 5:68-5.70.
- Section 16 – Avoid appearance of bias by disclosing personal relationships with Judges, neutrals, or experts.
- Section 17 – Respect the privacy rights of parties and nonparties to the litigation.

- Section 18 – Fairly negotiate written agreements
- Section 19 – Special rules for family law practitioners
- Section 20 Special rule for Criminal law practitioners
- Section 21 – Judges should enforce these guidelines

Potential Enforcement Judges & Court System

- Department Rule
- Standing order of court incorporating Guidelines
- Advise parties at first CMC that it expects conduct in compliance with Guidelines



Practical Civility Tips

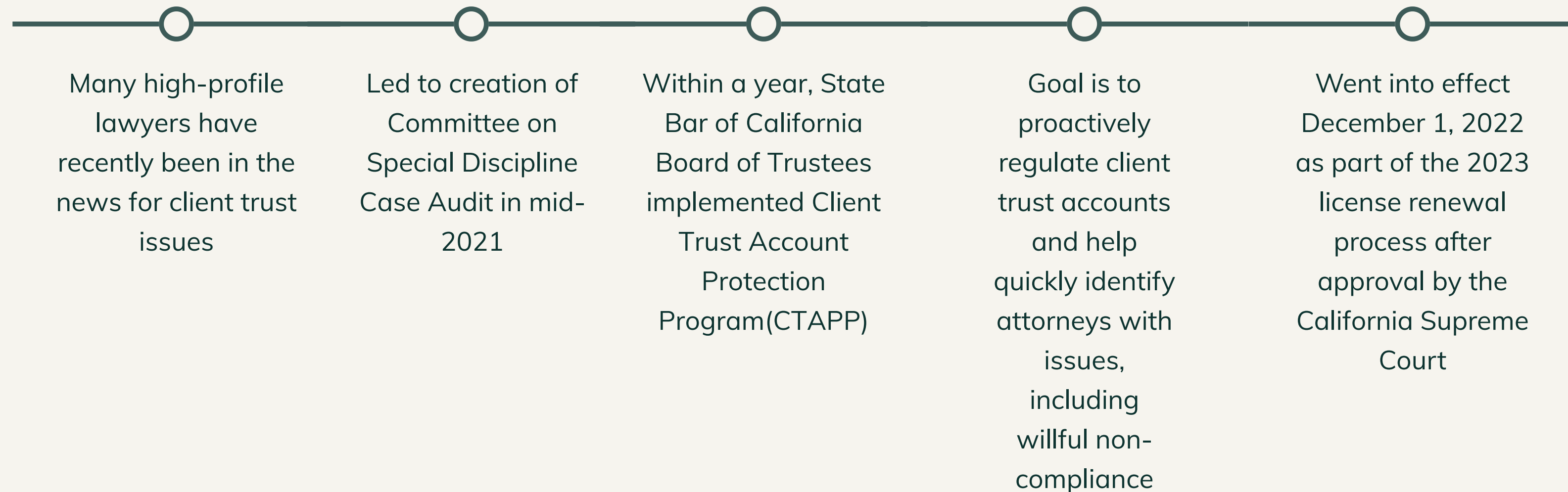
- Email etiquette, brief-writing tone, deposition conduct.
- ADR-specific civility expectations: negotiation behavior, mediator communications.
- N.D. v. Superior Court of Orange County (E.F.) (2026-4th Dist.) 117 Cal. App. 5th 1292.
- Recent Case in SDCA - \$650k+ in Sanctions (personally responsible)
 - Reckless disregard of duty of candor and professionalism to the Court
 - Made incorrect statements to the jury
 - Attempting to introduce irrelevant evidence to mislead jury
- State Bar referral
 - Defied court orders and directions during trial

Trust Accounting, CTAPP, New Compliance Requirements

CRPC 1.15; California Rules of Court, rule 9.8.5; California Business and Professions code section 6068; and *Edwards v. State Bar* (1990) 52 Cal. 3rd 28.

The Client Trust Account Protection Program (“CTAPP”) rules, effective 12/1/22, further clarify and sharpen the Bar’s focus on client trust account procedures.

Overview



Ethical Requirements Regarding Client Funds

- Lawyers have statutory and ethical obligations to safeguard funds they hold for their clients
- Funds must be kept separate from their personal and business accounts
- Must also maintain accurate accounting records and provide regular and timely reports to their clients
- Program is designed to better protect the public and better support attorneys to meet their obligations

CTAPP Requirements

Basically, all attorneys in good standing must comply with the new requirements, including:

- Register client trust accounts, including IOLTA, annually with the State Bar
- Complete an annual self-assessment of client trust account management practices
- Certify with the State Bar that you understand and follow all requirements and prohibitions pursuant to Rule 1.15 of the Rules of Professional Conduct

May fulfill your reporting requirements through My State Bar Profile

- CTAPP was implemented on December 1, 2022, the beginning of the 2023 license renewal period
- Deadline for reporting is same as deadline for paying annual license fees, February 1, 2024

To register a CTA, including IOLTA, must report year-end balance

Penalties

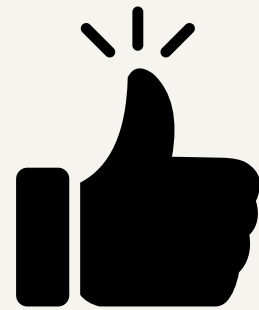
Failure to comply results in a non-compliance penalty

If continue to be in non-compliance, attorney will be enrolled as an inactive licensee

Self Assessments



A subordinate lawyer may consult supervisory lawyer to confirm duties are performed by others at the firm



Entitled to rely on their responses



Objective of the Self-Assessment is to promote awareness of duties



No exceptions for out of state accounts

Future Enhancements

Expanded public outreach and education

Enhanced education for attorneys

Compliance reviews of selected attorneys by CPAs. On September 29, 2025, the bar announced that 100 lawyers or law firms would be selected at random for compliance reviews before the end of this year.

Audit Process & Preparation

- Ongoing refinements to State Bar oversight.
- Random selection & the audit process
- Confer with State Bar during audit on issues and what needed
- Required
 - Fee agreements of all cases if trust account was used
 - Bank records, including signature cards
 - Wire confirmation receipts
 - Bank statements reflecting transfers into trust account and out of trust account
- Explanations and documentation to substantiate transactions



Enforcement of these rules is strict and specific. There is absolute liability for being even a penny out of balance, and good faith is not a defense.

Withdrawing money from a CTA and promptly redepositing all of it is still a violation.

Possible “Exceptions”

- Long-term deposit of a significant amount of client money may be placed in a separate interest-bearing trust account for the benefit of the client, avoiding IOLTA requirements

Brown v. Legal Foundation of Washington (2003) 538 U.S. 216, 240, fn. 6 to dissent; Washington Legal Foundation v. Legal Foundation of Washington (2001) 271 F. 3rd 835, 843-844.

Conflicts of Interest

Conflicts for Counsel

- Concurrent vs. successive conflicts
- Imputation across firms
- Screening and waiver issues
- Authority issues at mediation

Conflicts for Judges

- Disqualification standards
- Bias concerns
- A brief look at pandemic-era remote appearance conflicts

Conflicts for Mediators/Arbitrators

- Disclosure obligations
- Repeat-player dynamics
- Social media connections and AI-driven research about parties



Real Life Scenarios

Ethics in AI

Standalone AI Programs/Tools

- Verdict Hub
- Harvey
- Claude/Anthropic
- Chat GBT/Open AI
- Gemini/Google
- Grok
- Perplexity
- CoCounsel/Thompson Reuters
- Legora

Key Ethical Rules:

CA Business & Professions Code and Rules of Professional Conduct

<p>Business & Professions Code 6068(d)</p>	<p>It is the duty of an attorney to do all of the following:</p> <p>(d) To employ, for the purpose of maintaining the causes confided to him or her those means only as are consistent with truth, and never to seek to mislead the judge or any judicial officer by an artifice or false statement of fact or law.</p>
<p>State Bar Rules of Professional Conduct, 1.1 duty of competence</p>	<p>(a) A lawyer shall not intentionally, recklessly, with gross negligence, or repeatedly fail to perform legal services with competence.</p>
<p>State Bar Rules of Professional Conduct 3.3(a)(1) and (2) candor to the tribunal</p>	<p>(a) A lawyer shall not:</p> <p>(1) knowingly* make a false statement of fact or law to a tribunal* or fail to correct a false statement of material fact or law previously made to the tribunal* by the lawyer;</p> <p>(2) fail to disclose to the tribunal* legal authority in the controlling jurisdiction known* to the lawyer to be directly adverse to the position of the client and not disclosed by opposing counsel, or knowingly* misquote to a tribunal* the language of a book, statute, decision or other authority...</p>

Key Ethical Rules:

CA Business & Professions Code and Rules of Professional Conduct

<p>State Bar Rules of Professional Conduct 8.4(c) (Misconduct)</p>	<p>It is professional misconduct for a lawyer to..(c) engage in conduct involving dishonesty, fraud,* deceit, or reckless or intentional misrepresentation...</p>
<p>State Bar Rules of Professional Conduct 5.3 (responsibilities for non-lawyer assistants/assistance)</p>	<p>Rule 5.3 Responsibilities Regarding Nonlawyer Assistants (c) a lawyer shall be responsible for conduct of such a person* that would be a violation of these rules or the State Bar Act if engaged in by a lawyer if: (1) the lawyer orders or, with knowledge of the relevant facts and of the specific conduct, ratifies the conduct involved; or (2) the lawyer, individually or together with other lawyers, possesses managerial authority in the law firm* in which the person* is employed, or has direct supervisory authority over the person,* whether or not an employee of the same law firm,* and knows* of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable* remedial action.</p>

Key Ethical Rules: FRCP

FRCP Rule 11

(b) Representations to the Court. By presenting to the court a pleading, written motion, or other paper—whether by signing, filing, submitting, or later advocating it—an attorney or unrepresented party certifies that to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances:

(2) the claims, defenses, and other legal contentions are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law;

Mata v. Avianca, Inc.

(2023 USDC SDNY) 678 F. Supp.3d 443

Mata v. Avianca, Inc.

(2023 USDC SDNY) 678 F. Supp.3d 443, 448

The AI Problem

“[law firms] abandoned their responsibilities when they submitted non-existent judicial opinions with fake quotes and citations created by the artificial intelligence tool ChatGPT, then continued to stand by the fake opinions after judicial orders called their existence into question.”

Mata v. Avianca, Inc.

(2023 USDC SDNY) 678 F. Supp.3d 443, 448

Lawyer's Response

THE COURT: Did you say, well they gave me part of Varghese, let me look at the full Varghese decision?

MR. SCHWARTZ: I did.

THE COURT: And what did you find when you went to look up the full Varghese decision?

MR. SCHWARTZ: I couldn't find it.

THE COURT: And yet you cited it in the brief to me.

MR. SCHWARTZ: I did, again, operating under the false assumption and disbelief that this website could produce completely fabricated cases. And if I knew that, I obviously never would have submitted these cases.

Mata v. Avianca, Inc.

(2023 USDC SDNY) 678 F. Supp.3d 443, 448

Judge's Order

“..the Court finds bad faith on the part of the individual Respondents based upon acts of conscious avoidance and false and misleading statements to the Court.” p. 449.

“Within 14 days of this Order, Respondents shall send via first-class mail a letter individually addressed to each judge falsely identified as the author of the fake “Varghese”, “Shaboon”, “Petersen”, “Martinez”, “Durden” and “Miller” opinion. p. 466.

“The letter shall identify and attach this Opinion and Order, a transcript of the hearing of June 8, 2023 and a copy of the April 25 Affirmation, including the fake ‘opinion’ attributed to the recipient judge.” p. 466.

Deep Dive into Mata

4/11/23

- Order directing counsel to file a declaration attaching made up cases;
- Counsel requested extension of time to provide the declaration, saying he was out of the office on vacation;
- “Mr. LoDuca’s statement was false and he knew it to be false at the time he made the statement. Under questioning by the Court at the sanctions hearing, Mr. LoDuca admitted that he was not out of the office on vacation.”
Id @ 452.

4/25/23

- Counsel submitted a declaration attaching only excerpts of cases (not full text of cases as ordered)
- Respondents have now acknowledged that the “Varghese”, “Miller”, “Petersen”, “Shaboon”, “Martinez” and “Durden” decisions were generated by ChatGPT and do not exist.” Id at 456.

Grant v. City of Long Beach

96 F.4th 1255, 1256-57 (9th Cir 2024)

Grant v. City of Long Beach

96 F.4th 1255, 1256-57 (9th Cir 2024)

The AI Problem

“Here, Appellants filed an opening brief replete with misrepresentations and fabricated case law. For example, the brief states that Hydrick v. Hunter, 669 F.3d 937 (9th Cir. 2012), "examined a claim of false imprisonment brought by a parent whose child was unlawfully removed from the home by government officials."

Hydrick, however, discusses no such claim.

The case instead concerns a conditions of confinement claim brought by a class of persons civilly committed under California's Sexually Violent Predator Act. *Id.*

The words "parent" and "child" appear nowhere in the opinion.”

Grant v. City of Long Beach

96 F.4th 1255, 1256-57 (9th Cir 2024)

The AI Problem

“Appellants also misrepresent the facts and holdings of numerous other cases cited in the brief. See, e.g., Smith v. City of Salem, 378 F.3d 566 (6th Cir. 2004); Yvonne L. v. N.M. Dep't of Hum. Servs., 959 F.2d 883 (10th Cir. 1992); Smith v. City of Fontana, 818 F.2d 1411 (9th Cir. 1987); Wilkins v. City of Oakland, 350 F.3d 949 (9th Cir. 2003); Harris v. Roderick, 126 F.3d 1189 (9th Cir. 1997); Mattos v. Agarano, 661 F.3d 433 (9th Cir. 2011); Henderson v. City of Simi Valley, 305 F.3d 1052 (9th Cir. 2002); Johnson v. City of Seattle, 474 F.3d 634 (9th Cir. 2007); Brooks v. City of Seattle, 599 F.3d 1018 (9th Cir. 2010); Devereaux v. Perez, 218 F.3d 1257 (9th Cir. 2000); Wallis v. Spencer, 202 F.3d 1126 (9th Cir. 2000)”

Grant v. City of Long Beach

96 F.4th 1255, 1256-57 (9th Cir 2024)

Lawyer's Response

“THE COURT: ... There were two cases cited in the brief that don't seem to exist at all: Smith v. Oakland, Jones v. Williams. So ... maybe address those two cases that we could not locate, [and] with respect to the rest of your case, I'm just wondering what the strongest cases are that you have on authority, because the ones you cited ... the facts just don't line up with what you cited them for.

COUNSEL: The two cases that the court had indicated prior to the case today, one of them I will indicate that it was cited incorrectly, um the second case ...

THE COURT: Okay, well which one was that ... that was cited incorrectly?

COUNSEL: That was Williams v. Jones

THE COURT: And what's the correct citation you want us to look at?

COUNSEL: The case just did not apply, so I would have to just not rely on that case, the other case was the United States v. William, ... that case would have to be distinguished from our case in that our case, our client was not freely and voluntarily giving the police officers permission to come into the home ...”

Grant v. City of Long Beach

96 F.4th 1255, 1256-57 (9th Cir 2024)

Judge's Order

“Appellants' brief includes only a handful of accurate citations, almost all of which were of little use to this Court because they were not accompanied by coherent explanations of how they supported Appellants' claims.”

“We are therefore compelled to strike Appellants' brief and dismiss the appeal.”

Quinteros v. Harbor Distributing LLC

SF Superior Case No. CGC-24-62022. 7/16/25

Quinteros v. Harbor Distributing LLC

SF Superior Case No. CGC-24-62022. 7/16/25

The AI Problem

- Fabricated case quotes
- Citing cases that do not stand for proposition cited

Quinteros v. Harbor Distributing LLC

SF Superior Case No. CGC-24-62022. 7/16/25

Lawyer's Response

- I prepared the opposition brief using Lexis and Lexis Protege, both of which are widely recognized and industry-standard legal research and drafting platforms. These tools are relied upon by courts, law firms, and practitioners across the United States for accurate legal research, brief analysis, citation checking, and quality assurance. Lexis provides comprehensive access to primary and secondary legal sources, court rules, case law, statutes, and analytical materials.
- After finalizing the opposition brief, I used the Lexis Citation Check function, which operates similarly to Westlaw's KeyCite, to verify the accuracy, validity, and treatment of all cited legal authorities. I ran the citation check three separate times to ensure thorough validation. This is consistent with my regular practice, which reflects the high level of diligence I bring to all my filings.
- The citation check confirmed that all authorities included in the motion were accurately cited....
- I was surprised and deeply concerned by the Court's assertion that the brief contains "non-existent citations" or "fabricated quotations." I take these allegations extremely seriously. I followed all standard protocols and relied on Lexis—an established and highly reputable platform with robust quality controls—to verify all legal citations.
- I did not, at any moment, use generative AI such as ChatGPT or any similar tool to draft, generate, or summarize case law in the motion. My legal writing is grounded in personal legal research and analysis, and I take pride in upholding the highest ethical standards in my written work.

Quinteros v. Harbor Distributing LLC

SF Superior Case No. CGC-24-62022. 7/16/25

Judge's Order

- “Remarkably, Mr. Sansone did not acknowledge that the brief contains any errors at all. Critically, he did not explain why the brief contains multiple inaccurate citations to two key cases. In fact, although Mr. Sansone attached to his declaration a print out of the citation check he apparently ran, it does not even list Shaw or Rilcoff, although each of those cases is cited no fewer than seven times in the brief. Mr. Sansone offered no explanation for why he apparently neglected to cite-check those cases. Nor did he make any effort to explain how it is that no fewer eight fabricated quotations from five different cases found their way into the brief.” (p. 6).
- **“In view of these glaring omissions, the Court finds Mr. Sansone’s written testimony entirely lacking in credibility.** Unless Mr. Sansone deliberately and intentionally fabricated the inaccurate citations and fictitious quotation on the brief with the intent to mislead the Court and opposing counsel, the only reasonable conclusion the Court can reach is that they were created by the use of a generative artificial intelligence (AI) tool. **Mr. Sansone’s contrary representations to the Court under penalty of perjury are incredible on their face.** [emphasis added].” (p. 6-7).

Quinteros v. Harbor Distributing LLC

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Quinteros Sanctions

“Plaintiff shall serve a copy of this Order on any Judge of this Court before whom they appear in any action pending or filed in this Court within one year from the date of entry of this Order.”

Noland v. Land of the Free LP

Court of Appeal, 2nd District. 9/12/25.

Noland v. Land of the Free LP

Court of Appeal, 2nd District. 9/12/25.

The AI Problem

- Nearly all legal quotes in Plaintiff's opening brief fabricated;
- Many cases cited do not discuss topics for which cited;
- Quotes do not appear in any case.

Noland v. Land of the Free LP

Court of Appeal, 2nd District. 9/12/25.

Lawyer's Response

"Appellant's counsel has acknowledged that his briefs are replete with fabricated legal authority, which he admits resulted from his reliance on generative AI sources such as ChatGPT, Claude, Gemini, and Grok. Counsel says that he was not previously aware of the problem of AI "hallucinations,""

"Counsel acknowledges that his reliance on generative AI to prepare appellate briefs was "inexcusable," but he urges that he should not be sanctioned because he was not aware that AI can fabricate legal authority and did not intend to deceive the court."

"Counsel also asserts that sanctions are not appropriate because the brief's errors are "isolated" and "[t]he substantive legal authorities remain sound regardless of citation format irregularities."

Noland v. Land of the Free LP

Court of Appeal, 2nd District. 9/12/25.

Judge's Order

“To state the obvious, it is a fundamental duty of attorneys to read the legal authorities they cite in appellate briefs or any other court filings to determine that the authorities stand for the propositions for which they are cited.”

“In short, we conclude that this appeal is frivolous because it "rest[s] on negligible legal foundation" (Malek, supra, 58 Cal.App.5th at pp. 834-835) and is peppered with fabricated legal citations. The appeal also unreasonably violates the Rules of Court because it does not support each point with citations to real (as opposed to fabricated) legal authority. (See Rule 8.204(a)(1)(B).)”

Noland: Case of First Impressions

Although the generation of fake legal authority by AI sources has been widely commented on by federal and out-of-state courts and reported by many media sources, no California court has addressed this issue.

We therefore publish this opinion as a warning.

FlycatcherCorp. Ltd v. Affable Avenue, etc. et al

(SDNY-2026) 2026 WL 306683. 2/5/26.

Flycatcher v. Affable

(SDNY-2026) 2026 WL 306683. 2/5/26.

The AI Problem

- *Hallucinated citations in a motion to dismiss brief filed by counsel Mr. Feldman on behalf of defendant Affable;*
- *Response by Mr. Feldman in response to the Court's questioning under oath;*
- *Same problems in a proposed reply brief by Mr. Feldman*

Flycatcher v. Affable

(SDNY-2026) 2026 WL 306683. 2/5/26.

Lawyer's Response

"The Response was also noteworthy for its conspicuously florid prose. For example, it featured an extended quote from Ray Bradbury's Fahrenheit 451 and metaphors comparing legal advocacy to gardening and the leaving of indelible "mark[s] upon the clay." (Response 3). And it included the following passage:

Your Honor, in the ancient libraries of Ashurbanipal, scribes carried their stylus as both tool and sacred trust — understanding that every mark upon clay would endure long beyond their mortal span....

*I have failed in that sacred trust. The errors in my memorandum, however inadvertent, have diminished the integrity of the record and the dignity of these proceedings. Like the scribes of antiquity who bore their stylus as both privilege and burden, I understand that legal authorship demands more than mere competence — it requires absolute fidelity to truth and precision in every mark upon the page.*4 (Id. at 7-8).*

Needless to say, Mr. Feldman's overwrought metaphors and historical references raised the Court's eyebrows.

Flycatcher v. Affable

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Lawyer's Response

“The Court informed Mr. Feldman that his responses were not helping it “figure out how one-quarter of your cases were nonexistent hallucinations.” (Tr. 33). In another moment representative of Mr. Feldman’s general approach to the conference, he attempted to minimize his responsibility by correcting the Court: “Fourteen out of 60 cited cases.” (Id.). The Court recognizes the mathematical truism that 14 out of 60 is less than one-quarter, **but the fundamental point remains that it is 14 fake cases too many.**”

Flycatcher v. Affable

(SDNY-2026) 2026 WL 306683. 2/5/26.

Judge's Order

*“In short, Mr. Feldman acknowledged ending up with citations that “did not exist,” but failed to provide a coherent explanation as to how. Was the error a product of AI hallucination from the initial drafting stage? Was it somehow a case name mismatch on Google Scholar (setting aside the greater importance of the reporter citation)? Did another case improperly cite Mr. Feldman’s case, accidentally supplying him the wrong citation? Did an AI program introduce errors at the cite-check stage where none had existed previously? **Representative of much of his colloquy with the Court, Mr. Feldman’s explanations were thick on words but thin on substance.**”*

Flycatcher v. Affable

(SDNY-2026) 2026 WL 306683. 2/5/26.

Judge's Order

“10 In sum, the Court finds that Mr. Feldman misused AI in three separate filings, which resulted in the submission of nonexistent cases and misattributed quotes. Although Mr. Feldman at times purported to claim full responsibility for the errors (see Tr. 52 (“I’m saying they are my fault regardless.”)), he undermined this acceptance of responsibility by repeatedly minimizing his behavior and offering improbable explanations.”

New Proposed CA Bill: SB 547

- amend CCP §128.7 to add §128.7(b)(2)(A)-(B);
- add an entirely new B&P Code Section (§6068.1) and
- amend CCP §1282 to add §1282.1.

Brief Summary of Proposed Amendments

- Attorneys signing a pleading automatically certify they have personally read and verified all cites in their pleading, including those generated by AI (proposed CCP §128.7(b)(2)(A)-(B));
- Attorneys may be under a new duty if they use AI to take “reasonable” steps to do ALL of the following:
 - (a) verify the accuracy of AI materials, including materials prepared for them;
 - (b) correct erroneous or hallucinated output and
 - (c) remove any biased, offensive, or harmful content in any AI material used, including materials prepared for them. (proposed B&P §6068.1).
- Arbitrators shall not delegate any part of the decision-making process to AI (proposed CCP §1282.1(a)(1)) and if an arbitrator relies on information from AI, the arbitrator must disclose that and, to the extent practical, allow the parties to comment on the same. (proposed CCP §1282.1(b)(1)).

Mandatory Pro Bono Reporting

Requirements

- Reporting begins starting January 1st, 2026
- Lawyers must report 2025 hours in 2026 licensing cycle
- Applies to all active attorneys
- Note: pro bono work is not mandatory

Who Has to Report?

- All active attorneys - including neutrals, retired judges, and part-time practitioners

Why Reporting Exists

- Transparency goals
- Public trust
- Access to justice insights

Recordkeeping Tips

- Track hours throughout year
- Define qualifying activities
- Maintain documentation

What counts
as “pro bono”
under the rule?

CA Business &
Professions

Code, sec’s.

6073.1 (c), (d)

Best Practices & Tips

- TO BE FILLED OUT ONCE I SEND TIPS SHEET

Thank you!



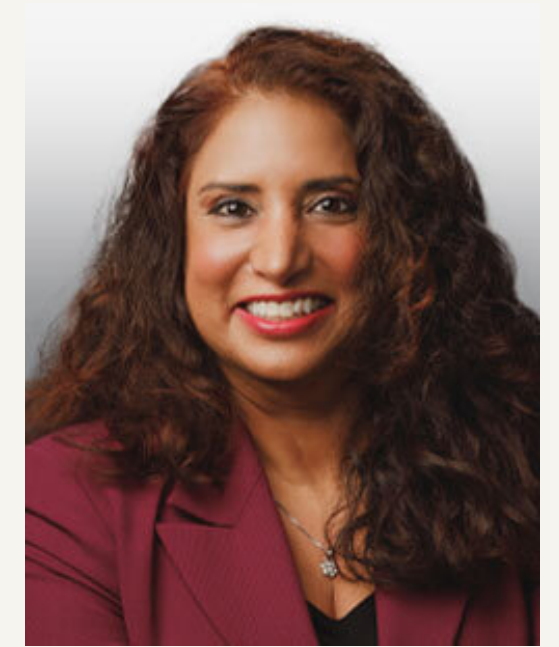
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