

Harboring No Hallucinations: Amending Rule 11 for the Generative AI Era

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ABSTRACT

This Article critically examines the capacity of Rule 11 of the Federal Rules of Civil Procedure to deter attorneys from filing court papers littered with AI-generated legal hallucinations. Generative AI platforms have shown great promise in their ability to simulate legal analysis and attorney work product, but this emerging technology is also prone to creating fake legal citations and quotations, fabricating facts, and drafting plausible but unfounded legal arguments in a matter of seconds. Mata v. Avianca, Inc., the first federal case to address AI hallucinations in a legal filing, was supposed to serve as a cautionary tale about the risks of using unverified Generative AI output for legal purposes and deter similar attorney misconduct. The Mata court sanctioned the attorneys for their improper use of fake caselaw and warned of significant harms that fake caselaw could cause to litigants and the legal system. Despite the result in Mata, federal courts are seeing an alarming rise in attorney use of fictitious AI output in legal filings.

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This Article provides an overview of Rule 11 decisions involving attorneys who submit court filings reliant on AI-generated legal hallucinations. This overview reveals an inconsistent judicial approach to AI-related Rule 11 violations and an ineffective sanctions regime that has failed to deter attorneys from filing court papers citing fake legal authorities. Drawing on deterrence theory principles, this Article argues that courts must re-evaluate the deterrence value of current sanctions in light of the widespread adoption of Generative AI tools in the legal industry, the financial incentives to forego compliance with Rule 11, and the substantial harms that fake legal authorities can cause to courts, litigants, and the broader public. To enhance the deterrence effect of Rule 11 sanctions, this Article proposes several amendments to Rule 11 that will facilitate earlier identification of legal hallucinations, clarify the standards for determining attorney misconduct with respect to fictitious AI output, and broaden judicial discretion to impose appropriate sanctions that will more effectively deter lax attorney oversight of AI output and compensate parties for the harm caused by fake law.

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*When lawyers trade reflection for automation, they surrender
the very quality that makes their words worthy of belief.¹*

I.

INTRODUCTION

Since the introduction of generative artificial intelligence² (“Generative AI”)³ to the general public in late 2022,⁴ federal courts have been grappling with a rash of court filings embedded with legal “hallucinations,”⁵ or fabricated legal authorities produced by Generative AI systems.⁶ Federal judges have started to recognize some of the hallmarks of legal hallucinations—citations to cases that do not exist,⁷ citations to overruled caselaw,⁸ citations to cases that do not

1. *Mattox v. Prod. Innovations Rsch., LLC*, 807 F. Supp. 3d 1341, 1353 (E.D. Okla. 2025). This Article will focus on Rule 11’s effectiveness in regulating attorney-specific conduct in relation to use of AI-generated output in federal court filings.

2. Artificial intelligence (AI) is typically defined as “any technology that allows a machine to replicate tasks typically associated with higher level human cognitive processes, such as learning from experience and understanding language.” Carol M. Bast, *Artificial Intelligence and Ethics*, 50 RUTGERS COMPUT. & TECH. L.J. 283, 286 (2024) (citation omitted).

3. Generative AI is a “specific subset of AI used to create new content, or to replicate an artistic style, by training on existing data taken from massive data sources—primarily the Internet—in response to a user’s prompt.” Maura R. Grossman, Paul W. Grimm, Daniel G. Brown & Molly (Yiming) Xu, *The GPTJudge: Justice in a Generative AI World*, 23 DUKE L. & TECH. REV. 1, 9 (2023).

4. John Villasenor, *Generative Artificial Intelligence and the Practice of Law: Impact, Opportunities, and Risks*, 25 MINN. J.L. SCI. & TECH. 25, 26 (2024).

5. A hallucination is a “phenomenon wherein a large language model (LLM)—often a generative AI chatbot or computer vision tool—perceives patterns or objects that are nonexistent or imperceptible to human observers, creating outputs that are nonsensical or altogether inaccurate.” Harris v. Adams, 757 F. Supp. 3d 111, 119 n.3 (D. Mass. 2024) (citation omitted).

6. See, e.g., *Versant Funding LLC v. Teras Breakbulk Ocean Navigation Enters., LLC*, No. 17-cv-81140, 2025 U.S. Dist. LEXIS 98418, at *4–5 (S.D. Fla. May 20, 2025) (identifying one non-existent case); *Wadsworth v. Walmart Inc.*, 348 F.R.D. 489, 493 (D. Wyo. 2025) (identifying eight non-existent cases); *Ramirez v. Humala*, No. 24-CV-242, 2025 U.S. Dist. LEXIS 91124, at *1 (E.D.N.Y. May 13, 2025) (identifying four non-existent cases); *Benjamin v. Costco Wholesale Corp.*, 779 F. Supp. 3d 341, 344 (E.D.N.Y. 2025) (identifying five non-existent cases); *Dehghani v. Castro*, No. 2:25-cv-0052, 2025 U.S. Dist. LEXIS 63641, at *10 (D.N.M. Apr. 2, 2025) (identifying six non-existent cases), *aff’d*, *Dehghani v. Castro*, 782 F. Supp. 3d 1051 (D.N.M. 2025); *Nguyen v. Savage Enters.*, No. 4:24-CV-00815, 2025 U.S. Dist. LEXIS 37125, at *1 (E.D. Ark. Mar. 3, 2025) (identifying non-existent authority); *Gauthier v. Goodyear Tire & Rubber Co.*, No. 1:23-CV-281, 2024 U.S. Dist. LEXIS 214029, at *2 (E.D. Tex. Nov. 25, 2024) (identifying two non-existent cases).

7. *Bunce v. Visual Tech. Innovations, Inc.*, No. 23-1740, 2025 U.S. Dist. LEXIS 36454, at *2 (E.D. Pa. Feb. 27, 2025).

8. *Id.*

support the legal propositions for which they are cited,⁹ and fictitious quotations attributed to real cases.¹⁰ Notably, attorneys—legal professionals who are ostensibly trained to avoid making untrue statements of law—are responsible for a significant number of these error-plagued filings.¹¹ This troublesome use of AI output has come to light in a growing number of disciplinary proceedings brought under Rule 11 of the Federal Rules of Civil Procedure (“Rule 11”).¹² Rule 11 gives federal district courts broad discretion to impose sanctions on attorneys and non-represented parties for making misrepresentations of law and fact and engaging in other improper litigation tactics.¹³ While some judges have refrained from imposing sanctions on attorneys for unwittingly using fictitious caselaw,¹⁴ numerous federal judges across the country have determined that reliance on fictitious legal authorities—even when unintentional—is a clear violation of Rule 11 and have sanctioned attorneys for such conduct.¹⁵ This growing number of cases involving AI-generated hallucinations suggests that the current Rule 11 framework is not sufficiently capable of deterring attorneys from citing non-existent legal authority in their court filings.

Courts across the country are confronting a virtual “epidemic” of fake caselaw embedded in court papers.¹⁶ The problem of fake citations first gained national attention in *Mata v. Avianca, Inc.*, where attorneys used ChatGPT to draft court papers opposing a motion to dismiss their client’s case.¹⁷ Failing to

9. Lacey v. State Farm Gen. Ins. Co., No. CV 24-5205, 2025 U.S. Dist. LEXIS 90370, at *3 (C.D. Cal. May 5, 2025) (identifying nine false, inaccurate, or misleading legal citations and quotations).

10. Order Imposing Sanctions on Plaintiff’s Counsel at 2, *Mortazavi v. Booz Allen Hamilton, Inc.*, No. 2:24-cv-07189, 2024 U.S. Dist. LEXIS 188378 (C.D. Cal. Oct. 30, 2024).

11. Jack Newsham, *AI Hallucinations in Court Documents are a Growing Problem, and Data Shows Lawyers are Responsible for Many of the Errors*, BUSINESS INSIDER (May 27, 2025), <https://www.businessinsider.com/increasing-ai-hallucinations-fake-citations-court-records-data-2025-5>.

12. See *infra* Appendix A (Figure 1: Table of Rule 11 Cases Involving Attorneys and Legal Hallucinations).

13. FED. R. CIV. P. 11(b)–(c); *SEC v. Smith*, 710 F.3d 87, 98–99 (2d Cir. 2013) (affirming lower court authority to order disgorgement of funds as a sanction under Rule 11 for defendant’s false statements).

14. See, e.g., *United States v. Cohen*, 724 F. Supp. 3d 251, 260 (S.D.N.Y. 2024); *Iovino v. Michael Stapleton Assocs., Ltd.*, No. 5:21-cv-00064, slip op. at 1 (W.D. Va. Oct. 10, 2024).

15. See *infra* Appendix B (Figure 2: Table of Rule 11 Sanctions Imposed on Attorneys for Legal Hallucinations). Courts have imposed a wide variety of sanctions on attorneys such as monetary fines, mandatory continuing legal education (CLE) course requirements on ethics and AI, disciplinary referrals, referrals to state bars, client notification, and more severe sanctions such as revocation of counsel’s appearance or *pro hac vice* status. *Id.* Individual monetary penalties, when imposed on counsel, have ranged from as low as \$250 to as high as \$7,500. See *infra* Appendix C (Figure 3: Rule 11 Monetary Sanctions in Cases Involving Attorneys and AI Hallucinations). And in a limited number of cases, courts have seen fit to award attorneys’ fees and costs. *Id.*

16. *Benjamin v. Costco Wholesale Corp.*, 779 F. Supp. 3d 341, 342 (E.D.N.Y. 2025); see also Appendix A; Damien Charlotin, *AI Hallucination Cases*, DAMIEN CHARLOTIN, <https://www.damiencharlotin.com/hallucinations/> (last visited Dec. 11, 2025) (providing a website tracking worldwide instances of AI-generated hallucinations in legal cases) [<https://perma.cc/8DTJ-GP8R>] [hereinafter *Charlotin Website*].

17. *Mata v. Avianca, Inc.*, 678 F. Supp. 3d 443, 450–51 (S.D.N.Y. 2023).

realize that the AI platform could “hallucinate” legal authorities, the attorneys filed their papers without verifying the accuracy of their citations.¹⁸ As it turned out, nine of the cases the attorneys cited were completely fictitious.¹⁹ In assessing the misconduct, the court noted the unprecedented nature of counsel’s inappropriate reliance on Generative AI technology to draft legal documents.²⁰ Nevertheless, the court found that sanctions under Rule 11 were appropriate to punish counsel for their failure to confirm their legal authorities and for their attempts to obfuscate the true origin of the fake caselaw.²¹ The court imposed monetary and non-monetary sanctions it deemed sufficient to deter counsel and future litigants from engaging in similar behavior.²² However, *Mata* was the proverbial canary in the coal mine.²³ More court filings containing fake law would soon start to spring up across the country.²⁴

Lawyers are increasingly relying on Generative AI tools to assist them with many routine aspects of legal practice.²⁵ Such widespread integration of this new technology increases the risk of AI-generated hallucinations in court papers.²⁶ Generative AI’s promise to decrease legal costs and increase productivity²⁷ has proven too attractive for attorneys to resist.²⁸ According to a 2025 survey, fifty-

18. *See id.* at 449–53.

19. *See id.* at 451–53.

20. *See id.* at 461 (describing plaintiff’s submission of fake cases as an “unprecedented circumstance”).

21. *Id.* at 449.

22. *Id.* at 466.

23. *Canary in a coalmine*, DICTIONARY.CAMBRIDGE.ORG, <https://dictionary.cambridge.org/dictionary/english/canary-in-a-coalmine> (last visited Nov. 30, 2025) (“something that gives an early warning of danger or failure”).

24. *See infra* Appendix A.

25. In addition to legal research, Generative AI technology may be used to assist attorneys with preparing for a deposition, drafting correspondence, searching an electronic database, reviewing documents, summarize documents, extracting contract data, and reviewing contract policy compliance. *See* Press Release, Thomson Reuters, Thomson Reuters Launches Generative AI-Powered Solutions to Transform How Legal Professionals Work (Nov. 15, 2023), <https://www.thomsonreuters.com/en/press-releases/2023/november/thomson-reuters-launches-generative-ai-powered-solutions-to-transform-how-legal-professionals-work> [hereinafter *Thomson Reuters Press Release Nov. 15, 2023*]; *see also* Press Release, LexisNexis, LexisNexis Launches Lexis+ AI, a Generative AI Solution with Hallucination-Free Linked Legal Citations (Oct. 25, 2023), <https://www.lexisnexis.com/community/pressroom/b/news/posts/lexisnexis-launches-lexis-ai-a-generative-ai-solution-with-hallucination-free-linked-legal-citations> [hereinafter *LexisNexis Press Release Oct. 25, 2023*].

26. *See* Cade Metz & Karen Weise, *A.I. Is Getting More Powerful, but Its Hallucinations Are Getting Worse*, N.Y. TIMES (May 5, 2025), <https://www.nytimes.com/2025/05/05/technology/ai-hallucinations-chatgpt-google.html>.

27. *See Thomson Reuters Press Release Nov. 15, 2023*.

28. Lawyers are using a variety of AI-enabled tools such as Lexis+ AI, Microsoft Copilot, Google Gemini, and Thomson Reuters CoCounsel. LAW360 PULSE, AI SURVEY: EXPANDED USE AND THE LEGAL INDUSTRY’S RESPONSE 5, 21 (Mar. 2025), https://assets.law360news.com/2299000/2299612/law360_pulse-ai_survey-2025.pdf [hereinafter 2025 AI SURVEY]. In addition, sixty-two percent of respondents said they used ChatGPT for either legal or other tasks, excluding e-discovery. *Id.* at 21.

four percent of lawyers at private firms in the United States said they were using Generative AI at work for at least one purpose.²⁹ Survey respondents reported that using Generative AI technology made their work easier despite the vast majority of respondents also reporting concern with Generative AI's imperfect command of legal ethics.³⁰ Attorneys have good reason to be concerned about the ethical risks associated with Generative AI because even AI platforms specifically tailored for the legal industry may produce hallucinations in the process of drafting court papers.³¹

The intersection of AI technology and attorney obligations under Rule 1.1 had received little scholarly attention prior to the appearance of fake cases in *Mata*. Pre-*Mata*, legal scholarship around AI focused, in large part, on whether AI technology could one day replace human actors in the justice system.³² While scholars contemplated optimal computerized decision-making, few scholars predicted that AI tools could convincingly fabricate legal authorities³³ in support of their legal arguments.³⁴

29. *Id.* at 5.

30. *Id.* at 9, 13.

31. See *infra* Section III.C.

32. See, e.g., Andrew C. Michaels, *Artificial Intelligence, Legal Change, and Separation of Powers*, 88 U. CIN. L. REV. 1083, 1083 (2020); Aziz Z. Huq, *A Right to a Human Decision*, 106 VA. L. REV. 611, 634–36 (2020); Eugene Volokh, *Chief Justice Robots*, 68 DUKE L.J. 1135, 1157–58 (2019); Frank Pasquale, *A Rule of Persons, Not Machines: The Limits of Legal Automation*, 87 GEO. WASH. L. REV. 1, 2 (2019) (“[T]he spread of automation to white-collar work has prompted futurists to predict that artificial intelligence will complete many tasks now performed by lawyers—or replace them entirely.”); J.C. Smith, *Machine Intelligence and Legal Reasoning — The Charles Green Lecture in Law and Technology*, 73 CHI.-KENT L. REV. 277, 278 (1998); Anthony D’Amato, *Can/Should Computers Replace Judges?*, 11 GA. L. REV. 1277, 1278 (1977) (“I will ask whether a computer so programmed should be allowed by society to replace judges.”); Allen Harris, *Judicial Decision Making and Computers*, 12 VILL. L. REV. 272, 302–03 (1967) (discussing the possibility and advantages of having a computer render judicial decisions).

33. The concept of “fake” cases has been previously explored in legal scholarship in a different context. Frank Partnoy has suggested that parties to a contract can choose to forego selection of a governing law in favor of a mix of “real” and “fake” cases to govern specific contract disputes. Frank Partnoy, *Synthetic Common Law*, 53 U. KAN. L. REV. 281, 283, 335–336 (2005) (“If a statute is not clear, private parties could specify in fake cases how the judges of their imagination would resolve the ambiguities. Cases could include excerpts of the relevant statutes, existing or proposed, if such inclusion would make the cases clearer.”).

34. Professor Michaels correctly predicted that “as with all technology, something eventually will go wrong.” Michaels, *supra* note 32, at 1088. Professor Volokh warned of several potential problems with reliance on AI programs for judicial decision-making, including hacking, computer “glitches,” and unanticipated behavior the AI program learns from training data (known as “emergent properties”). Volokh, *supra* note 32, at 1171–73. As the AI hallucination problem began to surface in 2023, some predicted that “malicious pro se filers” could “flood the courts with dozens of potentially duplicative, frivolous submissions” that included “citations to cases that do not exist” and that reliance on AI for legal determinations could be risky because, among other things, AI systems could hallucinate citations. Grossman, *supra* note 3, at 27. Scholars have also addressed attorneys’ duty to be technologically competent, see, e.g., Raymond H. Brescia, *Teaching to the Tech: Law Schools and the Duty of Technology Competence*, 62 WASHBURN L.J. 507, 507 (2023), and a growing number of scholars have generally addressed the ethics of AI in legal practice. See, e.g., Bast, *supra* note 2, at 289.

More recently, scholars have started to assess judicial responses to the serious problems posed by litigant misuse of Generative AI tools. Professor Jessica Gunder has expressed doubt about Rule 11's capacity to "address filings containing AI generated fictitious cases and false statements of law."³⁵ As support for this view, Gunder points to the exclusion of Rule 11 from discovery matters, Rule 11's procedural hurdles for issuing sanctions, and Rule 11's safe harbor provision.³⁶ Gunder theorizes that courts will not issue sanctions for fictitious AI output unless the offending parties made *knowingly* false statements or are deliberately indifferent to "obvious facts."³⁷

Professor Raymond H. Brescia describes the use of Rule 11 sanctions as one of several efforts courts have made to curb litigant use of fictitious Generative AI output.³⁸ Brescia categorizes judicial efforts as either *ex post* mechanisms, such as the imposition of Rule 11 sanctions, or *ex ante* rules, including judicial warnings and standing orders requiring litigants to disclose their use of AI platforms.³⁹ While Brescia says that sanctions will have "some deterrent effect" on "future inappropriate behavior," he asserts that avoiding some of the worst harms that could result from inappropriate use of Generative AI may require other proactive interventions.⁴⁰ According to Brescia, *ex ante* disclosure rules complement the traditional sanctions regime and represent a more dynamic way to address the issues posed by Generative AI.⁴¹

This Article adds to this scholarly discourse by arguing that Rule 11 serves an important regulatory and norm-setting function in federal court that can be enhanced through amendment⁴² and additional guidance from the Advisory Committee on Civil Rules ("Advisory Committee").⁴³ Importantly, federal

There is also recent scholarship on evidentiary issues raised by AI. *See, e.g.,* Grossman, *supra* note 3, at 32–33.

35. Jessica R. Gunder, *Rule 11 Is No Match for Generative AI*, 27 STAN. TECH. L. REV. 308, 311 (2024).

36. *Id.* Professor Gunder points to the Advisory Committee Notes to the 1993 amendments, which advise that courts should make limited use of sua sponte sanctions and issue orders to show cause in limited circumstances that are "'akin to a contempt of court.'" *Id.* at 350–51 (quoting FED. R. CIV. P. 11 advisory committee's note to 1993 amendment).

37. *Id.* at 328.

38. Raymond H. Brescia, *New Governance and New Technologies: Creating a Regulatory Regime for the Use of Generative Artificial Intelligence in the Courts*, 26 N.C. J.L. & TECH. 1, 4–5 (2024).

39. *Id.*

40. *Id.* at 16–17.

41. Prof. Brescia asserts that the *ex ante* rules governing Generative AI exhibit characteristics associated with the New Governance Theory, which is a regulatory approach characterized by "increased stakeholder participation, public-private collaboration, decentralized decision-making and rule-generation, a preference for soft-law approaches, and adaptability." *Id.* at 20.

42. *See infra* Appendix D (Proposed Amendments to Current Rule 11).

43. The Advisory Committee is one of five advisory committees to the U.S. Judicial Conference's Committee on Rules of Practice and Procedure ("Standing Committee"). *How the Rulemaking Process Works*, U.S. COURTS, <https://www.uscourts.gov/forms-rules/about-rulemaking-process/how-rulemaking-process-works> (last visited Dec. 12, 2025). The five advisory committees (on Appellate, Bankruptcy, Civil, Criminal, and Evidence Rules) evaluate rule amendments in the first

courts have already demonstrated a willingness to find that reliance on fake caselaw in court papers violates Rule 11.⁴⁴ As *Mata* first articulated, a “fake opinion is not ‘existing law.’”⁴⁵ This basic proposition creates Rule 11 liability for parties relying on fictitious AI-generated caselaw in support of legal propositions.⁴⁶ But to make Rule 11 more effective in deterring “bad” attorney practices (i.e., attorneys foregoing a careful review of AI output), Rule 11 must be amended to facilitate detection and punishment of attorney misconduct. In particular, this federal rule should be tailored to (1) detect Rule 11 violations more expeditiously; (2) increase the severity of sanctions to lower the strategic and financial incentives litigants seek to secure by engaging in misconduct; and (3) capture the full range of misconduct intended to be deterred by Rule 11.

This Article proposes several amendments to Rule 11 that could facilitate these goals and enhance Rule 11’s deterrence function. First, this Article recommends addressing and resolving a federal circuit split that has developed around the *mens rea* requirement for the imposition of sanctions *sua sponte* (i.e., when a court imposes Rule 11 sanctions on its own initiative).⁴⁷ In particular, some federal circuits have begun to move away from applying a completely objective standard when assessing Rule 11 violations.⁴⁸ Courts adopting a higher standard for Rule 11 violations have refrained from imposing sanctions for AI-generated hallucinations where they have found that attorneys did not have the requisite “bad faith” intent to mislead the court.⁴⁹ However, this higher “bad faith” standard has little support in the recent history and text of Rule 11 and constrains judges’ ability to rein in unreasonable attorney conduct.⁵⁰ The Advisory Committee should propose an amendment to Rule 11 that would clarify that federal courts should evaluate *all* alleged Rule 11 violations under an objectively reasonable standard.⁵¹ Adopting a uniform standard for the imposition of sanctions under Rule 11 would provide much needed clarification

instance and make amendment recommendations to the Standing Committee, which transmits contemplated amendments to the Judicial Conference. *Id.* The Supreme Court ultimately approves any proposed amendments to the federal rules of practice and procedure. *Id.* This system of federal rules began with the Rules Enabling Act of 1934, 28 U.S.C. §§ 2071–2077. *Id.*

44. See *infra* Appendix A for cases finding Rule 11 violations where attorneys cite to fake law.

45. *Mata v. Avianca, Inc.*, 678 F. Supp. 3d 443, 461 (S.D.N.Y. 2023).

46. See *infra* Appendix A. Federal courts also have the authority to sanction improper litigant conduct under 28 U.S.C. § 1927, the court’s inherent powers, and state and local rules. See *Byoplanet Int’l, LLC v. Johansson*, 792 F. Supp. 3d 1341, 1357–58 (S.D. Fla. 2025). 28 U.S.C. § 1927 states that “Any attorney or other person admitted to conduct cases in any court of the United States or any Territory thereof who so multiplies the proceedings in any case unreasonably and vexatiously may be required by the court to satisfy personally the excess costs, expenses, and attorneys’ fees reasonably incurred because of such conduct.” 28 U.S.C. § 1927.

47. *In re Engle Cases*, 283 F. Supp. 3d 1174, 1213 (M.D. Fla. 2017).

48. See *id.* at 1212–14 (discussing various circuit approaches to deciding Rule 11 violations raised on a court’s initiative under Rule 11(c)(3)).

49. See, e.g., *United States v. Cohen*, 724 F. Supp. 3d 251, 258 (S.D.N.Y. 2024).

50. *In re Pennie & Edmonds LLP*, 323 F.3d 86, 99 (2d Cir. 2003) (Underhill, J., dissenting).

51. See *infra* Appendix D (proposing a revision to Rule 11 that would evaluate all alleged violations of Rule 11 under the same objective standard of reasonableness).

and give courts the ability to sanction a broader range of inappropriate behavior related to attorneys' use of Generative AI technology.

Second, this Article proposes heightened judicial discretion to impose monetary sanctions on parties for filing hallucination-riddled court papers.⁵² Rule 11 currently limits sanctions to what "suffices to deter repetition of the conduct or comparable conduct by others similarly situated" and further places procedural restrictions on parties' ability to recover attorneys' fees for Rule 11 violations.⁵³ But the unprecedented nature of AI-generated hallucinations makes it difficult, if not impossible, to distinguish between an inconsequential sanction and an effective deterrent. As one court recently observed, the repeated appearance of AI-generated hallucinations in court papers suggests that past sanctions "have evidently failed to act as a deterrent."⁵⁴ In light of this apparent failure to deter attorney misuse of Generative AI technology, this Article proposes amending Rule 11 to give judges more discretion over the types of monetary sanctions available to them when they find a Rule 11 violation.⁵⁵ The proposed amendment would explicitly permit courts to order payment of attorney's fees and costs as compensation for parties who are forced to spend significant resources responding to fictitious caselaw without requiring those parties to jump through burdensome procedural hurdles to obtain financial relief.⁵⁶

Third, this Article proposes a revision to Rule 11's "safe harbor" provision, which permits litigants to avoid sanctions for Rule 11 violations when they take remedial measures to amend or withdraw their deficient court filings.⁵⁷ Because AI-generated hallucinations pose significant and immediate harms to the legal system, including harm to responding parties, the court, and the public, the Advisory Committee should reconsider the current safe harbor protections afforded to litigants who attempt to advance their case based on non-existent caselaw (whether through negligent or intentional conduct).⁵⁸ This Article

52. *See id.* (proposing a revision to Rule 11 that would broaden judicial authority to award attorney's fees and other expenses as compensation for financial harm caused by AI-generated legal hallucinations).

53. FED. R. CIV. P. 11(c)(4).

54. *Mid Cent. Operating Eng'rs Health & Welfare Fund v. Hoosiervac LLC*, No. 2:24-cv-00326, 2025 U.S. Dist. LEXIS 100748, at *3 (S.D. Ind. May 28, 2025).

55. *See infra* Appendix D (proposing a revision to Rule 11 that would give courts greater discretion to award attorney's fees and expenses in connection with violations of Rule 11).

56. *Id.* Under Rule 11, attorney's fees and costs are available upon a party's successful motion for sanctions, see FED. R. CIV. P. 11(c)(2), (4), which creates an unnecessary hurdle and expense for a party who is already burdened by having to respond to fictitious caselaw. In addition, parties become ineligible for recouping attorneys' fees and costs if offending parties withdraw or correct hallucination-riddled papers under Rule 11's safe harbor provision. FED. R. CIV. P. 11(c)(2).

57. FED. R. CIV. P. 11(c)(2).

58. Litigants have relied on fake caselaw to advance their cases at various stages of the litigation process. *See, e.g., Jackson v. Auto-Owners Ins. Co.*, No. 7:24-cv-136, 2025 U.S. Dist. LEXIS 133070, at *1–2 (M.D. Ga. July 11, 2025) (citing fake caselaw in opposition to motion to dismiss); *Mattox v. Prod. Innovations Rsch., LLC*, No. 807 F. Supp. 3d 1341, 1343 (E.D. Okla. 2025) (citing fake caselaw

proposes an amendment that would exclude legal hallucinations from Rule 11's safe harbor provision.⁵⁹ This change would incentivize all parties to bring AI-generated legal hallucinations to the court's attention at the earliest possible time and remove a procedural obstacle to compensating parties for costs they incur in uncovering fake law. As AI-generated hallucinations begin to saturate the federal court docket, the Advisory Committee should seriously consider the above amendments and, at the very least, provide guidance on the role of Rule 11 in punishing and deterring AI-generated legal hallucinations.

This Article proceeds in four main parts. First, this Article contextualizes the role of Rule 11 in regulating legal and factual representations in legal filings. Second, this Article explores the risks that overreliance on Generative AI output poses for attorneys under Rule 11. Third, this Article provides an overview of attorney misconduct that would likely draw sanctions under Rule 11 as it relates to Generative AI. Finally, this Article proposes several amendments to Rule 11 that would clarify the scope of conduct that violates Rule 11, remove procedural barriers that prevent parties from bringing legal misrepresentations to the court's attention sooner, and compensate parties for the harm caused by another party's use of fictitious caselaw in legal filings.

II.

PURPOSE AND HISTORY OF RULE 11

The central purpose of Rule 11 is to deter “baseless filings” and “streamline the administration and procedure of the federal courts.”⁶⁰ Originally enacted in 1938, Rule 11 initially required parties to sign court documents and attorneys to certify that they had “good ground” to support their pleading and were not making the filing for purposes of delay.⁶¹ Where a court found that a pleading lacked a proper basis or interposed for delay, Rule 11 authorized the court to strike the pleading as a “sham” and “false.”⁶² In assessing a Rule 11 violation, courts applied a subjective bad faith standard.⁶³ With such a stringent requirement, courts rarely issued sanctions under Rule 11 in the first forty years of the rule's existence.⁶⁴

in summary judgment briefing, in support of motions in limine, a motion to strike, and a motion for sanctions).

59. See *infra* Appendix D (proposing revision to paragraph (c)(2) of Rule 11).

60. Cooter & Gell v. Hartmarx Corp., 496 U.S. 384, 393 (1990).

61. 5A CHARLES ALAN WRIGHT, ARTHUR R. MILLER & A. BENJAMIN SPENCER, FEDERAL PRACTICE AND PROCEDURE § 1331 (4th ed.), Westlaw (database updated Sept. 2025).

62. RICHARD D. FREER, WENDY C. PERDUE & ROBIN J. EFFRON, CIVIL PROCEDURE: CASES, MATERIALS, AND QUESTIONS 367 (9th ed. 2024). The Federal Rules of Civil Procedure went into effect in 1938, after Congress enacted the Rules Enabling Act, giving the Supreme Court the power to make uniform procedural rules for civil cases filed in U.S. district courts. *Rules: Federal Rules of Civil Procedure*, FEDERAL JUDICIAL CENTER, <https://www.fjc.gov/history/work-courts/rules-federal-rules-civil-procedure> (last visited Dec. 12, 2025).

63. FREER, PERDUE & EFFRON, *supra* note 62, at 367.

64. *Id.*

In 1983, the U.S. Supreme Court amended Rule 11 in response to a perceived increase in frivolous litigation.⁶⁵ The amendments were designed to “overcome judicial reluctance to impose sanctions and to enhance the certification requirements of attorneys.”⁶⁶ The revised rule gave federal courts explicit authority to impose “appropriate sanctions” for violations of Rule 11, including “an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the filing of the pleading, motion, or other paper, including a reasonable attorney’s fee.”⁶⁷

Additionally, the amended rule replaced the prior subjective standard with an objective standard of “reasonableness under the circumstances,”⁶⁸ requiring parties to conduct a “reasonable inquiry” into their factual and legal contentions.⁶⁹ The 1983 Rule 11 amendments also obligated courts to impose sanctions on parties when they found violations of Rule 11.⁷⁰ But these changes to Rule 11 came under heavy criticism for being unduly harsh and for “chilling” zealous advocacy of novel legal theories.⁷¹

In response to the significant criticisms of the 1983 changes, the Supreme Court again amended Rule 11 in 1993.⁷² The Court maintained the requirement that parties undertake a reasonable inquiry to ensure that legal and factual representations are reasonably supported, but made several notable changes.⁷³ The 1993 amendments reversed mandatory sanctions for Rule 11 violations⁷⁴ and expressly limited sanctions to “what suffices to deter repetition of the conduct or comparable conduct by others similarly situated.”⁷⁵ The Advisory Committee explained that courts can impose a variety of possible sanctions for violations of Rule 11, such as striking the offending paper; issuing an admonition, reprimand, or censure; requiring participation in seminars or other educational programs; ordering a fine payable to the court; and referring the matter to disciplinary authorities.⁷⁶ Notably, however, the 1993 Rule amendments expressly limited the court’s authority to award “reasonable attorney’s fees and other expenses directly resulting from the violation” to

65. *Id.*

66. Monica M. Bartow, *Rule 11 Sanctions: The Supreme Court Gives Rule 11 a Stronger Bite and Longer Leash*, 5 J. CIV. RTS. & ECON. DEV. 419, 420 (1990).

67. *Id.* at 419 n.1.

68. *Id.* at 420–21 (quoting FED. R. CIV. P. 11 Advisory Committee Note on 1983 Amendment).

69. *Id.* at 419 n.1.

70. SPENCER, *supra* note 61.

71. FREER, PERDUE & EFFRON, *supra* note 62, at 367. The amendments were also criticized for leading to a significant amount of “satellite” litigation involving Rule 11 violations. *Id.*; Hot Locks, Inc. v. Ooh La La, Inc., 107 F.R.D. 751, 751–52 (S.D.N.Y. 1985).

72. FREER, PERDUE & EFFRON, *supra* note 62, at 367.

73. FED. R. CIV. P. 11.

74. Jerold S. Solovy, Norman M. Hirsch, Margaret J. Simpson, Christina T. Tomaras, *Sanctions Under Rule 11: A Cross-Circuit Comparison*, 37 LOY. L.A. L. REV. 727, 746 (2004).

75. FED. R. CIV. P. 11(c)(4).

76. FED. R. CIV. P. 11 advisory committee’s notes on 1993 amendments to subdivisions (b) and (c).

proceedings involving a party's motion for sanctions where such an award is "warranted for effective deterrence."⁷⁷

The 1993 Rule 11 amendments also created a specific process by which the courts could consider imposing Rule 11 sanctions on their own initiative by issuing an order to show cause (OSC) to a party suspected of having violated Rule 11's requirements.⁷⁸ In discussing the court's power to act on its own initiative, the Advisory Committee said that "show cause orders will ordinarily be issued only in situations that are akin to a contempt of court."⁷⁹ The Advisory Committee explained that since a show cause order will usually arise in these more serious situations, "the rule does not provide a 'safe harbor' to a litigant for withdrawing a claim, defense, etc., after a show cause order has been issued on the court's own initiative."⁸⁰ As will be discussed further in Part IV, *infra*, several circuit courts have interpreted the Advisory Committee's "akin to a contempt of court" language as imposing a heightened standard for the imposition of sanctions when courts issue sanctions *sua sponte*.⁸¹

Finally, the 1993 amendments introduced a "safe harbor" provision, or a 21-day time period, in which a party can cure potential Rule 11 violations.⁸² To implement the safe harbor provision, Rule 11 requires a party seeking sanctions to provide the opposing side with notice of the alleged violation and an opportunity to take remedial measures within the 21-day period.⁸³ If the alleged violation is corrected, the party correcting the violation can avoid sanctions altogether.⁸⁴

III.

THE EMERGENCE OF GENERATIVE AI

Generative AI has captured public attention because of how well it synthesizes content in a way that resembles the work of a human author.⁸⁵ Generative AI technology aligns with the vision of legal futurists who predict that one day, human actors in the justice system could be replaced with computers capable of performing sophisticated legal reasoning.⁸⁶ For instance, in his article, *Chief Justice Robots*, Professor Eugene Volokh, proposed the idea

77. FED. R. CIV. P. 11(c)(4); *see also* FED. R. CIV. P. 11 advisory committee's notes on 1993 amendments to subdivisions (b) and (c).

78. FED. R. CIV. P. 11 advisory committee's notes on 1993 amendments to subdivisions (b) and (c); FED. R. CIV. PRO. 11(c)(3).

79. *Id.*

80. FED. R. CIV. P. 11 advisory committee's notes on 1993 amendments to subdivisions (b) and (c).

81. *See cases cited infra* note 193.

82. SPENCER, *supra* note 61.

83. FED. R. CIV. P. 11 advisory committee's notes to 1993 amendments to subdivisions (b) and (c).

84. *Id.*

85. Grossman, *supra* note 3, at 10.

86. Pasquale, *supra* note 32, at 2–4.

of replacing human judges with an AI system if the AI system became capable of regularly winning opinion-writing competitions against human judges.⁸⁷ According to Volokh, replacing judges with AI would yield various benefits, including increasing the efficiency of the legal system, reducing costs, and making the system more accessible to litigants with limited financial means.⁸⁸ While legal futurists may see Generative AI technology as another step toward a more tech-driven legal system, the reliability of Generative AI in the legal field is still an open question. The following Section provides an overview of Generative AI technology and its current utility in conducting legal research and producing legal documents.

A. What Is Generative AI?

Generative AI is a form of artificial intelligence technology that can generate complex content in various forms, such as long-form text, images, video, and audio, in response to a user's prompt.⁸⁹ Generative AI technology is built on prior advances in artificial intelligence—machine learning and deep learning.⁹⁰ Machine learning involves training a computer algorithm to make predictions or decisions based on data.⁹¹ A simple form of machine learning, called “supervised learning,” involves using labeled data sets to train an algorithm to classify data or predict outcomes.⁹² The algorithm learns to match example data with a specific label, allowing it to predict which label to apply to new, previously unseen data.⁹³ Deep learning is a subset of machine learning that uses “multilayered neural networks,” also known as “deep neural networks,” that closely simulate the “complex decision-making power of the human brain.”⁹⁴

A Generative AI system is based on what is called a “foundation model,” a deep learning model that serves as the basis for different Generative AI applications.⁹⁵ Deep learning enables AI systems to engage in “unsupervised learning,” meaning they can extract features (or patterns) from “large, unlabeled and unstructured data sets, and make their own predictions about what the data represents.”⁹⁶ These foundation models can be trained to create a variety of

87. Volokh, *supra* note 32, at 1157–58.

88. *Id.* at 1140. On the other end of the argument, Professor Michaels argues that replacing humans with AI-powered computers is shortsighted and ignores other important functions served by human judges. Michaels, *supra* note 32, at 1084–85. According to Professor Michaels, replacing human judges with computers would deprive society of an important voice in the ongoing development of the law and remove a vital check on the power of the legislative and executive branches. *Id.* at 1083, 1085.

89. Cole Stryker & Eda Kavlakoglu, *What is Artificial Intelligence (AI)?*, IBM, <https://www.ibm.com/think/topics/artificial-intelligence> (last visited Dec. 13, 2025).

90. *Id.*

91. *Id.*

92. *Id.*

93. *Id.*

94. *Id.*

95. *Id.*

96. *Id.* Unsupervised learning enables AI systems to engage in “natural language processing,” which enables “computers to understand and communicate with human language.” Cole Stryker & Jim

content, including text, images, video, and sound.⁹⁷ Foundation models that can generate text are called large language models, or LLMs.⁹⁸

Generative AI technology is also evolving at a rapid pace. The tech industry has recently introduced so-called “reasoning” AI models.⁹⁹ These reasoning models construct an “internal chain of reasoning” that allows them to continuously reevaluate their output to refine their ultimate answer.¹⁰⁰ This “reasoning” feature may mean the model spends additional time working on a problem.¹⁰¹ These reasoning systems are developed through a process called “reinforcement learning,”¹⁰² a type of training that runs the system through thousands of problems and rewards the system when it follows a process that leads to the correct answer.¹⁰³ A reasoning model may break down a larger problem into smaller parts, or it may resolve the problem through “trial and error” and take several additional seconds or minutes before answering.¹⁰⁴ This form of training works best in areas with definitive answers, such as mathematics, science, and computer programming, but does not work well in more creative areas such as writing, philosophy, and ethics.¹⁰⁵ However, these newer “reasoning” models have not eliminated AI hallucinations, and the hallucination problem appears to have only grown.¹⁰⁶ In fact, the latest AI systems from some leading AI companies are generating *more* errors, not fewer.¹⁰⁷ Some view hallucinations as “an unavoidable consequence of balancing a model’s accuracy and its creative capabilities.”¹⁰⁸ While AI systems have improved their mathematical abilities, their ability to convey facts reliably has declined.¹⁰⁹

Holdsworth, *What Is NLP (Natural Language Processing)?*, IBM, <https://www.ibm.com/think/topics/natural-language-processing>] (last visited Dec. 13, 2025).

97. Stryker & Kavlakoglu, *supra* note 89.

98. *Id.*

99. Daniel Schwarcz, Sam Manning, Patrick Barry, David R. Cleveland, J.J. Prescott & Beverly Rich, *AI-Powered Lawyering: AI Reasoning Models, Retrieval Augmented Generation, and the Future of Legal Practice* 6 (Minn. Legal. Stud. Research Paper No. 25-16, U. of Mich. Pub. L. Research Paper No. 24-058, March 2, 2025), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5162111.

100. *Id.*

101. Cade Metz & Dylan Freedman, *How Artificial Intelligence Reasons*, N.Y. TIMES (Mar. 26, 2025), <https://www.nytimes.com/2025/03/26/technology/ai-reasoning-chatgpt-deepseek.html>.

102. *Id.*

103. *Id.*

104. *Id.*

105. *Id.*

106. Metz & Weise, *supra* note 26.

107. *Id.*

108. Cole Stryker & Mark Scapicchio, *What Is Generative AI*, IBM (Mar. 22, 2024), <https://www.ibm.com/think/topics/generative-ai>.

109. Metz & Weise, *supra* note 26.

A recent incident involving a rogue customer service chatbot illustrates Generative AI's inclination to make-up facts in particular circumstances.¹¹⁰ In a story reported by *Wired* magazine, a software programmer noticed that he was instantly logged off from a code-editing program when switching between computers (a common coding workflow practice).¹¹¹ When the programmer called the software company for assistance, a customer service chatbot advised him that the identified behavior was to be expected under a “new policy.”¹¹² The only problem was that there was no new policy.¹¹³ Instead of admitting to a lack of relevant information, the AI-powered chatbot “hallucinated” a new company policy to explain the apparent computer glitch.¹¹⁴ The chatbot engaged in a form of “creative gap-filling” by providing “plausible-sounding but false information.”¹¹⁵ This hallucinatory behavior is a known characteristic of AI tools; they confidently assert a plausible explanation even if that explanation is false.¹¹⁶ As discussed further in Part IV, *infra*, AI-generated fabrications can cause a number of ethical and legal problems for attorneys relying on Generative AI output in court filings.

B. Generative AI and Legal Reasoning

Scholars have only recently begun to systematically test LLMs' accuracy in answering typical legal questions.¹¹⁷ Some studies have found that Generative AI tools can achieve a minimum level of proficiency in certain discrete law-related tasks, such as passing law school and bar exams.¹¹⁸ Generative AI tools also show promise in assisting legal professionals in completing a set of typical legal assignments.¹¹⁹ A recent study sought to measure how certain advanced AI models—with enhanced “reasoning” and Retrieval Augmented Generation or “RAG”¹²⁰ capabilities—affected the quality of lawyering and legal work.¹²¹ The authors found that access to these more sophisticated models led to substantial

110. Benj Edwards, *An AI Customer Service Chatbot Made Up a Company Policy—and Created a Mess*, *Wired* (Apr. 19, 2025), <https://www.wired.com/story/cursor-ai-hallucination-policy-customer-service/?nb=1>.

111. *Id.*

112. *Id.*

113. *Id.*

114. *Id.*

115. *Id.*

116. *Id.*

117. Matthew Dahl, Varun Magesh, Mirac Suzgun & Daniel E. Ho, *Large Legal Fictions: Profiling Legal Hallucinations in Large Language Models*, 16 J. LEGAL ANALYSIS 64, 64 (2004) (conducting a systematic analysis of hallucinations in public-facing LLMs).

118. Schwarcz, *supra* note 99, at 5.

119. *See id.* at 7; *see also* Jonathan H. Choi, Amy B. Monahan & Daniel Schwarcz, *Lawyering in the Age of Artificial Intelligence*, 109 MINN. L. REV. 147, 208 (2024).

120. RAG refers to an AI system that draws directly from a database of legal source material and incorporates this material into its responses. Choi, *supra* note 119, at 193; Schwarcz, *supra* note 99, at 2–3.

121. Schwarcz, *supra* note 99, at 3.

and statistically significant improvements in law student performance on certain legal tasks.¹²² But the authors also found that the AI models performed inconsistently when characterizing relevant legal authorities and facts, and continued to exhibit instances of legal hallucinations.¹²³

In another study, researchers at Stanford University found “pervasive and disturbing” evidence that hallucination rates in state-of-the-art LLMs range from fifty-eight percent to eighty-eight percent in response to specific legal questions.¹²⁴ The study observed that Generative AI models often “lack self-awareness about their errors and tend to reinforce incorrect legal assumptions and beliefs.”¹²⁵ Based on the study’s findings, the Stanford researchers recommended caution when integrating Generative AI technologies into legal practice.¹²⁶

Generative AI tools may also be especially ill-equipped to handle difficult “close” cases, where choosing between alternative outcomes “requires the application of norms other than those explicitly incorporated in [a] rule.”¹²⁷ A recent study published by Apple researchers found that frontier reasoning models experience a significant decline in performance when they encounter highly complex problems.¹²⁸ In resolving simpler problems, the reasoning models identified correct solutions early.¹²⁹ Moderately complex problems required the reasoning models to engage in extensive exploration of incorrect paths.¹³⁰ And beyond a certain level of complexity, the models completely failed to find correct solutions.¹³¹ The Apple researchers concluded that, despite having sophisticated “self-reflection mechanisms,” the reasoning models failed to develop “generalizable problem-solving capabilities.”¹³² This report strongly suggests that attorneys should temper their expectations of Generative AI’s performance

122. *Id.* at 6–7.

123. *Id.* at 7–8, 40–41.

124. Daniel E. Ho, *Hallucinating Law: Legal Mistakes with Large Language Models are Pervasive*, STAN. UNIV. HUM.-CENTERED A.I. (Jan. 11, 2024), <https://hai.stanford.edu/news/hallucinating-law-legal-mistakes-large-language-models-are-pervasive> [hereinafter *Hallucinating Law*].

125. *Id.*

126. *Id.*

127. Maureen N. Armour defines a “close” case as one in which “the legal infrastructure of the [applicable] rule” can generate legitimate alternative outcomes. Maureen N. Armour, *Rethinking Judicial Discretion: Sanctions and the Conundrum of the Close Case*, 50 SMU L. REV. 493, 522 (1997).

128. Parshin Shojaei, Iman Mirzadeh, Keivan Alizadeh, Maxwell Horton, Samy Bengio & Mehrdad Farajtabar, *THE ILLUSION OF THINKING: UNDERSTANDING THE STRENGTHS AND LIMITATIONS OF REASONING MODELS VIA THE LENS OF PROBLEM COMPLEXITY 3* (2025). The Apple study included LLMs that are explicitly designed for “reasoning tasks” (referred to as Large Reasoning Models), including OpenAI’s o1/o3, DeepSeek-R1, Claude 3.7 Sonnet Thinking, and Gemini Thinking. *Id.* at 1.

129. *Id.* at 3.

130. *Id.*

131. *Id.*

132. *Id.*

on the most difficult problems and remain vigilant about the accuracy of Generative AI output.

C. Generative AI and Legal Research Platforms

Despite the potential for inaccuracies, legal research companies have integrated versions of an AI “chatbot” into their legal research services.¹³³ LexisNexis’s AI interface, for example, relies on more than one commercial AI system to deliver Generative AI output.¹³⁴ Legal research companies have attempted to address legal hallucinations by “augmenting” the database used by the AI tool with a database of existing authorities (a process noted above as “RAG”).¹³⁵

But it appears that even when a Generative AI system has access to a computer database of real legal authorities, the AI system may still hallucinate.¹³⁶ In *Flowz Digital LLC v. Dalal*, plaintiff filed court papers citing to a non-existent case and other cases that did not support plaintiff’s underlying arguments.¹³⁷ In response to the court’s order to show cause, plaintiff’s counsel acknowledged that his papers contained a fake case,¹³⁸ but argued that he had no intention of misleading the court.¹³⁹ Counsel pointed to his use of a well-known legal research provider (Lexis+ AI) to prove that he had a good faith belief in the accuracy of the authorities he cited.¹⁴⁰ The court observed that “[g]ood faith use of an AI tool—even where the tool is on a reputable platform and held out as dependable—is no excuse.”¹⁴¹ LexisNexis itself warned that its AI platform may provide inaccurate results, stating that “[i]n the rare instance where a citation provided by Lexis+ AI does not include a link, users should always review the citation for accuracy.”¹⁴² The court ultimately imposed a monetary sanction on plaintiff’s counsel and ordered plaintiff’s counsel to notify his state bar of the

133. Thomson Reuters Press Release Nov. 15, 2023; LexisNexis Press Release Oct. 25, 2023. Thomson Reuters announced the world’s first “AI legal assistant” and says that it will interface across Thomson Reuters products with Generative AI capabilities. Thomson Reuters Press Release Nov. 15, 2023.

134. Lexis’s platform utilizes Anthropic’s Claude 2 and OpenAI’s GPT-4 and ChatGPT. See LexisNexis Press Release Oct. 25, 2023. The company says it takes precautionary measures (e.g., vetting all citations against its own proprietary citation validation system) to reduce the risk of hallucinations). LexisNexis Press Release Oct. 25, 2023.

135. Thomson Reuters Press Release Nov. 15, 2023; Serena Wellen, *No Surprises: How Protégé™ in Lexis+ AI® Reduces Hallucinations and Strengthens Citation Integrity*, LEXISNEXIS (May 15, 2025), <https://www.lexisnexis.com/community/insights/legal/b/thought-leadership/posts/legal-ai-citation-integrity>.

136. *Flowz Digital LLC v. Dalal*, No. 25-cv-00709-SB-PVC, slip op. at 3 (C.D. Cal. May 30, 2025).

137. *Id.* at 1.

138. *Id.* at 2.

139. *Id.*

140. *Id.* at 3.

141. *Id.*

142. *Id.* at 3 n.2.

court's sanction order.¹⁴³ As *Flowz Digital* demonstrates, attorneys must be wary of any Generative AI output regardless of the source.

IV.

GENERATIVE AI TECHNOLOGY AND RULE 11 VIOLATIONS

Federal courts are increasingly relying on their authority under Rule 11 to sanction attorneys responsible for filing court papers containing fictitious legal and factual representations generated by AI platforms.¹⁴⁴ When confronting a case involving fictitious legal authorities, federal courts must answer two main questions: (1) whether litigants violated Rule 11 when they filed a document containing fictitious law or facts; and (2) if there is a violation, what kinds of sanctions are sufficient to deter future litigants from engaging in the same conduct.¹⁴⁵ In addressing the first question, the majority of federal courts have articulated a clear expectation that attorneys remain responsible for the accuracy of their algorithmically created representations.¹⁴⁶ In most cases, attorneys who substitute their own legal judgment for flawed computer output fail to conduct a reasonable inquiry into the validity of their legal and factual contentions in violation of Rule 11.¹⁴⁷ This Section will illustrate how attorney use of Generative AI can lead to violations of Rule 11's requirements.

A. Rule 11 Violations

Rule 11 requires litigants to certify that their "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."¹⁴⁸ Federal courts generally hold that attorneys violate Rule 11 by filing court documents citing fake caselaw.¹⁴⁹ *Mata* first introduced the world to "fake quotes and citations."¹⁵⁰ In that case, defendant moved to dismiss plaintiff's complaint under the Montreal Convention, an international treaty governing air carrier liability in signatory countries.¹⁵¹ In opposing defendant's motion,

143. *Id.* at 4.

144. *See infra* Appendix A.

145. *See* Adamson v. Bowen, 855 F.2d 668, 672 (10th Cir. 1988) (Rule 11 analysis is a two-step process, first courts assess whether there is a violation and then they determine sanctions).

146. *See* discussion *infra* Section IV.A.

147. *See infra* Appendix A.

148. FED. R. CIV. P. 11(b)(2).

149. *See, e.g.,* Mata v. Avianca, Inc., 678 F. Supp. 3d 443, 448 (S.D.N.Y. 2023); Gauthier v. Goodyear Tire & Rubber Co., No. 1:23-CV-281, 2024 U.S. Dist. LEXIS 214029, at *7 (E.D. Tex. Nov. 25, 2024); Wadsworth v. Walmart Inc., 348 F.R.D. 489, 499 (D. Wyo. 2025); Bunce v. Visual Technology Innovations, Inc., No. 23-1740, 2025 U.S. Dist. LEXIS 36454, at *9 (E.D. Pa. Feb. 27, 2025); *see also* Appendix A. *But see, e.g.,* United States v. Cohen, 724 F. Supp. 3d 251, 258 (S.D.N.Y. 2024).

150. *See* Benjamin Weiser & Nate Schweber, *The ChatGPT Lawyer Explains Himself*, N.Y. TIMES, (June 8, 2023), <https://www.nytimes.com/2023/06/08/nyregion/lawyer-chatgpt-sanctions.html>; Mata, 678 F. Supp. 3d at 448.

151. Mata, 678 F. Supp. 3d at 449.

plaintiff's counsel cited nine non-existent cases from a number of different state and federal courts across the country.¹⁵² By citing fake caselaw and continuing to defend the fake cases after notice of their possible falsity, the court found that counsel violated Rule 11(b)(2).¹⁵³ The court unequivocally asserted that an "attempt to persuade a court or oppose an adversary by relying on fake opinions is an abuse of the adversary system."¹⁵⁴

Post-*Mata*, attorneys continue to run afoul of *Mata*'s central teaching—that litigants must verify the existence and accuracy of legal authorities in their court filings, especially those legal authorities produced by AI platforms. Federal courts have sanctioned dozens of attorneys in numerous cases under Rule 11 for including fictitious cases in their legal filings.¹⁵⁵ For example, in *Wadsworth v. Walmart Inc.*, the court found that plaintiff's counsel violated Rule 11(b)(2) when they cited nine fake cases in a motion in limine filing.¹⁵⁶ In *Mortazavi v. Booz Allen Hamilton, Inc.*, the court stated that "[w]hile a lawyer may use AI for assistance, she is fully responsible for the contents of the generated product submitted in the filing—and that responsibility is not diminished in the least when the machine goes rogue."¹⁵⁷ The court warned that "facts and law must be checked to see if they exist and to determine whether they support the proposition for which they are cited."¹⁵⁸ The Second Circuit has asserted that counsel has a duty to "read, and thereby confirm the existence and validity of, the legal authorities on which they rely."¹⁵⁹ Another court has warned that failure to confirm the existence and accuracy of legal authorities "is to abdicate one's duty, waste legal resources, and lower the public's respect for the legal profession and judicial proceedings."¹⁶⁰

Federal courts have generally initiated sanctions proceedings on their own initiative pursuant to the procedures set forth in Rule 11(c)(3) (rather than on a party's motion) when courts suspect an attorney has filed a document with hallucinated material.¹⁶¹ After giving attorneys notice and an opportunity to respond, as required by Rule 11(c)(1), courts determine whether sanctions are

152. See *id.* at 451–52.

153. *Id.* at 448.

154. *Id.* at 461.

155. See *infra* Appendix B identifying over forty instances of courts sanctioning attorneys under Rule 11 for citing legal hallucinations.

156. *Wadsworth v. Walmart Inc.*, 348 F.R.D. 489, 495 (D. Wyo. 2025)

157. *Mortazavi v. Booz Allen Hamilton, Inc.*, No. 2:24-cv-07189-SB-RAO, slip op. at 3 (C.D. Cal. Oct. 30, 2024).

158. *Id.* at 3.

159. *Park v. Kim*, 91 F.4th 610, 615 (2d. Cir. 2024); see also *ByoPlanet Int'l, LLC v. Johansson*, 792 F. Supp. 3d 1341, 1347 (S.D. Fla. 2025) ("a lawyer who wishes to use AI ethically must ensure that the legal propositions and authority generated are trustworthy.").

160. *ByoPlanet Int'l, LLC*, 792 F. Supp. 3d at 1347.

161. Federal courts rely heavily on the "show cause" procedure set forth under Rule 11(c)(3) to order parties to explain why they should not be sanctioned for citing fictitious caselaw. See FED. R. CIV. P. 11(c)(3); see also Appendix A (identifying dozens of federal cases where courts initiated proceedings sua sponte to consider sanctioning parties under Rule 11 for legal hallucinations).

appropriate.¹⁶² In most cases, courts find that attorneys citing fabricated legal authorities have violated Rule 11.¹⁶³ As a result, courts have sanctioned attorneys for, among other things, citing non-existent cases,¹⁶⁴ making up case quotations,¹⁶⁵ and for citing cases that do not support the propositions for which they are cited.¹⁶⁶ In one case, the court identified at least fifty-five defective AI-generated case citations across several filings.¹⁶⁷ Litigants have filed papers asserting fake legal authorities in connection with various substantive and procedural issues such as calculating lost wages,¹⁶⁸ the timeliness of personal injury claims,¹⁶⁹ and the court's authority to review orders of removal issued under the Immigration and Nationality Act.¹⁷⁰ This phenomenon of AI-generated legal authorities has appeared in federal courts from coast to coast.¹⁷¹ However, not all courts finding or suspecting AI generated fictitious output choose to pursue sanctions under Rule 11.¹⁷² Some courts put attorneys on notice that future citations to non-existent authority may result in sanctions.¹⁷³ In *Strike 3 Holdings LLC v. Doe*, for example, the court identified three nonexistent citations in defendant's motion papers and warned defendant's counsel of their obligations under Rule 11 and California's Rules of Professional Conduct not to make false statements of fact or law.¹⁷⁴

Upon a finding of a Rule 11 violation, courts can impose a variety of sanctions on attorneys for citing fake cases, including monetary sanctions,¹⁷⁵

162. FED. R. CIV. P. 11(c)(1).

163. See Appendix A for cases finding Rule 11 violations where attorneys cite to fake law.

164. *Ramirez v. Humala*, No. 24-CV-242, 2025 U.S. Dist. LEXIS 91124, at *1 (E.D.N.Y. May 13, 2025) (identifying four non-existent cases).

165. *Seither & Cherry Quad Cities, Inc. v. Oakland Automation, LLC*, No. 23-11310, 2025 U.S. Dist. LEXIS 143941, at *2 (E.D. Mich. July 28, 2025) (identifying multiple fabricated quotations or explanatory parentheticals).

166. *Mavy v. Comm'r of SSA*, No. CV-25-00689-PHX-KML (ASB), 2025 U.S. Dist. LEXIS 157358, at *2, *8, *20 (D. Ariz. Aug. 14, 2025) (identifying citations to non-existent cases or cases that do not support legal propositions for which they were cited and misciting legal authority).

167. *P.R. Soccer League NFP, Corp. v. Federación Puertorriqueña de Fútbol*, No. 23-1203, 2025 U.S. Dist. LEXIS 188130, at *24 (D.P.R. Sep. 23, 2025).

168. *Park v. Kim*, 91 F.4th 610, 614 (2d Cir. 2024).

169. *Mata v. Avianca, Inc.*, 678 F. Supp. 3d 443, 449 (S.D.N.Y. 2023).

170. *Dehghani v. Castro*, No. 2:25-cv-0052, 2025 U.S. Dist. LEXIS 63641, at *2 (D.N.M. Apr. 2, 2025).

171. See *infra* Appendix A.

172. See, e.g., *Strike 3 Holdings, LLC v. Doe*, No. 2:24-cv-8183, 2025 U.S. Dist. LEXIS 54454, at *9 (C.D. Cal. Jan. 22, 2025) ("The court cautions defendant that any further filings with citations to non-existent cases may result in sanctions."); *Plumbers v. Morris Plumbing, LLC*, No. 23-CV-616, 2024 U.S. Dist. LEXIS 70751, at *13 (E.D. Wis. Apr. 18, 2024) ("Plaintiffs' counsel is on notice that any future instance of the presentation of nonexistent case authority will result in sanctions."); *Arajuo v. Wedelstadt*, No. 23-C-1190, 2025 U.S. Dist. LEXIS 11065, at *3 (E.D. Wis. Jan. 22, 2025) ("Counsel is warned that any future filings with citations to nonexistent cases may result in sanctions.").

173. See cases cited *supra* note 172.

174. *Strike 3 Holdings*, 2025 U.S. Dist. LEXIS 54454, at *8–9.

175. See Appendix C.

self-reporting to state bar authorities,¹⁷⁶ mandatory training on artificial intelligence and legal ethics,¹⁷⁷ striking briefs from the docket,¹⁷⁸ and even striking counsel's appearance.¹⁷⁹ By far, monetary penalties have been the most common type of sanction imposed on attorneys for violating Rule 11.¹⁸⁰ These monetary sanctions have ranged from as little as \$250 to as much as \$7,500, depending on the role counsel played in the violation.¹⁸¹ Parties generally pay these sanctions as a "penalty into court."¹⁸² In a limited number of cases, courts have ordered counsel to pay a party's attorneys' fees and costs related to counsel's use of fake caselaw.¹⁸³ Where courts have specifically shifted attorneys' fees and costs, the awards were often more substantial than monetary penalties,¹⁸⁴ with one court awarding as much as \$85,567.75 in attorneys' fees.¹⁸⁵

176. *Mortazavi v. Booz Allen Hamilton, Inc.*, No. 2:24-cv-07189, slip op. at 3–4 (C.D. Cal. Oct. 30, 2024).

177. *Bunce v. Visual Technology Innovations, Inc.*, No. 23-1740, 2025 U.S. Dist. LEXIS 36454, at *9 (E.D. Pa. Feb. 27, 2025).

178. *Lacey v. State Farm Gen. Ins. Co.*, No. CV 24-5205, 2025 U.S. Dist. LEXIS 90370, at *10 (C.D. Cal. May 5, 2025).

179. *Bevins v. Colgate-Palmolive Co.*, No. 25-576, 2025 U.S. Dist. LEXIS 68399, at *18 (E.D. Pa. Apr. 10, 2025).

180. See Appendix B (identifying sanctions imposed on attorneys for Rule 11 violations involving legal hallucinations).

181. See Appendix C (identifying monetary sanctions imposed on attorneys for Rule 11 violations involving legal hallucinations).

182. FED. R. CIV. P. 11(c)(4). The Advisory Committee Notes confirm that "if a monetary sanction is imposed, it should ordinarily be paid into court as a penalty." FED. R. CIV. P. 11 advisory committee's notes on 1993 amendments to subdivisions (b) and (c). And as discussed in Part I, *supra*, Rule 11 specifically allows an award of attorneys' fees where a party abides by the 21-day safe harbor provision and successfully moves for sanctions. FED. R. CIV. P. 11(c)(2), (4); FED. R. CIV. P. 11 advisory committee's notes on 1993 amendments to subdivisions (b) and (c) ("the rule authorizes the court, if requested in a motion and if so warranted, to award attorney's fees to another party.").

183. See *Jackson v. Auto-Owners Ins. Co.*, No. 7:24-cv-136, slip op. at 1 (M.D. Ga. July 30, 2025) (awarding \$6,462.40 in attorneys' fees and costs); *ByoPlanet Int'l, LLC v. Johansson*, No. 0:25-CV-60630, 2025 WL 3091094, at *4 (S.D. Fla. Aug. 1, 2025) (awarding \$85,567.75 in attorneys' fees and costs); *Seither & Cherry Quad Cities, Inc. v. Oakland Automation, LLC*, No. 23-11310, 2025 U.S. Dist. LEXIS 143941, at *7 (E.D. Mich. July 28, 2025) (awarding \$1,485 in costs); *Coronavirus Rep. Corp. v. Apple Inc.*, No. 24-cv-08660, 2025 U.S. Dist. LEXIS 146572, at *16–18 (N.D. Cal. July 30, 2025) (awarding defendant fees and costs reasonably incurred in connection with the litigation); *P.R. Soccer League NFP, Corp. v. Federación Puertorriqueña de Fútbol*, No. 23-1203, 2025 U.S. Dist. LEXIS 188130, at *27 (D.P.R. Sep. 23, 2025) (awarding \$24,492.10 in attorneys' fees and costs); *Mattox v. Prod. Innovations Rsch., LLC*, 807 F. Supp. 3d 1341, 1350–53 (E.D. Okla. 2025) (awarding \$23,495.90 in attorneys' fees and costs); *Wilson v. Kipp Tex., Inc.*, No. 3:24-CV-2578, 2025 U.S. Dist. LEXIS 214023, at *8–9 (N.D. Tex. Oct. 29, 2025) (ordering plaintiff's counsel to pay defendant's attorneys' fees and costs related to Rule 11 violation); *Dubin v. Papazian*, No. 25-CV-23877, 2025 U.S. Dist. LEXIS 229362, at *10 (S.D. Fla. Nov. 21, 2025) (awarding \$4,030.90 in attorneys' fees); *Jakes v. Youngblood*, No. 2:24-cv-1608, slip op. at 5–6 (W.D. Pa. Oct. 6, 2025) (awarding \$5,000 in attorneys' fees); *Joint Notice Regarding Settlement of Plaintiff's Attorneys' Fees at 2, Versant Funding LLC v. Teras Breakbulk Ocean Navigation Enters., LLC*, No. 17-cv-81140-WPD (S.D. Fla. May 30, 2025), Dkt. No. 393 (awarding \$5,000 in attorneys' fees and costs).

184. See Appendix C (identifying monetary sanctions imposed on attorneys for legal hallucinations).

185. *ByoPlanet Int'l, LLC v. Johansson*, No. 0:25-CV-60630, 2025 WL 3091094, at *4 (S.D. Fla. Aug. 1, 2025).

While the majority of courts agree that attorneys filing court papers with fake legal authorities violate Rule 11,¹⁸⁶ there is a significant circuit split regarding the legal standard that is applicable in Rule 11 proceedings commenced on the court's own initiative under Rule 11(c)(3).¹⁸⁷ As discussed in Part II of this Article, *supra*, the 1993 amendments created two paths for a court to consider imposing Rule 11 sanctions—upon a party's motion or on the court's own initiative through issuance of an order to show cause.¹⁸⁸ On a party's motion, courts apply an objective standard to determine whether a party's conduct has violated its Rule 11 obligations.¹⁸⁹

But there is disagreement among circuit courts as to the proper standard for Rule 11 violations when courts consider sanctions on their own initiative under Rule 11(c)(3).¹⁹⁰ While the majority of federal circuits apply an objective "reasonable attorney" standard,¹⁹¹ various circuit courts have interpreted the Advisory Committee comments—that "show cause orders will ordinarily be issued only in situations that are akin to a contempt of court"¹⁹²—as requiring a heightened standard, beyond objective reasonableness, when issuing sanctions in court-initiated proceedings.¹⁹³ These circuits, including the Fourth, Ninth, and Eleventh Circuits, require that the conduct be "akin to contempt" to be sanctionable under Rule 11.¹⁹⁴

The Second Circuit has taken its interpretation of the Advisory Committee's comments on sua sponte proceedings one step further by requiring not only a showing of conduct akin to a contempt of court, but also adding a

186. See Appendix A.

187. See *in re Engle Cases*, 283 F. Supp. 3d 1174, 1213 (M.D. Fla. 2017).

188. See discussion *infra* Part II.

189. See *in re Pennie & Edmonds LLP*, 323 F.3d 86, 90 (2d. Cir. 2003).

190. See *Engle*, 283 F. Supp. 3d at 1212–14 (discussing various circuit approaches to deciding Rule 11 violations raised on a court's initiative under Rule 11(c)(3)).

191. Solovy, *supra* note 74, at 748; see also *Young v. City of Providence ex rel. Napolitano*, 404 F.3d 33, 39–40 (1st Cir. 2005) (declining to adopt a "bad faith" standard for sua sponte Rule 11 proceedings); *Wharton v. Superintendent Graterford SCI*, 94 F.4th 140, 147–48 (3d Cir. 2024) ("Not even sua sponte Rule 11 sanctions (those on the court's own initiative) require subjective bad faith"); *Jenkins v. Methodist Hosps. of Dall., Inc.*, 478 F.3d 255, 264 (5th Cir. 2007) (holding that "the standard under which the attorney is measured [under Rule 11] is an *objective, not subjective*, standard of reasonableness under the circumstances") (alterations in the original) (citation omitted); *First Bank of Marietta v. Hartford Underwriters Ins. Co.*, 307 F.3d 501, 517 (6th Cir. 2002) (explaining Rule 11's requisite showing of "objectively unreasonable conduct") (citation omitted); *In re Allen*, 248 F. App'x 874, 882 (10th Cir. 2007) (affirming a lower court that applied an "objectively reasonable" standard in determining the appropriateness of sua sponte sanctions under Rule 11).

192. FED. R. CIV. P. 11 advisory committee's notes on 1993 amendments to subdivisions (b) and (c).

193. See, e.g., *Kaplan v. DaimlerChrysler, A.G.*, 331 F.3d 1251, 1252 (11th Cir. 2003) (adopting an "akin to contempt" standard for court-initiated sanctions under Rule 11(c)(2)); *Hunter v. Earthgrains Co. Bakery*, 281 F.3d 144, 153 (4th Cir. 2002) (recognizing the Advisory's Committee's comments that to be sanctionable, conduct should be a "akin to contempt"); *United Nat'l Ins. Co. v. R&D Latex Corp.*, 242 F.3d 1102, 1116 (9th Cir. 2001) ("sua sponte sanctions 'will ordinarily be imposed only in situations that are akin to a contempt of court.'") (citation omitted).

194. See cases cited *supra* note 193.

mens rea requirement of subjective bad faith.¹⁹⁵ In *In re Pennie & Edmonds LLP*, the district court sanctioned plaintiff's counsel under Rule 11 for permitting a client to submit a false affidavit in connection with a motion for summary judgment.¹⁹⁶ The Second Circuit reversed the district court's sanction and held that where the court sanctions attorneys sua sponte, the appropriate standard under Rule 11 is subjective bad faith.¹⁹⁷ The court viewed the heightened standard as necessary because of the lack of a safe harbor opportunity to withdraw or correct the challenged submission.¹⁹⁸ The Advisory Committee's "akin to a contempt of court" language and the need to review sanctions imposed sua sponte with "particular stringency" also persuaded the court that a heightened standard applied to sua sponte proceedings.¹⁹⁹

But the Second Circuit panel decision in *Pennie* was not unanimous.²⁰⁰ Judge Underhill wrote a dissent criticizing the majority's decision for ignoring the plain text of Rule 11 and the most recent amendments to Rule 11 adopting a purely objective standard.²⁰¹ While no other circuit court has expressly adopted a bad faith subjective standard in sua sponte proceedings, the standard has been applied by at least one district court outside of the Second Circuit and may continue to influence other circuit courts considering the same issue.²⁰²

The Second Circuit's bad faith standard has already produced mixed results in Rule 11 cases involving fictitious cases generated by AI in sua sponte proceedings.²⁰³ In *United States v. Cohen*, the court cited the Second Circuit's

195. Solovy, *supra* note 74, at 748.

196. *In re Pennie & Edmonds LLP*, 323 F.3d 86, 87–88 (2d. Cir. 2003). *Pennie* arose from trademark litigation regarding the marketing of pasta sauce. *Id.* at 87. In that case, defendants maintained that they first used their labels in 1993, before plaintiff began marketing its product. *Id.* But information eventually came to light that strongly discredited defendants' assertions. *Id.* at 88. Defendants' counsel allowed an individual defendant to submit a declaration in support of a motion for summary judgment that maintained defendants' questionable position. *Id.*

197. *Id.* at 90.

198. *Id.*

199. *Id.* The Second Circuit further rationalized a higher mens rea standard by observing that the lack of a safe harbor and lower standard would cause lawyers to withhold submissions that they might otherwise make (out of fear that a court might find their submission to be objectively unreasonable). *Id.* at 91.

200. *Id.* at 87.

201. *Id.* at 93–94 (J. Underhill, dissenting opinion). In his dissenting opinion, Judge Underhill took issue with the majority's interpretation of the Advisory Committee's "akin to a contempt" language, arguing that the language was merely "predictive, not restrictive." *Id.* at 95. He also pointed out that, in adopting a subjective bad faith standard, the Second Circuit went far beyond other circuits that have relied on the Advisory Committee comment on the type of conduct that would ordinarily call for sanctions sua sponte. *Id.* at 95–96. The dissent further noted that the drafters of the 1983 amendments abandoned the subjective bad faith standard in favor of one of "reasonableness under the circumstances" and that the 1993 Advisory Committee notes did not reinstate a bad faith standard "in whole or in part." *Id.* at 99.

202. See *Johnson v. Barnes*, 283 F. Supp. 2d 1297, 1301 n.2 (S.D. Ga. 2003).

203. *Compare Nora v. M & A Transp., Inc.*, No. 25-1015, 2025 WL 2337132, at *3 (E.D. La. Aug. 13, 2025) (sanctioning attorney under Rule 11 for citing three fake cases), with *United States v.*

bad faith requirement as the principal reason for not imposing sanctions on counsel for filing a brief containing fictitious caselaw.²⁰⁴ In that case, defendant Michael Cohen filed a motion that included three fictitious cases.²⁰⁵ The court issued an order to show cause to Cohen’s counsel, David M. Schwartz, to explain the source of the non-existent cases.²⁰⁶ Schwartz explained that he received the cases from Cohen, but assumed that the cases had been found by an attorney working on Cohen’s behalf.²⁰⁷ Applying the Second Circuit’s subjective bad faith standard, the court held that it was “compelled to conclude” that sanctions could not be imposed on Schwartz based on his apparent misunderstanding of the origin of the fake cases.²⁰⁸ In reaching its decision, the court credited Schwartz’s explanation that he believed the cases to be accurate because of his co-counsel’s renowned reputation and skill as a trial lawyer and that inclusion of the fake cases was an honest and unintentional mistake.²⁰⁹ The court noted that, at most, defendant’s counsel’s conduct “supports a finding of extreme carelessness, not intentional bad faith.”²¹⁰ The *Cohen* decision can be interpreted as creating a subjective “good faith” defense for attorneys who can establish that they honestly believed that their legal authorities accurately represented the law *even when those authorities do not exist*.²¹¹ This subjective good faith defense could prevent courts in the Second Circuit (and courts choosing to follow the Second Circuit) from holding attorneys responsible for relying on fictitious caselaw in court papers.²¹²

B. Generative AI Harms

As a relatively new technology, Generative AI’s full impact on the legal system is still uncertain. But courts have already identified various harms that may result from litigant use of fictitious citations produced by Generative AI.²¹³ These harms include wasting time, money, and judicial resources exposing

Cohen, 724 F. Supp. 3d 251, 254, 258 (S.D.N.Y. 2024) (declining to sanction attorney under Rule 11 for citing three fake cases).

204. *Cohen*, 724 F. Supp. 3d at 258 (“Rule 11 does not always require bad faith, but it does where, as here, a court raises the prospect of sanctions on its own initiative.”).

205. *Id.* at 253.

206. *Id.* at 254.

207. *Id.* at 254–55.

208. *Id.* at 258.

209. *Id.* at 258–59.

210. *Id.* at 259.

211. This development would essentially bring back a version of the “empty-head, pure-heart” justification that was intended to be eliminated by the 1993 amendments to Rule 11. *See* FED. R. CIV. P. 11 advisory committee’s notes on 1993 amendments to subdivisions (b) and (c).

212. In *Iovino v. Michael Stapleton Assocs.*, the court found *Cohen* instructive, observing that there was no Rule 11 violation where there was an absence of facts suggesting that counsel intended to obfuscate or mislead the court. *See* Transcript of Hearing at 10, *Iovino v. Michael Stapleton Assocs.*, No. 5:21-cv-00064 (W.D. Va. Oct. 30, 2024). The court ultimately declined to issue sanctions against plaintiff’s counsel. *Iovino v. Michael Stapleton Assocs.*, No. 5:21-CV-00064, slip op. at 1 (W.D. Va. Oct. 10, 2024).

213. *See* *Mata v. Avianca, Inc.*, 678 F. Supp. 3d 443, 448–49 (S.D.N.Y. 2023).

deceptive propositions of law; depriving clients of meritorious arguments based on real precedent; risking the reputation of judges and courts named in fake opinions; promoting cynicism about the legal profession and the American judicial system; and casting doubt on the authenticity of judicial rulings.²¹⁴ The following Section will delve into real and potential harms posed by unvetted Generative AI output. In addition to direct harms, this Section will explore how the law could be upended by the introduction of hallucinated caselaw in a process this Article will refer to as “fake law laundering.”²¹⁵ Fake law laundering describes the effect of fake law on existing law, either through mere influence on an ultimate judicial result or a court’s explicit adoption of fake legal principles. Adoption of fake law has its obvious drawbacks, including the circumvention of the legislative process for creation of law, the unfair influence on the judicial process in resolving legal disputes, and the prejudicial effect on the rights of litigating parties.

1. Wasting Time, Money, and Judicial Resources

The number of cases involving legal hallucinations has only grown since *Mata*.²¹⁶ One court has gone so far as to call this trend an “epidemic” of parties “citing fake cases.”²¹⁷ More concerning is that the number of reported cases addressing fictitious citations is on an upward trajectory.²¹⁸ In *Benjamin v. Costco Wholesale Corp.*, Magistrate Judge Dunst said the court’s review of fictitious cases was a “waste of the Court’s resources.”²¹⁹ Instead of addressing a “routine matter of civil procedure,” the court had to dedicate its resources to surveying the caselaw regarding “attorney misconduct relating to the use of AI.”²²⁰ In *Ferris v. Amazon.com Services, LLC*, Judge Mills lamented that while one party can create “a fake legal brief at the click of a button, the opposing party and court must parse through the case names, citations, and points of law to

214. *Id.*

215. A similar concept identified as a “law-laundering service” comes from Richard A. Falk, *The United Nations and the Rule of Law*, 4 TRANSNAT’L L. & CONTEMP. PROBS. 611, 628 (1994). Falk says “law-laundering” occurs where influential nation states opportunistically use the United Nations’s peace keeping mission to engage in geopolitical actions only when those actions further their own priorities. *Id.* at 628–29. As used in this Article, fake law laundering refers to the corrupting influence that AI-generated fake law could have on the development of American law.

216. See Appendix A. Indeed, courts across the world have also been addressing fictitious cases in legal filings. See Charlotin Website, *supra* note 16.

217. *Benjamin v. Costco Wholesale Corp.*, 779 F. Supp. 3d 341, 343 (E.D.N.Y. 2025).

218. See *Waheed v. SM 1 MMS, LLC*, No. 24-CV-6476, 2025 U.S. Dist. LEXIS 228640, at *20 n.3 (S.D.N.Y. Oct. 28, 2025) (noting evidence of a “steadily increasing trend in court filings” containing hallucinated cases); *Parker v. Costco Wholesale Corp.*, No. C25-0519, 2025 U.S. Dist. LEXIS 273977, at *25–26 (W.D. Wash. Nov. 7, 2025) (describing legal hallucinations in court papers as a “tidal wave of . . . misconduct hitting the federal courts”); see also Appendix A (identifying 50 federal Rule 11 cases addressing hallucinated content); Charlotin Website, *supra* note 16.

219. *Benjamin*, 779 F. Supp. 3d at 349.

220. *Id.*

determine which parts, if any, are true.”²²¹ Judge Mills described this problem as a “creation-response imbalance” that places a “significant strain on the judicial system.”²²² The continuous appearance of hallucinated cases in court filings has resulted in a significant loss of judicial resources and a diversion of judicial attention from addressing cases on the merits.

In addition to the substantial loss of judicial resources, parties can spend substantial time and resources responding to unmeritorious legal arguments based on fake legal authorities. Attorneys embracing Generative AI to enhance their litigation strategy could find themselves asserting unfounded legal theories in a number of court filings.²²³ For example, in *Mattox v. Product Innovations Research, LLC*, plaintiff’s counsel submitted eleven pleadings²²⁴ containing fabricated case citations, non-existent quotations of law, and misstatements of law.²²⁵ At the show cause hearing, plaintiff’s counsel admitted that he used ChatGPT “to make his writing more persuasive,” but failed to verify the citations after the AI program altered them.²²⁶ The court found that that plaintiff’s filings contained twenty-eight false or misleading citations, fourteen fabricated cases, and fourteen erroneous or misquoted authorities.²²⁷ Defendants’ counsel submitted an affidavit attesting that they expended \$23,495.90 in attorneys’ fees and costs in connection with the pleadings and related proceedings.²²⁸ The court ordered the law firms representing plaintiff to reimburse defense counsel for their fees and costs, finding that those expenses were “reasonable and directly caused by the violations” of Rule 11.²²⁹

In *ByoPlanet International, LLC v. Johansson*, the court found that plaintiff’s counsel misused Generative AI across four consolidated cases and ordered him to pay defendants’ counsel “for all time spent responding to any filing in which generative AI was used to develop hallucinated cases and fabricated quotations.”²³⁰ After assessing the reasonableness of counsel’s time entries, the court ordered plaintiff’s attorney to pay defendants’ attorneys a total of \$85,567.75 in fees and costs.²³¹ The substantial sums awarded in *Mattox* and *ByoPlanet*, which far surpass individual attorney monetary sanctions,²³²

221. *Ferris v. Amazon.com Servs., LLC*, 778 F. Supp. 3d 879, 880 (N.D. Miss. 2025).

222. *Id.* at 880–81.

223. *Mattox v. Prod. Innovations Rsch., LLC*, 807 F. Supp. 3d 1341, 1343 (E.D. Okla. 2025) (identifying a variety of legal hallucinations across eleven pleadings).

224. The court papers included summary judgment briefing, motions in limine, motions to strike, and a sanctions motion. *Id.*

225. *Id.*

226. *Id.* at 1347.

227. *Id.*

228. *Id.* at 1353.

229. *Id.*

230. *ByoPlanet Int’l, LLC v. Johansson*, 792 F. Supp. 3d 1341, 1557 (S.D. Fla. 2025).

231. *ByoPlanet Int’l, LLC v. Johansson*, No. 0:25-cv-60646, 2025 U.S. Dist. LEXIS 221736, at *6 (S.D. Fla. Jul. 31, 2025).

232. See Appendix C (identifying monetary penalties imposed on attorneys for AI-generated hallucinations).

illustrate the high costs that parties may be forced to shoulder when responding to court papers riddled with fictitious legal authorities.²³³

2. *Reputational Harm to Judges and Courts*

Generative AI's ability to create "frustratingly realistic" legal text²³⁴ poses serious problems for the courts, judges, attorneys, and litigants who rely on the integrity of the judicial decision-making process. Fictitious cases often contain citation information borrowed from real cases, including information about the purported issuing court and presiding judge.²³⁵ This information gives fake citations a certain degree of credibility. In *Mata*, for example, the court identified numerous cases it could not locate.²³⁶ These cases were, according to their citation, issued by a variety of courts, including the Seventh, Second, Fifth, and Eleventh Circuit Courts of Appeals, Illinois Court of Appeals, D.C. District Court, Texas Court of Appeals, Georgia Court of Appeals, and New Jersey Appellate Division.²³⁷ All of these cases turned out to be fictitious.²³⁸ The *Mata* attorneys exploited the credibility of these courts in furtherance of their own litigation advantage. The courts themselves have no real way to respond to these attributions aside from denying the existence of the fake caselaw.²³⁹ What is even more disturbing is that Generative AI is capable of far more than making up case citations. In response to the court's request for copies of the questionable decisions, counsel in *Mata* went so far as to produce excerpts of the purported written opinions.²⁴⁰ These excerpts had traits that were also consistent with existing judicial decisions, including the names of actual federal circuit court judges.²⁴¹ In sum, the creation of fictitious law undermines the authority of courts by creating doubt in the veracity of actual court opinions.

3. *Loss of Opportunity to Present Credible Arguments*

Attorneys inserting fake citations into their legal filings fail to provide competent legal counsel to their clients and compromise their clients' ability to

233. The amount of attorney time required to adequately address legal hallucinations could also be substantial. See *P.R. Soccer League NFP, Corp. v. Federación Puertorriqueña de Fútbol*, No. 23-1203 (RAM), 2025 U.S. Dist. LEXIS 188130, at *13 (D.P.R. Sep. 23, 2025) (approving 252.81 hours in attorneys' fees in connection with filings containing fictitious citations).

234. *Ferris v. Amazon.com Servs., LLC*, 778 F. Supp. 3d 879, 880 (N.D. Miss. 2025).

235. See *Mata v. Avianca, Inc.*, 678 F. Supp. 3d 443, 453–56 (S.D.N.Y. 2023); see also *Mavy v. Comm'r of SSA*, No. CV-25-00689-PHX-KML (ASB), 2025 U.S. Dist. LEXIS 157358, at *36 (D. Ariz. Aug. 14, 2025) (ordering counsel to notify judges to whom she attributed fictitious cases).

236. *Mata*, 678 F.Supp.3d at 450–52.

237. *Id.* at 451, 454.

238. See *id.* at 453–56.

239. *Id.* at 453 (confirming with the Clerk of the Eleventh Circuit Court of Appeals that a hallucinated case ("Varghese") is not an authentic ruling of that court).

240. *Id.*

241. *Id.* at 453, 453 n.7.

present credible and compelling arguments to the court.²⁴² For example, the *Mata* attorneys, in opposing a motion to dismiss with fake caselaw, lost their opportunity to credibly argue why their client's complaint was timely.²⁴³ As an international air carrier, defendant airline argued that plaintiff's complaint was time-barred by a two-year filing requirement set forth in the Montreal Convention, a treaty governing the liability of air carriers operating in signatory countries.²⁴⁴ Importantly, whether the Montreal Convention's two-year filing period is subject to tolling (i.e., stopping the clock on the statute of limitations) is an issue that has not been specifically resolved by the Second Circuit.²⁴⁵ According to a comprehensive treatise on the Montreal Convention, "[t]he most important issue in the practice of Article 35 [of the Montreal Convention] is how national courts calculate the two-year limitation period."²⁴⁶ The limitations issue turns on whether the forum state considers the limitation period to be a "condition precedent" and therefore not subject to tolling or a "prescription period" that can be interrupted or suspended.²⁴⁷ While the predominant view is that the limitations period is extinguished if an action is not commenced within the two-year limitations period,²⁴⁸ several signatory countries have recognized exceptions to that rule.²⁴⁹ Likewise, at least one lower court in the United States has discussed the possibility of tolling Article 35.²⁵⁰ Since there is no controlling

242. *Benjamin v. Costco Wholesale Corp.*, 779 F. Supp. 3d 341, 343 (E.D.N.Y. 2025).

243. *Mata v. Avianca, Inc.*, No. 22-cv-1461 (PKC), 2023 U.S. Dist. LEXIS 108261, at *9 (S.D.N.Y. June 22, 2023) (dismissing plaintiff's complaint as untimely under international treaty's two-year time limitation). Plaintiff's arguments, based on fake law, further did "not provide a non-frivolous ground for extending, modifying, or reversing existing law, or for establishing new law." *Mata v. Avianca, Inc.*, 678 F.Supp.3d 443, 461 (S.D.N.Y. 2023); FED. R. CIV. P. 11(b)(2).

244. *Mata v. Avianca, Inc.*, No. 22-cv-1461 (PKC), 2023 U.S. Dist. LEXIS 108261, at *1–4 (S.D.N.Y. June 22, 2023); *see also* Convention for the Unification of Certain Rules Relating to International Carriage by Air, art. 35, 28 May 1999, 2242 U.N.T.S. 309 [hereinafter *Montreal Convention*] ("(1) The right to damages shall be extinguished if an action is not brought within a period of two years, reckoned from the date of arrival at the destination, or from the date on which the aircraft ought to have arrived, or from the date on which the carriage stopped. (2) The method of calculating that period shall be determined by the law of the court seised of the case.").

245. *See Ireland v. AMR Corp.*, 20 F. Supp. 3d 341, 346, 344–46 (E.D.N.Y. 2014) (acknowledging "a scarcity of precedent discussing Article 35 of the Montreal Convention"); *see also Mata*, 2023 U.S. Dist. LEXIS 108261, at *7–8 (relying on the Second Circuit's interpretation of Article 29 of the Warsaw Convention to determine whether the two-year filing limitation under Article 35 of the Montreal Convention should be interpreted as a strict condition precedent or a limitations period potentially subject to tolling).

246. José Ignacio García Arboleda, *Article 35 Limitation of Actions*, THE MONTREAL CONVENTION A COMMENTARY 425 (George Leloudas, Paul S. Dempsey & Laurent Chassot eds., 2023).

247. *Id.*

248. *Id.* at 427–28.

249. *Id.* at 428, 430 (discussing exceptions to the two-year limitation recognized by courts in Spain, France, and Israel).

250. *Id.* at 429 (citing *Onyekuru v. Nw. Airlines*, No. 06 C 5054, 2007 WL 2713892, at *2 (N.D. Ill. Sep. 14, 2007) (dismissing claim because plaintiff "did not file her claim against KLM within the Montreal Convention's two-year limitations period, or offer any evidence to suggest that the limitations period was tolled"))).

caselaw from the Second Circuit addressing whether the Montreal Convention's limitations period is tolled by federal bankruptcy law,²⁵¹ the *Mata* attorneys had a credible basis to argue for a favorable outcome on behalf of their client. But the *Mata* attorneys forfeited their client's opportunity to submit a well-reasoned argument by relying on fictitious caselaw from a Generative AI platform.²⁵²

4. Harm to Legal Integrity

The risk of a court adopting arguments supported by fake caselaw, and thus engaging in a form of fake law laundering, is a real concern.²⁵³ In *Lacey v. State Farm*, Judge Michael R. Wilner candidly admitted that he was persuaded, or “at least intrigued,” by the fake authorities cited in plaintiff's brief.²⁵⁴ When he researched those decisions to learn more about them, Judge Wilner found that “they didn't exist.”²⁵⁵ Plaintiff's counsel's use of fictitious authorities could have led to an even “scarier outcome” according to Judge Wilner—he could have included those “bogus materials in a judicial order.”²⁵⁶ Judge Wilner's near-adoption of a legal argument supported by fake citations demonstrates how convincing Generative AI output can be, even to an experienced jurist.

Park v. Kim illustrates how fake law, if adopted, could upend existing law.²⁵⁷ In *Park*, the district court dismissed plaintiff's medical malpractice case based on plaintiff's repeated failure to produce relevant discovery materials, including documents relating to plaintiff's claimed damages for lost earnings.²⁵⁸ Plaintiff appealed the dismissal, arguing that the lower court ignored relevant law that permitted calculation of compensation based on the “minimum wage” when the “injured worker lacks wage records for the prior year.”²⁵⁹ But the case plaintiff's counsel cited in support of her minimum wage argument, “*Matter of Bourguignon v. Coordinated Behavioral Health Servs., Inc.*,” 114 A.D.3d 947 (3d

251. The Second Circuit has previously ruled on a similar question under the Warsaw Convention (the predecessor treaty to the Montreal Convention), finding that the two-year filing period was jurisdictional. *See Fishman ex rel. Fishman v. Delta Air Lines, Inc.*, 132 F.3d 138, 143 (2d Cir. 1998) (interpreting the Warsaw Convention's two-year period as a condition precedent rather than a limitations period potentially subject to equitable tolling principles). However, the Second Circuit has not explicitly ruled on the Montreal Convention's two-year filing limitation. *See cases cited supra* note 245.

252. This Article does not argue that the *Mata* attorneys would have successfully opposed the motion to dismiss had they developed an argument based on credible legal authorities; it simply argues that counsel forfeited their client's opportunity to make a credible argument.

253. *See Lacey v. State Farm Gen. Ins. Co.*, No. CV 24-5205 FMO (MAAx), 2025 U.S. Dist. LEXIS 90370, at *13 (C.D. Cal. May 5, 2025).

254. *Id.*

255. *Id.*

256. *Id.*

257. *Park v. Kim*, 91 F.4th 610, 615 (2d Cir. 2024).

258. *Park v. Kim*, No. 20-CV-2636 (PKC), 2022 U.S. Dist. LEXIS 152298, at *4–5 (E.D.N.Y. Aug. 24, 2022).

259. Reply Brief for Plaintiff-Appellant at 6, *Park v. Kim*, 91 F.4th 610 (2d Cir. 2024) (No. 22-2057).

Dep't 2014),” was a fake case plaintiff had sourced from ChatGPT.²⁶⁰ If not for the Second Circuit’s follow-up inquiry into plaintiff’s fictitious caselaw, the outcome of this case could have been very different.

Had plaintiff’s argument swayed the Second Circuit, the plaintiff would have achieved a second (and unjustified) opportunity to litigate her case. In addition, a decision in favor of the *Park* plaintiff would have contradicted settled New York law on the calculation of lost wages in medical malpractice cases. Under New York law, the plaintiff bears the burden of establishing damages for past and future lost earnings²⁶¹ and must establish lost earnings with “reasonable certainty.”²⁶² A plaintiff may satisfy their burden by, for example, producing tax returns or other documentation.²⁶³ Thus, the *Park* plaintiff’s made-up minimum wage rule would have unsettled New York law with respect to the calculation of lost wages in medical malpractice cases.

The *Park* plaintiff’s fictitious minimum wage rule would also have been contrary to principles of equity and fairness in the discovery process. Evidentiary inferences about missing documents are typically ordered where parties engage in some form of wrongdoing during discovery.²⁶⁴ For example, where a party fails to maintain or produce relevant documents, or destroys them, a court may permit a jury to draw an “adverse inference,” which allows the jury to infer that the documents would have been unfavorable to the non-producing party.²⁶⁵ As such, courts typically order evidentiary inferences as a punitive measure imposed on a party engaged in some culpable conduct. Evidentiary inferences are not meant to reward parties, such as the plaintiff in *Park*, for failing to produce relevant documents. Furthermore, plaintiff’s fictitious minimum wage rule would have contravened a “basic assumption that the trial is a search for truth and not a tactical contest” to be won on grounds other than the merits of the case.²⁶⁶ In sum, adoption of plaintiff’s proposed evidentiary rule, as supported by a fake legal citation, could have caused real harm to the integrity of New York law and the legal process.

It is not so difficult to imagine a scenario where a different court, one with a crushing case docket and very little time, rules in favor of a party in reliance on highly persuasive “fake” caselaw presented by lawyers in a court proceeding. This situation could cause obvious harm to the losing party (the party “playing by the book” and relying on actual law to support its legal argument). The losing party’s rights would be effectively erased by a computer’s algorithm. Assuming

260. *Park*, 91 F.4th at 614.

261. *Gore v. Cardany*, 167 A.D.3d 851, 852 (N.Y. App. Div. 2018).

262. *Id.*

263. *Deans v. Jam. Hosp. Med. Ctr.*, 64 A.D.3d 742, 744 (N.Y. App. Div. 2009).

264. See Lauren R. Nichols, *Spare the Rod, Spoil the Litigator? The Varying Degrees of Culpability Required for an Adverse Inference Sanction Regarding Spoliation of Electronic Discovery*, 99 KY. L.J. 881, 885–86 (2011).

265. *Id.* at 882.

266. *Seven-Up Bottling Co. v. United States*, 39 F.R.D. 1, 2 (D. Colo. 1966).

that the judge's ruling was left undisturbed, the ruling would also affect the rights of all future litigants asserting related legal arguments. But the harms would not end there. This misdirection of the law would also harm the public at large by propelling the law in a direction that flouts the law's history and progression and fails to account for policy concerns. Assuming the fictitious origins are eventually discovered, this would cause further incalculable damage to the court's reputation and to the integrity of the law itself. The rising frequency of fake cases in legal filings increases the risk that some of those fake cases will have a *real* impact on the law's development.²⁶⁷

It appears that at least one state court has been persuaded to incorporate fake law into a real court order.²⁶⁸ In *Shahid v. Esaam*, a Georgia divorce case, a wife petitioned the court to reopen her divorce case based on her husband's improper service by publication.²⁶⁹ The lower court denied the wife's petition and issued an order prepared by the husband's attorney that relied on nonexistent caselaw.²⁷⁰ In the appellate court proceedings, the husband's attorney failed to explain the origin of two fake cases included in the lower court's order and further relied on *eleven* additional citations in the husband's appellate brief that were "either hallucinated or [had] nothing to do with the propositions for which they [were] cited."²⁷¹ While the court did not make a factual finding as to the origin of the questionable citations, the Georgia Court of Appeals suspected that the "irregularities in these filings suggest that they were drafted using generative AI."²⁷² The court imposed a \$2,500 sanction on the husband's attorney for making a frivolous motion under Georgia's Court of Appeals Rule 7(e)(2).²⁷³ While not a federal case, *Shahid* serves as a warning about the ease with which fake law can creep into judicial proceedings and cause real damage to litigants, the court's reputation, and the public's confidence in the judicial process.

C. Failing Safeguards

The safeguards built into the legal system to ferret out unfounded legal positions appear to be failing. Attorneys have strict professional obligations to avoid making baseless legal arguments,²⁷⁴ but many are using Generative AI

267. See Brescia, *supra* note 38, at 16 ("[I]t is possible that courts might soon inadvertently rely on such [fictitious] opinions as useful, if not binding, authority.").

268. Joe Patrice, *Trial Court Decides Case Based on AI-Hallucinated Caselaw*, ABOVE THE LAW (July 1, 2025), <https://abovethelaw.com/2025/07/trial-court-decides-case-based-on-ai-hallucinated-caselaw/>.

269. *Shahid v. Esaam*, 918 S.E.2d 198, 199 (Ga. Ct. App. 2025).

270. *Id.*

271. *Id.* at 200.

272. *Id.* The court noted that the percentage of "bogus citations" (from 73 to 83 percent depending on which papers are counted) is consistent with the rate of "hallucinations" from general purpose large-language models. *Id.* at 202, n.16.

273. *Id.* at 202.

274. Aside from Rule 11, attorneys have duties to provide competent representation, duty of technological competence, duty of candor to the tribunal, and duty to supervise, among others. See John

systems to create legal content without adequately scrutinizing the output.²⁷⁵ Parties citing fake caselaw are undermining the routine adversarial process, which is meant to clarify the parties' legal positions and offer the courts a sound basis on which to decide cases on the merits. When fake law comes to light, courts must turn their attention away from the parties' substantive dispute to investigate the origin of non-existent caselaw.²⁷⁶ Ultimately, federal courts are shouldering much of the burden imposed by fake legal authorities and are also showing signs of stress.²⁷⁷

The Advisory Committee could begin to provide the federal judiciary and bar some relief by clarifying professional expectations for attorneys using Generative AI platforms, eliminating protections for parties that seek an improper litigation advantage by relying on non-existent caselaw, and providing courts with more discretion to compensate parties for financial harms caused by legal hallucinations. The next Section describes several amendments to Rule 11 that aim to accomplish these objectives.

V.

RULE 11 AMENDMENTS AND PROPOSALS

The real and potential harms from AI-generated fictitious law, as described above, call for serious consideration of changes to Rule 11. When Rule 11 was last substantively amended in 1993,²⁷⁸ computer technology was not nearly as sophisticated as it is today. At that time, the public was just learning about the internet,²⁷⁹ and most legal research was still performed in a library stocked with

G. Browning, *Robot Lawyers Don't Have Disciplinary Hearings—Real Lawyers Do: The Ethical Risks and Responses in Using Generative Artificial Intelligence*, 40 GA. ST. U. L. REV. 917, 921 (2024).

275. See Appendix A, *infra*, for cases where one or more legal hallucinations were discovered in court filings.

276. See *id.* (for cases where the issue of legal hallucinations are generally raised by the court on its own initiative through an order to show cause).

277. See, e.g., *Benjamin v. Costco Wholesale Corp.*, 779 F. Supp. 3d at 343 (“This epidemic of citing fake cases has continued unabated, and, by way of example, the undersigned has identified at least four reported cases in the recent weeks confronting this very same issue.”); *Mid Cent. Operating Eng’rs Health and Welfare Fund v. HoosierVac, LLC*, No. 2:24-cv-00326-JPH-MJD, 2025 U.S. Dist. LEXIS 100748, at *3 (S.D. Ind. May 28, 2025) (noting that counsel “filed briefs containing non-existent AI-generated legal citations on three separate occasions” and that existing “penalties imposed on other attorneys for similar misconduct ‘have evidently failed to act as a deterrent.’”); *Lacey v. State Farm Gen. Ins. Co.*, No. CV 24-5205 FMO (MAAx), 2025 U.S. Dist. LEXIS 90370, at *13 (C.D. Cal. May 5, 2025) (warning that “[s]trong deterrence is needed to make sure that attorneys don’t succumb to this easy [AI] shortcut”).

278. Rule 11 was last formally amended in 2007 to reflect general restyling of the Civil Rules to make them more easily understood and consistent. FED. R. CIV. P. 11 advisory committee’s notes to 2007 amendment.

279. The internet was present in the U.S. as early as the 1970s but was not visible to the public until the early 1990s. Internet, BRITANNICA, <https://www.britannica.com/technology/Internet>. In June 1993, there were only 130 active websites. Chandra Steele, *A Look Back at the Earliest Websites*, PCMAG.COM (Mar. 12, 2014), <https://www.pcmag.com/news/a-look-back-at-the-earliest-websites>. As of October 2025, there were over 1.2 billion websites on the internet. Katherine Haan & Rachel

hardbound case reporters.²⁸⁰ Law students still learned to verify the validity of caselaw by looking through hard-copy books.²⁸¹ Now, technology plays a pivotal role in virtually every aspect of legal education and legal practice. This new era of powerful Generative AI technology requires a reassessment of the guardrails meant to protect the integrity of the legal profession and the legal system. The following Section describes how stricter adherence to deterrence theory principles can enhance the impact of Rule 11 sanctions. This Section will also set forth amendments to Rule 11 that will incentivize compliance with Rule 11's reasonable inquiry requirement and give courts greater discretion to fashion compensatory remedies to Rule 11 violations.

A. Deterrence Theory and Rule 11

Rule 11 is based on a “straightforward version of the deterrence theory.”²⁸² This theory assumes that Rule 11 will curb abusive behavior where “enforcement is reasonably certain” because a rational actor will calculate the costs and benefits of different behavior and will be “influenced significantly by economic factors.”²⁸³ There are three “key concepts” involved in how a punishment will successfully serve as a deterrent.²⁸⁴ These are (1) the certainty that the punishment will apply, (2) the severity of the punishment, and (3) the “celerity” or “swiftness” with which the punishment is imposed.²⁸⁵ This Article makes proposals that are consistent with these concepts. Specifically, these proposals seek to effectuate a stronger deterrence regime by clarifying the standards applicable to violative conduct in the era of Generative AI (thereby increasing the certainty of applying punishment), accelerating the speed with which courts address fictitious materials, and increasing the potential severity of available sanctions by compensating parties harmed by fictitious AI output.

Williams, *Top Website Statistics For 2025*, Forbes.com (Mar. 2, 2026), <https://www.forbes.com/advisor/business/software/website-statistics/>.

280. John G. Roberts, Jr., 2023 YEAR-END REPORT ON THE FEDERAL JUDICIARY 4, (2023), <https://www.supremecourt.gov/publicinfo/year-end/2023year-endreport.pdf>.

281. *Id.*

282. Mark Spiegel, *The Rule 11 Studies and Civil Rights Cases: An Inquiry into the Neutrality of Procedural Rules*, 32 CONN. L. REV. 155, 194 (1999); *see also* FED. R. CIV. P. 11(c)(4) (“A sanction imposed under this rule must be limited to what suffices to deter repetition of the conduct or comparable conduct by others similarly situated.”); FED. R. CIV. P. 11 advisory committee’s notes on 1993 amendments to subdivisions (b) and (c) (“the purpose of Rule 11 sanctions is to deter rather than to compensate”); *Mata v. Avianca, Inc.*, 678 F. Supp. 3d 443, 465 (S.D.N.Y. 2023) (“A Rule 11 sanction should advance both specific and general deterrence.”) (citing *Cooter & Gell v. Hartmarx Corp.*, 496 U.S. 384, 404 (1990)).

283. Spiegel, *supra* note 282, at 194.

284. Bidish Sarma, *Using Deterrence Theory to Promote Prosecutorial Accountability*, 21 LEWIS & CLARK L. REV. 573, 598 (2017).

285. *Id.*

B. Rule 11 Amendments and Proposals

1. Clarifying the Reasonable Inquiry Standard for Generative AI Output

The Advisory Committee should provide foundational guidance on what constitutes a “reasonable inquiry” in vetting AI-generated legal analysis. At a minimum, attorneys using Generative AI tools must take reasonable steps to confirm that (1) all legal authorities exist; (2) the legal authorities support the proposition for which they are cited; and (3) any AI-generated legal arguments have been reviewed for logic, clarity, and merit. The Advisory Committee should also clarify that attorneys cannot delegate their Rule 11 obligations to another person (attorney, paralegal, or other non-lawyer) or computer technology. The court in *Versant Funding* summarized these obligations as follows:

A basic prerequisite to the filing of any pleading, motion, response, reply, or paper in court is for the drafting and filing attorney(s) to carefully check every case citation, fact, and argument to make sure that they are correct and proper. Attorneys cannot delegate that role to AI, computers, robots, or any other form of technology.²⁸⁶

The Advisory Committee should similarly clarify the baseline requirements attorneys must satisfy when relying on Generative AI for legal analysis and other work product filed in federal court.

2. Rejecting the Subjective “Bad Faith” Standard in Sua Sponte Proceedings

This Article argues that courts should apply a purely objective standard in determining all Rule 11 violations. As discussed above, there is a current circuit split over the standard that is applicable to sua sponte proceedings under Rule 11. The Advisory Committee should affirmatively state that an objective standard applies to Rule 11 violations either on a party’s motion or on a court’s own initiative.²⁸⁷ As Judge Underhill explained in his dissent in *Pennie*, the drafters of the 1983 amendments to Rule 11 abandoned the subjective bad faith standard that was formerly applied in Rule 11 proceedings in favor of a standard based on “reasonableness under the circumstances.”²⁸⁸ This change was considered necessary to reduce “the reluctance of courts to impose sanctions” where necessary to “discourage dilatory or abusive tactics.”²⁸⁹ Explicitly

286. *Versant Funding LLC v. Teras Breakbulk Ocean Navigation Enters., LLC*, No. 17-cv-81140, 2025 U.S. Dist. LEXIS 98418, at *11 (S.D. Fla. May 20, 2025).

287. A proposed amendment to the language of Rule 11(c)(3) clarifying the standard to be applied to all Rule 11 determinations is found in Appendix D, *infra*.

288. *In re Pennie & Edmonds LLP*, 323 F.3d 86, 99 (2d Cir. 2003) (Underhill, J., dissenting); FED. R. CIV. P. 11 advisory committee’s notes on 1993 amendments to subdivisions (b) and (c).

289. FED. R. CIV. P. 11 advisory committee’s notes on 1993 amendments to subdivisions (b) and (c).

adopting an objective standard for sua sponte proceedings would simply affirm the intent behind the 1983 and 1993 amendments to Rule 11.

3. *Eliminating Safe Harbor Protections for Legal Hallucinations*

This Article further proposes eliminating the “safe harbor” protection for parties filing documents with AI-generated legal hallucinations. Parties should be incentivized to “stop-and-think”²⁹⁰ carefully before filing papers with the court that are generated with assistance from Generative AI. Removing safe harbor protections would increase parties’ scrutiny over their own filings. There are also ethical and fairness reasons for rethinking the 21-day safe harbor provision. The 21-day delay essentially works as a “gag” order on parties who wish to bring abusive litigation practices to the attention of the court and prevents parties from recouping expenses incurred in connection with responding to frivolous legal arguments.

For instance, Rule 8.3 of the American Bar Association’s Model Rules of Professional Conduct states 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.”²⁹¹ Rule 11’s “safe harbor” provision may dissuade lawyers from complying with their duty to disclose dishonest behavior exhibited by other attorneys who submit fake law to the court.²⁹²

The following hypothetical may be illustrative. Assume Attorney “Hal” files a brief with non-existent citations and quotations. Assume further that Hal’s opposing counsel, Attorney “Hillary,” spends time researching Hal’s brief and informs Hal of the non-existent legal authorities. During the mandatory 21-day safe harbor period (required by Rule 11(c)(2)), Hillary is prohibited from informing the court of the fake caselaw, raising an initial ethical dilemma for Hillary. Further, if Hal withdraws the non-existent citations within the 21-day safe harbor period, Hillary has no *legal* reason to raise the fake law issue with the court. But Hillary knows that Hal has attempted to supply the court with fake law. Hillary is left to wonder whether she has an *ethical* obligation to nonetheless disclose Hal’s initial misconduct to the court, thus creating a significant dilemma for Hillary.

290. *Id.*

291. MODEL RULES OF PRO. CONDUCT r. 8.3(a) (A.B.A. 2025), https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/rule_8_3_reporting_professional_misconduct/.

292. Courts have already admonished parties for not bringing AI-generated fake law to the attention of the court sooner even though the parties were not responsible for the fake law. *See, e.g.,* Elizondo v. City of Laredo, No. 5:25-cv-50, 2025 U.S. Dist. LEXIS 140572, at *8 (S.D. Tex. July 23, 2025) (“[T]he Court expects all parties to assist in maintaining the integrity of the judicial process by alerting the Court to such errors.”).

Imagine further that Hal makes no changes to his legal research process and submits another brief with fake legal authorities (after all, Hal suffered no official reprimand or other meaningful penalty for his prior inclusion of fake caselaw). Is Hillary obligated to follow Rule 11's safe harbor procedure in this instance and notify Hal of his defective citations? Is Hillary obligated to keep Hal's subpar cite-checking skills a secret from the court as well? If so, this result seems unfair to Hillary and provides Hal with little incentive to change his legal drafting process. The only workaround for Hillary is to bypass the safe harbor provision altogether and address the fake law in the briefing process (and thereby lose an opportunity to recoup legal expenses).²⁹³

Some may want to retain the safe harbor provision—even for AI hallucinations—so as not to “chill” zealous advocacy. But such an argument assumes that zealous advocacy requires an attorney to rely on computer-generated arguments with a dubious connection to actual law. In reality, zealous advocacy requires attorneys to give the court an *honest* appraisal of the law (in accordance with their duty of candor), identify relevant sources of law, and provide legitimate and persuasive grounds upon which the court can make an informed decision. As *Mata* demonstrates, citing fake caselaw is not zealous advocacy. The *Mata* attorneys had an opportunity to engage in zealous advocacy by developing strong arguments that would sway the court to rule in their client's favor. Those attorneys failed to take that opportunity. Simply put, zealous advocacy should not include dishonest use of technology to achieve a client's legal objectives.

4. *Broadening Judicial Discretion to Compensate Parties for Rule 11 Violations*

Under deterrence theory, the relative costs of engaging in improper behavior should sufficiently outweigh the benefits of engaging in the prohibited conduct.²⁹⁴ As one court observed, “attorneys have not been sufficiently deterred by financial sanctions imposed to date.”²⁹⁵ Importantly, courts are currently underutilizing fee-shifting as a sanction because of Rule 11's current procedural requirements.²⁹⁶ Under Rule 11, courts are authorized to compensate parties for reasonable expenses, including attorney's fees, only when a party prevails on a motion for sanctions.²⁹⁷ This Article recommends amending Rule 11 to specifically authorize courts to award reasonable expenses as part of sanctions

293. A proposed amendment to the language of Rule 11(c)(2) eliminating the 21-day “safe harbor” provision for AI-generated hallucinations is found in Appendix D, *infra*.

294. See *supra* Section V.A.

295. *Parker v. Costco Wholesale Corp.*, No. C25-0519-SKV, 2025 U.S. Dist. LEXIS 273977, at *26 (W.D. Wash. Nov. 7, 2025).

296. See *supra* note 182.

297. Fed. R. Civ. P. 11(c)(2).

orders issued in sua sponte proceedings under Rule 11.²⁹⁸ As discussed in Part IV, *infra*, courts that have awarded attorneys' fees and costs have shed light on the high cost of responding to fake law.²⁹⁹ Authorizing courts to impose fee-shifting in all cases of frivolous filings would significantly increase the deterrence value of Rule 11 sanctions by increasing the potential cost of non-compliance with Rule 11's requirements.

Unraveling fictitious caselaw and AI-generated arguments puts a significant burden on parties and the courts. Courts should account for this costly burden in their Rule 11 orders by compensating parties who undertake efforts to confirm the non-existence of fake law, regardless of whether the non-offending party brought a motion for sanctions. Indeed, it appears that courts are not waiting for explicit authority to shift attorneys' fees and costs in sua sponte proceedings in light of the significant financial burden resulting from hallucinations.³⁰⁰ Apart from increasing the deterrence value of sanctions (by increasing the cost of bad behavior), compensating parties for unveiling fictitious law serves as an attractive incentive for parties to fully expose AI-generated hallucinations and help protect the integrity of the legal process.³⁰¹

VI.

CONCLUSION

Recent advances in AI technology have initiated a normative shift in the way attorneys draft court filings. Attorneys are relying on Generative AI technology to perform sophisticated legal tasks, but many are failing to create adequate safeguards to correct serious errors in AI-generated output. This new algorithmically enhanced legal paradigm has yet to account for the significant qualitative issues currently plaguing AI platforms. The most significant of these qualitative issues is Generative AI's tendency to fabricate legal authorities, particularly when existing legal authorities are unfavorable or unhelpful. Rule 11 can serve as a crucial regulatory tool to deter abuses of Generative AI

298. A proposed amendment to the language of Rule 11(c)(4) providing for an award of reasonable expenses, including attorneys' fees, on a party's motion and in sua sponte proceedings is found in Appendix D, *infra*.

299. See cases cited *supra* note 183.

300. See *Seither & Cherry Quad Cities, Inc. v. Oakland Automation, LLC*, No. 23-11310, 2025 U.S. Dist. LEXIS 143941, at *7 n.3 (E.D. Mich. July 28, 2025) (acknowledging that monetary penalties should ordinarily be paid to the court but said it preferred that "the penalty go to the party most directly injured by the offending conduct"); see also *Jackson v. Auto-Owners Ins. Co.*, No. 7:24-CV-136-WLS, 2025 U.S. Dist. LEXIS 133070, at *13–14 (M.D. Ga. July 11, 2025); *ByoPlanet Int'l, LLC v. Johansson*, 792 F. Supp. 3d 1341, 1357–58 (S.D. Fla. 2025).

301. This change would also be in line with a widely held opinion amongst federal judges that Rule 11 should both deter bad behavior *and* compensate parties for harm caused by Rule 11 violations. DAVID RAUMA & THOMAS E. WILLGING, REPORT OF A SURVEY OF UNITED STATES DISTRICT JUDGES' EXPERIENCES AND VIEWS CONCERNING RULE 11, FEDERAL RULES OF CIVIL PROCEDURE 8 (Federal Judicial Center 2005) (finding that fifty-five percent of judges indicated that the purpose of Rule 11 should be both deterrence and compensation), <https://www.uscourts.gov/file/document/report-survey-united-states-district-judges-experiences-and-views-concerning-rule-11>.

technology and incentivize attorneys to verify all legal authorities used in their legal filings. The Advisory Committee can improve Rule 11's capacity to deter frivolous conduct by clarifying the standard for Rule 11 violations, allowing for speedier identification of legal fabrications, and giving courts greater discretion to impose sanctions that will not only deter parties from filing fictitious AI-generated output but also compensate parties for financial harm caused by such misconduct. The amendments proposed in this Article serve these purposes and strike the right balance between deterring abusive litigation conduct and encouraging zealous and meritorious advocacy.

APPENDIX A

Figure 1: Table of Rule 11 Cases Involving Attorneys and Legal Hallucinations³⁰²

No	Case	Date ³⁰³	Procedural Posture	Hallucinations	Rule 11 Sanctions
1.	<i>Mata</i>	06/22/23	On OSC ³⁰⁴	Citations to nine non-existent cases. ³⁰⁵	Yes ³⁰⁶
2.	<i>Park</i>	01/30/24	On Court's Initiative ³⁰⁷	Citation to one non-existent case. ³⁰⁸	Yes ³⁰⁹
3.	<i>Cohen</i>	03/20/24	On OSC ³¹⁰	Citations to three non-existent cases. ³¹¹	No ³¹²
4.	<i>Iovino</i>	10/10/24	On OSC ³¹³	Citations to two non-existent cases and two non-existent quotations. ³¹⁴	No ³¹⁵
5.	<i>Mortazavi</i>	10/30/24	On OSC ³¹⁶	Citation to one non-existent case and fabricated quotations from complaint. ³¹⁷	Yes ³¹⁸
6.	<i>Gauthier</i>	11/25/24	On OSC ³¹⁹	Citations to two non-existent cases and non-existent quotations from real cases. ³²⁰	Yes ³²¹

302. This table reflects Rule 11 sanctions determinations in cases involving attorneys. This table does not include pending Rule 11 judicial determinations, cases involving *pro se* litigants, or cases involving court warnings about legal hallucinations in court papers.

303. The date in this column refers to the date of the court's Rule 11 determination unless otherwise indicated.

304. *Mata v. Avianca, Inc.*, 678 F. Supp. 3d 443, 449 (S.D.N.Y. 2023).

305. *Id.* at 451–52.

306. *Id.* at 466.

307. *Park v. Kim*, 91 F.4th 610, 614 (2d Cir. 2024) (ordering plaintiff to produce a copy of hallucinated case). Although plaintiff cited a fake case on appeal, the Second Circuit applied Rule 11 standards in assessing counsel's misconduct. *Id.* at 614–15.

308. *Id.* at 614.

309. *Id.* at 616.

310. *United States v. Cohen*, 724 F.Supp.3d 251, 254 (S.D.N.Y. 2024).

311. *Id.* at 254.

312. *Id.* at 260.

313. *Iovino v. Michael Stapleton Assocs.*, No. 5:21-cv-00064, 2024 U.S. Dist. LEXIS 130819, at *2 (W.D. Va. July 24, 2024).

314. *Id.* at *18.

315. *Iovino v. Michael Stapleton Assocs.*, No. 5:21-cv-00064, slip op. at 1 (W.D. Va. Oct. 10, 2024).

316. *Mortazavi v. Booz Allen Hamilton, Inc.*, No. 2:24-cv-07189-SB-RAO, slip op. at 1 (C.D. Cal. Oct. 30, 2024).

317. *Id.* at 2.

318. *Id.* at 3–4.

319. *Gauthier v. Goodyear Tire & Rubber Co.*, No. 1:23-CV-281, 2024 U.S. Dist. LEXIS 214029, at *1 (E.D. Tex. Nov. 25, 2024).

320. *Id.* at *2, n.2.

321. *Id.* at *7–8.

No	Case	Date ³⁰³	Procedural Posture	Hallucinations	Rule 11 Sanctions
7.	<i>Kasten Berry</i>	12/11/24	On OSC ³²²	Citation to one non-existent case and one fabricated contractual provision. ³²³	No ³²⁴
8.	<i>Wadsworth</i>	02/24/25	On OSC ³²⁵	Citations to eight non-existent cases. ³²⁶	Yes ³²⁷
9.	<i>Bunce</i>	02/27/25	On OSC ³²⁸	Multiple citations to non-existent cases, overruled cases, and inapposite cases. ³²⁹	Yes ³³⁰
10.	<i>Nguyen</i>	03/03/25	On OSC ³³¹	Citations to non-existent legal authority. ³³²	Yes ³³³
11.	<i>Dehghani</i>	04/02/25	On OSC ³³⁴	Citations to at least six non-existent cases. ³³⁵	Yes ³³⁶
12.	<i>Bevins</i>	04/10/25	On OSC ³³⁷	Citations to two non-existent cases. ³³⁸	Yes ³³⁹
13.	<i>Benjamin</i>	04/24/25	On OSC ³⁴⁰	Citations to five non-existent cases. ³⁴¹	Yes ³⁴²
14.	<i>Flowz Digital</i>	05/05/25	On OSC ³⁴³	Citations to one non-existent case and two inapposite cases. ³⁴⁴	Yes ³⁴⁵

322. Order to Show Cause, *Kasten Berry Inc. v. Stewart*, No. 2:24-CV-2270-JAR-BGS, at 1–2 (D. Kan. Nov. 14, 2024).

323. *Id.* at 1.

324. Transcript of Hearing at 13, *Kasten Berry Inc. v. Stewart*, No. 2:24-CV-2270-JAR-BGS (D. Kan. Dec. 11, 2024), Dkt. No. 66.

325. *Wadsworth v. Walmart Inc.*, 348 F.R.D. 489, 492 (D. Wyo. 2025).

326. *Id.* at 493.

327. *Id.* at 499.

328. *Bunce v. Visual Tech. Innovations, Inc.*, No. 23-1740, 2025 U.S. Dist. LEXIS 36454, at *4–5 (E.D. Pa. Feb. 27, 2025).

329. *Id.* at *3.

330. *Id.* at *9–10.

331. *Nguyen v. Savage Enters.*, No. 4:24-CV-00815-BSM, 2025 U.S. Dist. LEXIS 37125, at *1 (E.D. Ark. Mar. 3, 2025).

332. *Id.* at *1.

333. *Id.* at *2.

334. *Dehghani v. Castro*, No. 2:25-cv-0052 MIS-DLM, 2025 U.S. Dist. LEXIS 63641, at *1 (D.N.M. Apr. 2, 2025).

335. *Id.* at *10.

336. *Id.* at *16.

337. *Bevins v. Colgate-Palmolive Co.*, No. 25-576, 2025 U.S. Dist. LEXIS 68399, at *14 (E.D. Pa. Apr. 10, 2025).

338. *Id.* at *13–14.

339. *Id.* at *18–19.

340. *Benjamin v. Costco Wholesale Corp.*, 779 F. Supp. 3d 341, 344 (E.D.N.Y. 2025).

341. *Id.* at 344.

342. *Id.* at 351.

343. *Flowz Digit. LLC v. Dalal*, No. 2:25-cv-00709-SB-PVC, 2025 U.S. Dist. LEXIS 85402 at *1 (C.D. Cal. May 5, 2025).

344. *Id.* at *2.

345. *Id.* at *1.

No	Case	Date ³⁰³	Procedural Posture	Hallucinations	Rule 11 Sanctions
15.	<i>Lacey</i>	05/05/25	On OSC ³⁴⁶	Nine inaccurate citations, at least two non-existent case citations, and several fabricated case quotations. ³⁴⁷	Yes ³⁴⁸
16.	<i>Ramirez</i>	05/13/25	On OSC ³⁴⁹	Citations to four non-existent cases. ³⁵⁰	Yes ³⁵¹
17.	<i>Versant Funding</i>	05/20/25	On OSC ³⁵²	Citation to one non-existent case. ³⁵³	Yes ³⁵⁴
18.	<i>Mid Central</i>	05/28/25	On OSC ³⁵⁵	Multiple citations to non-existent cases in several different briefs. ³⁵⁶	Yes ³⁵⁷
19.	<i>Coomer</i>	07/07/25	On OSC ³⁵⁸	Various misquotations, misrepresentations of legal principles, misstatements regarding binding authority, misattributions of caselaw, and citations to non-existent cases. ³⁵⁹	Yes ³⁶⁰
20.	<i>Kaur</i>	07/09/25	On OSC ³⁶¹	Citations to four fabricated quotations. ³⁶²	Yes ³⁶³

346. *Lacey v. State Farm Gen. Ins. Co.*, No. CV 24-5205 FMO (MAAx), 2025 U.S. Dist. LEXIS 90370, at *14–15 (C.D. Cal. May 5, 2025).

347. *Id.* at *3.

348. *Id.* at *10–13.

349. *Ramirez v. Humala*, No. 24-CV-242 (RPK) (JAM), 2025 U.S. Dist. LEXIS 91124, at *1–2 (E.D.N.Y. May 13, 2025).

350. *Id.* at *1.

351. *Id.* at *6.

352. *Versant Funding Ltd. Liab. Co. v. Teras Breakbulk Ocean Navigation Enters., Ltd. Liab. Co.*, No. 17-cv-81140, 2025 U.S. Dist. LEXIS 98418, at *4–5 (S.D. Fla. May 20, 2025).

353. *Id.* at *3–4.

354. *Id.* at *21–22. In issuing its sanctions, the court found that the sanctions were appropriate under Rule 11(b) and (c), the court’s inherent authority, 28 U.S.C. § 1927, and the Local Rules for the Southern District of Florida. *Id.* at *14–15.

355. *Mid Cent. Operating Eng’rs Health & Welfare Fund v. HoosierVac LLC*, No. 2:24-cv-00326-JPH-MJD, 2025 U.S. Dist. LEXIS 99720, at *1 (S.D. Ind. May 27, 2025).

356. *Id.*

357. *Id.* at *4–5.

358. *Coomer v. Lindell*, No. 22-cv-01129-NYW-SBP, 2025 U.S. Dist. LEXIS 128372, at *1 (D. Col. July 7, 2025).

359. *Id.* at *3–4.

360. *Id.* at *22–25.

361. *Kaur v. Desso*, No. 9:2025cv00726, 2025 U.S. Dist. LEXIS 129902, at *1 (N.D.N.Y. July 9, 2025).

362. *Id.* at *3–4, n.2.

363. *Id.* at *13–14.

No.	Case	Date ³⁰³	Procedural Posture	Hallucinations	Rule 11 Sanctions
21.	<i>Jackson</i>	07/11/25	On OSC ³⁶⁴	Citations to nine non-existent cases. ³⁶⁵	Yes ³⁶⁶
22.	<i>ByoPlanet</i>	07/15/25	On OSC ³⁶⁷	Citations to non-existent cases and fabricated quotations in seven court filings. ³⁶⁸	Yes ³⁶⁹
23.	<i>Elizondo</i>	07/23/25	On OSC ³⁷⁰	Multiple fictitious or materially inaccurate case citations. ³⁷¹	Yes ³⁷²
24.	<i>Johnson</i>	07/23/25	On OSC ³⁷³	Five erroneous citations, including citations to non-existent cases and unsupported propositions of law. ³⁷⁴	No (sanctions imposed under other authority) ³⁷⁵
25.	<i>Seither</i>	07/28/25	On OSC ³⁷⁶	Multiple fabricated quotations or explanatory parentheticals. ³⁷⁷	Yes ³⁷⁸
26.	<i>Coronavirus</i>	07/30/25	On OSC ³⁷⁹	A document generated by ChatGPT, citations to cases that do not exist or do not support the propositions for which	Yes ³⁸¹

364. *Jackson v. Auto-Owners Ins. Co.*, No. 7:24-CV-136-WLS, 2025 U.S. Dist. LEXIS 133070, at *1 (M.D. Ga. July 11, 2025).

365. *Id.* at *1–2.

366. *Id.* at *13–16.

367. *ByoPlanet Int'l, LLC v. Johansson*, 792 F. Supp. 3d 1341, 1350 (S.D. Fla. 2025).

368. *Id.* at *21.

369. *Id.* at *29–30.

370. *Elizondo v. City of Laredo*, No. 5:25-CV-50, 2025 U.S. Dist. LEXIS 140572, at *1 (S.D. Tex. July 23, 2025).

371. *Id.* at *1.

372. *Id.* at *9.

373. *Johnson v. Dunn*, No. 2:21-cv-1701-AMM, 2025 U.S. Dist. LEXIS 141805, at *6 (N.D. Ala. July 23, 2025).

374. *Id.* at *6–7.

375. *Id.* at *39 (declining to impose sanctions under Rule 11 because Rule 11 does not apply to discovery motions).

376. *Seither & Cherry Quad Cities, Inc. v. Oakland Automation, LLC*, No. 23-11310, 2025 U.S. Dist. LEXIS 143941, at *3 (E.D. Mich. July 28, 2025).

377. *Id.* at *2.

378. *Id.* at *7.

379. *Coronavirus Rep. Corp. v. Apple Inc.*, No. 24-cv-08660-EMC, 2025 U.S. Dist. LEXIS 146572, at *7, *13 (N.D. Cal. July 30, 2025). The court ordered plaintiffs to show cause why they should not be sanctioned for filing several motions with questionable legal and factual support. *Id.* at *4, *11. The court issued a decision addressing the Rule 11 matters raised by the court sua sponte and defendant Apple Inc.'s motion for sanctions against plaintiffs for filing a frivolous complaint. *Id.* at *7–16.

381. *Id.* at *18.

No	Case	Date ³⁰³	Procedural Posture	Hallucinations	Rule 11 Sanctions
				they were cited, and fictitious quotations. ³⁸⁰	
27.	<i>Hall</i>	08/07/25	On OSC ³⁸²	Citations to three non-existent cases. ³⁸³	No ³⁸⁴
28.	<i>Twist It Up</i>	08/12/25	On OSC ³⁸⁵	Citations to multiple invalid case citations. ³⁸⁶	Yes ³⁸⁷
29.	<i>Nora</i>	08/13/25	On OSC ³⁸⁸	Citations to three non-existent cases. ³⁸⁹	Yes ³⁹⁰
30.	<i>Mavy</i>	08/14/25	On OSC ³⁹¹	Citations to non-existent cases or cases that do not support legal propositions for which they were cited and misciting legal authority. ³⁹²	Yes ³⁹³
31.	<i>Lee</i>	08/28/25	On OSC ³⁹⁴	Citation to one non-existent case and one fabricated quotation. ³⁹⁵	Yes ³⁹⁶
32.	<i>Davis</i>	09/02/25	On OSC ³⁹⁷	Citations to two non-existent cases. ³⁹⁸	Yes ³⁹⁹
33.	<i>Tercero</i>	09/08/25	On OSC ⁴⁰⁰	Citations to two non-existent cases and twelve cases that do not support the propositions for which	Yes ⁴⁰²

380. *Id.* at *11, *14–15.

382. *Hall v. Acad. Charter Sch.*, No. 2:24-cv-08630-JMW, 2025 U.S. Dist. LEXIS 152628, at *4 (E.D.N.Y. Aug. 7, 2025).

383. *Id.* at *3.

384. *Id.* at *15. In declining to impose monetary sanctions, the court likened the facts to *Cohen* and determined that counsel’s conduct did not support a finding of “bad faith.” *Id.* at *14–15.

385. *Twist It Up, Inc. v. Annie Int’l, Inc.*, No. CV 24-736-DMG (ADSx), 2025 U.S. Dist. LEXIS 170025, at *12 (C.D. Cal. Aug. 12, 2025).

386. *Id.*

387. *Id.*

388. *Nora v. M & A Transp., Inc.*, No. CV 25-1015, 2025 WL 2337132, at *1 (E.D. La. Aug. 13, 2025).

389. *Id.*

390. *Id.* at *3.

391. *Mavy v. Comm’r of SSA*, No. CV-25-00689-PHX-KML (ASB), 2025 U.S. Dist. LEXIS 157358, at *1 (D. Ariz. Aug. 14, 2025).

392. *Id.* at *2, *8, *20.

393. *Id.* at *36–38.

394. *Lee v. R&R Home Care, Inc.*, No. 24-836, 2025 U.S. Dist. LEXIS 167528, at *1 (E.D. La. Aug. 28, 2025).

395. *Id.* at *8.

396. *Id.* at *9.

397. *Davis v. Marion Cnty. Superior Ct. Juv. Det. Ctr.*, No. 1:24-cv-01918-JRS-MJD, 2025 U.S. Dist. LEXIS 170047, at *2 (S.D. Ind. Sep. 2, 2025).

398. *Id.* at *1.

399. *Id.* at *12–13.

400. *Tercero v. Sacramento Logistics, LLC*, No. 2:24-cv-00953-DC-JDP, 2025 U.S. Dist. LEXIS 175962, at *1 (E.D. Cal. Sep. 8, 2025).

402. *Id.* at *40.

No.	Case	Date ³⁰³	Procedural Posture	Hallucinations	Rule 11 Sanctions
				they were cited and ten fabricated quotations. ⁴⁰¹	
34.	<i>Yi-Sheng Fang</i>	09/12/25	On OSC ⁴⁰³	Citations to multiple cases that do not exist or exist but do not include the quoted language or support the proposition for which they were cited. ⁴⁰⁴	No (sanctions imposed under other authority) ⁴⁰⁵
35.	<i>OTG N.Y.</i>	09/18/25	On OSC ⁴⁰⁶	Citations to non-existent cases or cases that do not support the propositions or quotations for which they were cited. ⁴⁰⁷	Yes ⁴⁰⁸
36.	<i>Pelishek</i>	09/18/25	On OSC ⁴⁰⁹	Various misrepresentations of law and fact. ⁴¹⁰	Yes ⁴¹¹
37.	<i>Lipe</i>	09/22/25	On OSC ⁴¹²	Citations to non-existent cases and cases that do not support the propositions for which they were cited. ⁴¹³	Yes ⁴¹⁴
38.	<i>P.R. Soccer League</i>	09/23/25	On OSC ⁴¹⁵	At least fifty-five defective citations. ⁴¹⁶	Yes ⁴¹⁷
39.	<i>Lafontant</i>	10/02/25	On OSC ⁴¹⁸	Citations to non-existent cases and cases that do not	Yes ⁴²⁰

401. *Id.* at *2.

403. *Yi-Sheng Fang v. Hechalou US LLC*, No. CV 25-1180 PA (JDEx), 2025 U.S. Dist. LEXIS 181749, at *1 (C.D. Cal. Sep. 12, 2025).

404. *Id.* at *3.

405. *Id.* at *8. While the court ultimately found that defendants' conduct was sanctionable, it determined that sanctions under 28 U.S.C. § 1927 were more appropriate than sanctions under Rule 11. *Id.*

406. *OTG N.Y., Inc. v. Ottogi Am., Inc.*, Civil Action No. 24-cv-07209 (BRM) (JRA), 2025 U.S. Dist. LEXIS 183358, at *1 (D.N.J. Sep. 18, 2025).

407. *Id.* at *2–3.

408. *Id.* at *8.

409. *Pelishek v. City of Sheboygan*, No. 23-CV-1048, 2025 U.S. Dist. LEXIS 183238, at *1–2 (E.D. Wis. Sep. 18, 2025).

410. *Id.* at *1.

411. *Id.* at *14–16.

412. *Lipe v. Albuquerque Pub. Schs.*, No. 23-899 GBW /JMR, 2025 U.S. Dist. LEXIS 185610, at *1 (D. N.M. Sep. 22, 2025).

413. *Id.* at *2.

414. *Id.* at *12.

415. *P.R. Soccer League NFP, Corp. v. Federación Puertorriqueña de Fútbol*, No. 23-1203 (RAM), 2025 U.S. Dist. LEXIS 188130, at *3 (D.P.R. Sep. 23, 2025).

416. *Id.* at *24.

417. *Id.* at *26.

418. *Lafontant v. Coolidge-CLK St. Germaine, LLC*, No. 24-2536, 2025 U.S. Dist. LEXIS 196052, at *1 (E.D. La. Oct. 2, 2025).

420. *Id.* at *7–8.

No.	Case	Date ³⁰³	Procedural Posture	Hallucinations	Rule 11 Sanctions
				support the propositions for which they were cited. ⁴¹⁹	
40.	<i>Jakes</i>	10/06/25	On OSC ⁴²¹	Numerous citations to non-existent caselaw quotations and misrepresentations of law. ⁴²²	Yes ⁴²³
41.	<i>Oneto</i>	10/10/25	On OSC ⁴²⁴	Citations to three non-existent cases. ⁴²⁵	Yes ⁴²⁶
42.	<i>Mattox</i>	10/22/25	On OSC ⁴²⁷	Twenty-eight false or misleading citations, including fourteen cases that do not exist and fourteen erroneous or misquoted authorities across eleven pleadings. ⁴²⁸	Yes ⁴²⁹
43.	<i>Wilson</i>	10/29/25	On Court's Initiative ⁴³⁰	Eleven non-existent fact statements related to plaintiff's former job description. ⁴³¹	Yes ⁴³²
44.	<i>Safe Choice, LLC</i>	10/30/25	On OSC ⁴³³	Citations to four non-existent cases, citations misrepresenting the legal significance of seven cases, and repeating misrepresentations at subsequent hearing. ⁴³⁴	Yes ⁴³⁵

419. *See id.* at *2.

421. *Jakes v. Youngblood*, No. 2:24-cv-1608, 2025 U.S. Dist. LEXIS 160856, at *10 (W.D. Pa. June 26, 2025).

422. *Id.* at *2–3.

423. *Jakes v. Youngblood*, No. 2:24-cv-1608, slip op. at 5–6 (W.D. Pa. Oct. 6, 2025).

424. *Oneto v. Watson*, No. 22-cv-05206-AMO, 2025 U.S. Dist. LEXIS 201579, at *1 (N.D. Cal. Oct. 10, 2025).

425. *Id.* at *6.

426. *Id.* at *12–13.

427. *Mattox v. Prod. Innovations Rsch., LLC*, No. 6:24-cv-235-JAR, 2025 U.S. Dist. LEXIS 214632, at *7–8 (E.D. Okla. Oct. 22, 2025).

428. *Id.* at *18–19.

429. *Id.* at *16.

430. *Wilson v. Kipp Tex., Inc.*, No. 3:24-CV-2578-K, 2025 U.S. Dist. LEXIS 214023, at *5 (N.D. Tex. Oct. 29, 2025).

431. *Id.* at *3.

432. *Id.* at *8–9.

433. *Safe Choice, LLC v. City of Cleveland*, No. 1:24-cv-02033-PAB, 2025 U.S. Dist. LEXIS 214410, at *1 (N.D. Ohio Oct. 30, 2025).

434. *Id.* at *2.

435. *Id.* at 8–12.

No	Case	Date ³⁰³	Procedural Posture	Hallucinations	Rule 11 Sanctions
45.	<i>Parker</i>	11/07/25	On OSC ⁴³⁶	Citations to inapplicable law, inaccurate quotes from the record, fabricated quotations from real cases, citations to real cases that do not support the propositions for which they are cited, misrepresentations of the law, and idiosyncratic citations errors. ⁴³⁷	Yes ⁴³⁸
46.	<i>Shelton</i>	11/10/25	On OSC ⁴³⁹	Citations to non-existent cases or real cases that do not support the legal propositions for which they were cited. ⁴⁴⁰	Yes ⁴⁴¹
47.	<i>Cojom</i>	11/17/25	On OSC ⁴⁴²	Citations to three non-existent cases. ⁴⁴³	Yes ⁴⁴⁴
48.	<i>Green Building Initiative, Inc.</i>	11/12/25	On OSC ⁴⁴⁵	Citations to cases that do not exist or do not support the proposition for which they were cited. ⁴⁴⁶	No ⁴⁴⁷
49.	<i>Buchanan</i>	11/20/25	On OSC ⁴⁴⁸	Eight non-existent case quotations and one citation to a non-existent case. ⁴⁴⁹	Yes ⁴⁵⁰

436. *Parker v. Costco Wholesale Corp.*, No. C25-0519-SKV, 2025 U.S. Dist. LEXIS 273977, at *1 (W.D. Wash. Nov. 7, 2025).

437. *Id.* at *2–9.

438. *Id.*

439. *Shelton v. Parkland Health*, No. 3:24-CV-2190-L-BW, 2025 U.S. Dist. LEXIS 221598, at *1 (N.D. Tex. Nov. 10, 2025).

440. *Id.* at *3.

441. *Id.* at *11–12 (finding that a Rule 11 sanction of “[j]udicial admonition” was sufficient under the circumstances).

442. *Cojom v. Roblen, LLC.*, No. 3:23-CV-1669 (JCH), 2025 U.S. Dist. LEXIS 225325, at *1 (D. Conn. Nov. 17, 2025).

443. *Id.* at *2–3.

444. *Id.* at *9–10.

445. *Green Bldg. Initiative, Inc. v. Peacock*, No. 3:24-cv-298-SI, 2025 U.S. Dist. LEXIS 227071, at *2–3 (D. Or. Nov. 12, 2025).

446. *Green Bldg. Initiative, Inc. v. Peacock*, 350 F.R.D. 289, 291–93 (D. Or. 2025).

447. *Green Bldg. Initiative, Inc.*, 2025 U.S. Dist. LEXIS 227071, at *2–3. The court did not impose sanctions for plaintiff’s fake case citations because it was “satisfied with the remedial actions already taken and those proposed to be taken by Plaintiff’s counsel” after reading plaintiff’s response to the order to show cause. *Id.* at *2–3.

448. Order Imposing Sanctions on Attorney James Dal Bon at 1, *Buchanan v. Vuori, Inc.*, No. 23-cv-01121-NC (N.D. Cal. Nov. 20, 2025), Dkt. No. 96.

449. *Id.*

450. *Id.* at 8.

No	Case	Date ³⁰³	Procedural Posture	Hallucinations	Rule 11 Sanctions
50.	<i>Dubin</i>	11/21/25	On OSC ⁴⁵¹	Citations to non-existent cases and non-existent quotations. ⁴⁵²	Yes ⁴⁵³

451. *Dubin v. Papazian*, No. 25-CV-23877-RAR, 2025 U.S. Dist. LEXIS 229362, at *1 (S.D. Fla. Nov. 21, 2025).

452. *Id.*

453. *Id.* at *9–10.

APPENDIX B

Figure 2: Table of Rule 11 Sanctions Imposed on Attorneys for Legal Hallucinations⁴⁵⁴

No.	Case	Date ⁴⁵⁵	Monetary Penalty	Attorneys' Fees	Client Notification	CLE	State Bar Notification	Disciplinary Referral	Strike Pleading	Strike Appearance	Public Reprimand	Case Dismissal	Other	Footnote
1.	<i>Mata</i>	06/22/23	X		X								X	⁴⁵⁶
2.	<i>Park</i>	01/30/24			X			X						⁴⁵⁷
3.	<i>Mortazavi</i>	10/30/24	X				X							⁴⁵⁸
4.	<i>Gauthier</i>	11/25/24	X		X	X								⁴⁵⁹
5.	<i>Wadsworth</i>	02/24/25	X							X				⁴⁶⁰
6.	<i>Bunce</i>	02/27/25	X			X								⁴⁶¹
7.	<i>Nguyen</i>	03/03/25	X											⁴⁶²
8.	<i>Dehghani</i>	04/02/25	X			X	X	X					X	⁴⁶³

454. This table reflects Rule 11 sanctions imposed on attorneys for Rule 11 violations related to legal hallucinations. This table does not include pending Rule 11 determinations, cases involving *pro se* litigants, or cases involving court warnings about legal hallucinations in court papers.

455. The date in this column refers to the date of the court's Rule 11 determination unless otherwise indicated.

456. *Mata v. Avianca, Inc.*, 678 F. Supp. 3d 443, 466 (S.D.N.Y. 2023). In addition to the sanctions identified in Appendix B, the court also required counsel to write a letter to each judge identified as an author of a fake opinion, attaching the court's sanctions order, hearing transcript, and other court documents related to the sanctions matter. *Id.*

457. *Park v. Kim*, 91 F.4th 610, 616 (2d. Cir. 2024).

458. Order Imposing Sanctions on Plaintiff's Counsel at 3–4, *Mortazavi v. Booz Allen Hamilton, Inc.*, No. 2:24-cv-07189-SB-RAO (C.D. Cal. Oct. 30, 2024), Dkt. No. 48.

459. *Gauthier v. Goodyear Tire & Rubber Co.*, No. 1:23-CV-281, 2024 U.S. Dist. LEXIS 214029, at *7–8 (E.D. Tex. Nov. 25, 2024).

460. *Wadsworth v. Walmart Inc.*, 348 F.R.D. 489, 499 (D. Wyo. 2025).

461. *Bunce v. Visual Tech. Innovations, Inc.*, No. 23-1740, 2025 U.S. Dist. LEXIS 36454, at *9–10 (E.D. Pa. Feb. 27, 2025).

462. *Nguyen v. Savage Enters.*, No. 4:24-CV-00815-BSM, 2025 U.S. Dist. LEXIS 37125, at *2 (E.D. Ark. Mar. 3, 2025).

463. *Dehghani v. Castro*, No. 2:25-CV-0052 MIS-DLM, 2025 U.S. Dist. LEXIS 63641, at *16 (D.N.M. Apr. 2, 2025). In addition to the monetary penalty, the CLE requirement, and state bar disciplinary referrals, the court also ordered counsel to provide a copy of the sanctions order to the company and its staff responsible for drafting the offending court papers and to report the name of the attorney who drafted the deficient brief to her state bar, explaining the incident and attaching the order.

No.	Case	Date ⁴⁵⁵	Monetary Penalty	Attorneys' Fees	Client Notification	CLE	State Bar Notification	Disciplinary Referral	Strike Pleading	Strike Appearance	Public Reprimand	Case Dismissal	Other	Footnote
9.	<i>Bevins</i>	04/10/25			X		X			X				464
10.	<i>Benjamin</i>	04/24/25	X		X									465
11.	<i>Lacey</i>	05/06/25							X					466
12.	<i>Ramirez</i>	05/13/25	X		X									467
13.	<i>Versant Funding</i>	05/20/25	X	X		X								468
14.	<i>Mid Central</i>	05/28/25	X											469
15.	<i>Flowz Digital</i>	05/30/25	X				X							470
16.	<i>Coomer</i>	07/07/25	X											471
17.	<i>Kaur</i>	07/09/25	X		X	X								472
18.	<i>Jackson</i>	07/11/25	X	X	X	X							X	473

464. *Bevins v. Colgate-Palmolive Co.*, No. 25-576, 2025 U.S. Dist. LEXIS 68399, at *18–19 (E.D. Pa. Apr. 10, 2025).

465. *Benjamin v. Costco Wholesale Corp.*, 779 F. Supp. 3d 341, 351 (E.D.N.Y. 2025).

466. *See Lacey v. State Farm Gen. Ins. Co.*, No. CV 24-5205 FMO (MAAx), 2025 U.S. Dist. LEXIS 90370, at *8–12 (C.D. Cal. May 6, 2025). Under Rule 11, the special master hearing the matter struck the plaintiff's supplemental briefs and declined to award the requested relief. *Id.* at *10. This sanction is reflected in Appendix B. The special master also awarded defendants \$26,100 in expenses related to the special master's appointment under the authority of the district court's appointment order. *Id.* at *11. The special master further awarded defendants \$5,000 in attorney's fees they incurred in briefing and attending the discovery hearing under the fee-shifting provision of Federal Rule of Civil Procedure 37(a)(5). *Id.* at *11–12.

467. *Ramirez v. Humala*, No. 24-CV-242 (RPK) (JAM), 2025 U.S. Dist. LEXIS 91124, at *6 (E.D.N.Y. May 13, 2025).

468. *Versant Funding LLC v. Teras Breakbulk Ocean Navigation Enters., LLC*, No. 17-CV-81140, 2025 U.S. Dist. LEXIS 98418, at *21–23 (S.D. Fla. May 20, 2025).

469. *Mid Cent. Operating Eng'rs Health & Welfare Fund v. Hoosiervac LLC*, No. 2:24-CV-00326-JPH-MJD, 2025 U.S. Dist. LEXIS 100748, at *3–4 (S.D. Ind. May 28, 2025).

470. Order Imposing Sanctions on Plaintiff's Counsel at 4, *Flowz Digital LLC v. Dalal*, No. 2:25-CV-00709-SB-PVC (C.D. Cal. May 30, 2025), Dkt. No. 35.

471. *Coomer v. Lindell*, No. 22-CV-01129-NYW-SBP, 2025 U.S. Dist. LEXIS 128372, at *22–25 (D. Colo. July 7, 2025).

472. *Kaur v. Desso*, No. 9:25-CV-726 (AMN), 2025 U.S. Dist. LEXIS 129902, at *12–13 (N.D.N.Y. July 9, 2025).

473. *Jackson v. Auto-Owners Ins. Co.*, No. 7:24-CV-136-WLS, 2025 U.S. Dist. LEXIS 133070, at *13–16 (M.D. Ga. July 11, 2025). The court held counsel and his firm jointly responsible for payment of the monetary penalty. *Id.* at *15–16. In addition, the court directed the Clerk of the Court to serve a

No.	Case	Date ⁴⁵⁵	Monetary Penalty	Attorneys' Fees	Client Notification	CLE	State Bar Notification	Disciplinary Referral	Strike Pleading	Strike Appearance	Public Reprimand	Case Dismissal	Other	Footnote
19.	<i>ByoPlanet</i>	07/15/25		X			X	X				X	X	474
20.	<i>Elizondo</i>	07/23/25	X		X	X								475
21.	<i>Seither</i>	07/28/25		X										476
22.	<i>Corona-virus</i>	07/30/25		X										477
23.	<i>Twist It Up</i>	08/12/25	X											478
24.	<i>Nora</i>	08/13/25	X			X		X					X	479
25.	<i>Mavy</i>	08/14/25			X		X		X	X			X	480
26.	<i>Lee</i>	08/28/25	X					X						481

copy of the court's sanctions order on the Chief Judge of each United States District Court in Georgia. *Id.* at *16.

474. *ByoPlanet Int'l, LLC v. Johansson*, 792 F. Supp. 3d 1341, 1357–58 (S.D. Fla. 2025). In addition to the sanctions specifically identified in this table, the court ordered counsel to attach a copy of the court's order to any complaint counsel files in the Southern District of Florida for a two-year period. *Id.* at 1358.

475. *Elizondo v. City of Laredo*, No. 5:25-CV-50, 2025 U.S. Dist. LEXIS 140572, at *9 (S.D. Tex. July 23, 2025).

476. *Seither & Cherry Quad Cities, Inc. v. Oakland Automation, LLC*, No. 23-11310, 2025 U.S. Dist. LEXIS 143941, at *7 (E.D. Mich. July 28, 2025). In awarding the defense counsel costs, the court acknowledged that monetary penalties should ordinarily be paid to the court but said it preferred that “the penalty go to the party most directly injured by the offending conduct.” *Id.* at *7 n.3. The court also encouraged but did not require plaintiffs' counsel to both complete a CLE course on the use of LLMs in legal research and legal ethics. *Id.* at *7.

477. *Coronavirus Rep. Corp. v. Apple Inc.*, No. 24-cv-08660-EMC, 2025 U.S. Dist. LEXIS 146572, at *18 (N.D. Cal. July 30, 2025).

478. *Twist It Up, Inc. v. Annie Int'l, Inc.*, No. CV 24-736-DMG (ADSx), 2025 U.S. Dist. LEXIS 170025, at *12 (C.D. Cal. Aug. 12, 2025).

479. *Nora v. M & A Transp., Inc.*, No. 25-1015, 2025 WL 2337132, at *3 (E.D. La. Aug. 13, 2025).

480. *Mavy v. Comm'r of SSA*, No. CV-25-00689-PHX-KML (ASB), 2025 U.S. Dist. LEXIS 157358, at *36–38 (D. Ariz. Aug. 14, 2025). In striking counsel's appearance, the court revoked counsel's *pro hac vice* status. *Id.* at *36. In addition to the sanctions reflected in Appendix B, the court further required counsel to write a letter to each of the three judges to whom she attributed fictitious cases and ordered her to send a copy of the court's order to every state bar to which she belongs as well as to every judge who presides over any case in which counsel is attorney of record. *Id.*

481. *Lee v. R&R Home Care, Inc.*, No. 24-836, 2025 U.S. Dist. LEXIS 167528, at *9 (E.D. La. Aug. 28, 2025).

No.	Case	Date ⁴⁵⁵	Monetary Penalty	Attorneys' Fees	Client Notification	CLE	State Bar Notification	Disciplinary Referral	Strike Pleading	Strike Appearance	Public Reprimand	Case Dismissal	Other	Footnote
27.	<i>Davis</i>	09/02/25	X		X			X						482
28.	<i>Tercero</i>	09/08/25	X		X		X							483
29.	<i>OTG N.Y.</i>	09/18/25	X		X		X	X	X					484
30.	<i>Pelishek</i>	09/18/25	X											485
31.	<i>Lipe</i>	09/22/25	X				X	X						486
32.	<i>P.R. Soccer League</i>	09/23/25		X										487
33.	<i>Lafontant</i>	10/02/25	X			X		X						488
34.	<i>Jakes</i>	10/06/25		X						X			X	489
35.	<i>Oneto</i>	10/10/25	X		X	X	X							490
36.	<i>Mattox</i>	10/22/25	X	X					X		X		X	491

482. *Davis v. Marion Cnty. Super. Ct. Juv. Det. Ctr.*, No. 1:24-cv-01918-JRS-MJD, 2025 U.S. Dist. LEXIS 170047, at *12–13 (S.D. Ind. Sep. 2, 2025).

483. *Tercero v. Sacramento Logistics, LLC*, No. 2:24-cv-00953-DC-JDP, 2025 U.S. Dist. LEXIS 175962, at *40 (E.D. Cal. Sep. 8, 2025).

484. *OTG N.Y., Inc. v. Ottogi Am., Inc.*, No. 24-cv-07209 (BRM) (JRA), 2025 U.S. Dist. LEXIS 183358, at *8–9 (D.N.J. Sep. 18, 2025).

485. *Pelishek v. City of Sheboygan*, No. 23-CV-1048, 2025 U.S. Dist. LEXIS 183238, at *14–16 (E.D. Wis. Sep. 18, 2025).

486. *Lipe v. Albuquerque Pub. Schs.*, No. 23-899 GBW /JMR, 2025 U.S. Dist. LEXIS 185610, at *12 (D.N.M. Sep. 22, 2025).

487. *P.R. Soccer League NFP, Corp. v. Federación Puertorriqueña de Fútbol*, No. 23-1203 (RAM), 2025 U.S. Dist. LEXIS 188130, at *26 (D.P.R. Sep. 23, 2025).

488. *Lafontant v. Coolidge-CLK St. Germaine, LLC*, No. 24-2536, 2025 U.S. Dist. LEXIS 196052, at *7–8 (E.D. La. Oct. 2, 2025).

489. Memorandum Order at 5–6, *Jakes v. Youngblood*, No. 2:24-cv-1608 (W.D. Pa. Oct. 6, 2025), Dkt. No. 71. In addition to the sanctions identified in Appendix B, the court ordered counsel to attach a copy of the sanctions order when filing any future notice of appearance or motion to appear *pro hac vice*. *Id.* at 5.

490. *Oneto v. Watson*, 808 F. Supp. 3d 974, 981 (N.D. Cal. 2025).

491. *Mattox v. Prod. Innovations Rsch., LLC*, 807 F. Supp. 3d 1341, 1349–54 (E.D. Okla. 2025). In addition to the sanctions identified in Appendix B, the court restricted the attorney serving as local counsel from sponsoring any *pro hac vice* attorney in the Eastern District of Oklahoma or serving as local counsel for any *pro hac vice* attorney in that district for a twelve-month period. *Id.* at 1352. The court further required plaintiffs to re-file defective pleadings, certifying that they have complied with the court's guidelines on AI disclosure and certification requirements. *Id.* Finally, the court allowed the

No.	Case	Date ⁴⁵⁵	Monetary Penalty	Attorneys' Fees	Client Notification	CLE	State Bar Notification	Disciplinary Referral	Strike Pleading	Strike Appearance	Public Reprimand	Case Dismissal	Other	Footnote
37.	<i>Wilson</i>	10/29/25		X		X								492
38.	<i>Safe Choice</i>	10/30/25	X		X			X					X	493
39.	<i>Parker</i>	11/07/25	X		X			X			X			494
40.	<i>Shelton</i>	11/10/25									X			495
41.	<i>Cojom</i>	11/17/25	X											496
42.	<i>Buchanan</i>	11/20/25	X					X	X				X	497
43.	<i>Dubin</i>	11/21/25		X			X	X	X			X		498

signing attorney to remain counsel of record as long as he verified all future filings personally and certified compliance with the court's order. *Id.* at 1351.

492. *Wilson v. Kipp Tex., Inc.*, No. 3:24-CV-2578-K, 2025 U.S. Dist. LEXIS 214023, at *8–9 (N.D. Tex. Oct. 29, 2025).

493. *Safe Choice, LLC v. City of Cleveland*, No. 1:24-cv-02033-PAB, 2025 U.S. Dist. LEXIS 214410, at *8–12 (N.D. Ohio Oct. 30, 2025). In addition to the sanctions identified in Appendix B, the court ordered plaintiff's counsel to file a copy of the court's order with the state court upon remand of the case. *Id.* at *12.

494. *Parker v. Costco Wholesale Corp.*, No. C25-0519-SKV, 2025 U.S. Dist. LEXIS 273977, at *35–36 (W.D. Wash. Nov. 7, 2025). In addition to the sanctions identified in Appendix B, the court also ordered plaintiff, under 28 U.S.C. § 1927, to compensate defendant for the expenses it incurred composing its response to plaintiff's motion to strike. *Id.* at *33.

495. *Shelton v. Parkland Health*, No. 3:24-CV-2190-L-BW, 2025 U.S. Dist. LEXIS 221598, at *11–12 (N.D. Tex. Nov. 10, 2025).

496. *Cojom v. Roblen, LLC.*, No. 3:23-CV-1669 (JCH), 2025 U.S. Dist. LEXIS 225325, at *9–10 (D. Conn. Nov. 17, 2025).

497. Order Imposing Sanctions on Attorney James Dal Bon at 6–7, *Buchanan v. Vuori, Inc.*, No. 23-cv-01121-NC (N.D. Cal. Nov. 20, 2025), Dkt. No. 96. In addition to the sanctions identified in Appendix B, the court further found that plaintiff's counsel was not adequate to serve as class counsel. *Id.*

498. *Dubin v. Papazian*, No. 25-CV-23877-RAR, 2025 U.S. Dist. LEXIS 229362, at *10 (S.D. Fla. Nov. 21, 2025).

APPENDIX C

Figure 3: Table of Rule 11 Monetary Sanctions in Cases Involving Attorneys and Legal Hallucinations⁴⁹⁹

No.	Case	Date ⁵⁰⁰	Monetary Penalty ⁵⁰¹	Attorneys' Fees and Costs	Footnote
1.	<i>Mata</i>	06/22/23	\$5,000 (two attorneys)	\$0	502
2.	<i>Park</i>	01/30/24	\$0	\$0	503
3.	<i>Mortazavi</i>	10/30/24	\$2,500 (one attorney)	\$0	504
4.	<i>Gauthier</i>	11/25/24	\$2,000 (one attorney)	\$0	505
5.	<i>Wadsworth</i>	02/24/25	\$5,000 (three attorneys)	\$0	506
6.	<i>Bunce</i>	02/27/25	\$2,500 (one attorney)	\$0	507
7.	<i>Nguyen</i>	03/03/25	\$1,000 (one attorney)	\$0	508
8.	<i>Dehghani</i>	04/02/25	\$1,500 (one attorney)	\$0	509
9.	<i>Bevins</i>	04/10/25	\$0	\$0	510
10.	<i>Benjamin</i>	04/24/25	\$1,000 (one attorney)	\$0	511
11.	<i>Lacey</i>	05/06/25	\$0	\$0	512

499. This table reflects Rule 11 monetary sanctions imposed on attorneys in cases involving legal hallucinations. This table does not include pending Rule 11 determinations, cases involving *pro se* litigants, or cases involving court warnings about legal hallucinations in court papers.

500. The date in this column refers to the date of the court's Rule 11 determination unless otherwise indicated.

501. This column represents the total monetary penalty imposed on one or more attorneys held responsible for a Rule 11 violation. In cases where the court found more than one attorney liable for the violation, the amount of the penalty may vary depending on the role of the attorney in the violation. *See, e.g.,* Wadsworth v. Walmart Inc., 348 F.R.D. 489, 497–99 (D. Wyo. 2025) (imposing the highest monetary penalty on attorney who drafted the motions (\$3,000) and a lesser monetary penalty on two attorneys whose names appeared on the court filings (\$1,000 each)).

502. *Mata v. Avianca, Inc.*, 678 F. Supp. 3d 443, 466 (S.D.N.Y. 2023).

503. *Park v. Kim*, 91 F.4th 610, 614–16 (2d Cir. 2024).

504. Order Imposing Sanctions on Plaintiff's Counsel at 3, *Mortazavi v. Booz Allen Hamilton, Inc.*, No. 2:24-cv-07189-SB-RAO (C.D. Cal. Oct. 30, 2024), Dkt. 48.

505. *Gauthier v. Goodyear Tire & Rubber Co.*, No. 1:23-CV-281, 2024 U.S. Dist. LEXIS 214029, at *7 (E.D. Tex. Nov. 25, 2024).

506. *Wadsworth v. Walmart Inc.*, 348 F.R.D. 489, 499 (D. Wyo. 2025).

507. *Bunce v. Visual Tech. Innovations, Inc.*, No. 23-1740, 2025 U.S. Dist. LEXIS 36454, at *9 (E.D. Pa. Feb. 27, 2025).

508. *Nguyen v. Savage Enters.*, No. 4:24-CV-00815-BSM, 2025 U.S. Dist. LEXIS 37125, at *2 (E.D. Ark. Mar. 3, 2025).

509. *Dehghani v. Castro*, No. 2:25-cv-0052 MIS-DLM, 2025 U.S. Dist. LEXIS 63641, at *15 (D.N.M. Apr. 2, 2025).

510. *Bevins v. Colgate-Palmolive Co.*, No. 25-576, 2025 U.S. Dist. LEXIS 68399, at *18–19 (E.D. Pa. Apr. 10, 2025).

511. *Benjamin v. Costco Wholesale Corp.*, 779 F. Supp. 3d 341, 351 (E.D.N.Y. 2025).

512. *Lacey v. State Farm Gen. Ins. Co.*, No. CV 24-5205 FMO (MAAx), 2025 U.S. Dist. LEXIS 90370, at *10–13 (C.D. Cal. May 6, 2025). The court imposed monetary sanctions on plaintiff's counsel under other sources of authority. *See supra* note 466.

No.	Case	Date ⁵⁰⁰	Monetary Penalty ⁵⁰¹	Attorneys' Fees and Costs	Footnote
12.	<i>Ramirez</i>	05/13/25	\$1,000 (one attorney)	\$0	513
13.	<i>Versant Funding</i>	05/20/25	\$1,500 (two attorneys)	\$5,000 ⁵¹⁴	515
14.	<i>Mid Central</i>	05/28/25	\$6,000 (one attorney)	\$0	516
15.	<i>Flowz Digital</i>	05/30/25	\$3,500 (one attorney)	\$0	517
16.	<i>Coomer</i>	07/07/25	\$6,000 (two attorneys)	\$0	518
17.	<i>Kaur</i>	07/09/25	\$1,000 (one attorney)	\$0	519
18.	<i>Jackson</i>	07/11/25	\$1,000 (one attorney)	\$6,462.40 ⁵²⁰	521
19.	<i>ByoPlanet</i>	07/17/25	\$0	\$85,567.75 ⁵²²	523
20.	<i>Elizondo</i>	07/23/25	\$2,500 (one attorney)	\$0	524
21.	<i>Seither</i>	07/28/25	\$0	\$1,485	525
22.	<i>Twist It Up</i>	08/12/25	\$500	\$0	526
23.	<i>Nora</i>	08/13/25	\$1,000 (one attorney)	\$0	527

513. *Ramirez v. Humala*, No. 24-CV-242 (RPK) (JAM), 2025 U.S. Dist. LEXIS 91124, at *6 (E.D.N.Y. May 13, 2025).

514. Joint Notice Regarding Settlement of Plaintiff's Attorneys' Fees at 2, *Versant Funding LLC v. Teras Breakbulk Ocean Navigation Enters., LLC*, No. 17-cv-81140-WPD (S.D. Fla. May 30, 2025), Dkt. No. 393.

515. *Versant Funding LLC v. Teras Breakbulk Ocean Navigation Enters., LLC*, No. 17-CV-81140-WPD, 2025 U.S. Dist. LEXIS 98418, at *23 (S.D. Fla. May 20, 2025).

516. *Mid Cent. Operating Eng'rs Health and Welfare Fund v. Hoosiervac LLC*, No. 2:24-cv-00326-JPH-MJD, 2025 U.S. Dist. LEXIS 100748, at *3–4 (S.D. Ind. May 28, 2025).

517. Order Imposing Sanctions on Plaintiff's Counsel at 4, *Flowz Digital LLC v. Dalal*, No. 25-cv-00709-SB-PVC (C.D. Cal. May 30, 2025), Dkt. No. 35.

518. *Coomer v. Lindell*, No. 22-cv-01129-NYW-SBP, 2025 U.S. Dist. LEXIS 128372, at *25 (D. Col. July 7, 2025).

519. *Kaur v. Desso*, No. 9:25-CV-726 (AMN), 2025 U.S. Dist. LEXIS 129902, at *12–13 (N.D.N.Y. July 9, 2025).

520. Order at 1, *Jackson v. Auto-Owners Ins. Co.*, No. 7:24-cv-136-WLS (M.D. Ga. July 30, 2025), Dkt. 26.

521. *Jackson v. Auto-Owners Ins. Co.*, No. 7:24-cv-136-WLS, 2025 U.S. Dist. LEXIS 133070, at *13–16 (M.D. Ga. July 11, 2025) (ordering plaintiff's counsel to pay \$1,000 to the court as monetary sanction and to pay defendant's reasonable attorneys' fees and costs).

522. *ByoPlanet Int'l, LLC v. Johansson*, No. 0:25-CV-60630, 2025 WL 3091094, at *4 (S.D. Fla. Aug. 1, 2025).

523. *ByoPlanet Int'l, LLC v. Johansson*, 792 F. Supp. 3d 1341, 1357–58 (S.D. Fla. 2025). The court cited its authority under Rule 11, the court's inherent powers, local rules, and 28 U.S.C. § 1927 in ordering plaintiff's counsel to pay defendants' attorneys' fees and costs. *Id.*

524. *Elizondo v. City of Laredo*, No. 5:25-cv-50, 2025 U.S. Dist. LEXIS 140572, at *9 (S.D. Tex. July 23, 2025).

525. *Seither & Cherry Quad Cities, Inc. v. Oakland Automation, LLC*, No. 23-11310, 2025 U.S. Dist. LEXIS 143941, at *7 (E.D. Mich. July 28, 2025) (ordering plaintiff's counsel to pay defense counsel's costs as a penalty for plaintiff's Rule 11 violation).

526. *Twist It Up, Inc. v. Annie Int'l, Inc.*, No. CV 24-736-DMG (ADSx), 2025 U.S. Dist. LEXIS 170025, at *12 (C.D. Cal. Aug. 12, 2025).

527. *Nora v. M & A Transp., Inc.*, No. 25-1015, 2025 WL 2337132, at *3 (E.D. La. Aug. 13, 2025).

No.	Case	Date ⁵⁰⁰	Monetary Penalty ⁵⁰¹	Attorneys' Fees and Costs	Footnote
24.	<i>Mavy</i>	08/14/25	\$0	\$0	528
25.	<i>Lee</i>	08/28/25	\$1,000 (one attorney)	\$0	529
26.	<i>Davis</i>	09/02/25	\$7,500 (one attorney) ⁵³⁰	\$0	531
27.	<i>Tercero</i>	09/08/25	\$1,500 (one attorney)	\$0	532
28.	<i>OTG N.Y.</i>	09/18/25	\$3,000 (one attorney)	\$0	533
29.	<i>Pelishek</i>	09/18/25	\$4,500 (two attorneys)	\$0	534
30.	<i>Lipe</i>	09/22/25	\$3,000 (one attorney)	\$0	535
31.	<i>P.R. Soccer League</i>	09/23/25	\$0	\$24,492.10	536
32.	<i>Lafontant</i>	10/02/25	\$1,000 (one attorney)	\$0	537
33.	<i>Jakes</i>	10/06/25	\$0	\$5,000	538
34.	<i>Oneto</i>	10/10/25	\$1,000 (one attorney)	\$0	539
35.	<i>Mattox</i>	10/22/25	\$6,000 (three attorneys)	\$23,495.90.	540
36.	<i>Safe Choice, LLC</i>	10/30/25	\$7,500 (one attorney)	\$0	541

528. *Mavy v. Comm'r of SSA*, No. CV-25-00689-PHX-KML (ASB), 2025 U.S. Dist. LEXIS 157358, at *36–38 (D. Ariz. Aug. 14, 2025).

529. *Lee v. R&R Home Care, Inc.*, No. 24-836, 2025 U.S. Dist. LEXIS 167528, at *9 (E.D. La. Aug. 28, 2025).

530. The amount listed here is a recommended monetary sanction from a magistrate judge's report and recommendation made in connection with counsel's citation to non-existent legal authority. *See Davis v. Marion Cnty. Super. Ct. Juv. Det. Ctr.*, No. 1:24-cv-01918-JRS-MJD, 2025 U.S. Dist. LEXIS 170047, at *10, *12 (S.D. Ind. Sep. 2, 2025).

531. *Id.* at *12.

532. *Tercero v. Sacramento Logistics, LLC*, No. 2:24-cv-00953-DC-JDP, 2025 U.S. Dist. LEXIS 175962, at *40 (E.D. Cal. Sep. 8, 2025).

533. *OTG N.Y., Inc. v. Ottogi Am., Inc.*, No. 24-cv-07209 (BRM) (JRA), 2025 U.S. Dist. LEXIS 183358, at *8–9 (D.N.J. Sep. 18, 2025).

534. *Pelishek v. City of Sheboygan*, No. 23-CV-1048, 2025 U.S. Dist. LEXIS 183238, at *14–15 (E.D. Wis. Sep. 18, 2025).

535. *Lipe v. Albuquerque Pub. Schs.*, No. 23-899 GBW /JMR, 2025 U.S. Dist. LEXIS 185610, at *12 (D. N.M. Sep. 22, 2025).

536. *P.R. Soccer League NFP, Corp. v. Federación Puertorriqueña de Fútbol*, No. 23-1203 (RAM), 2025 U.S. Dist. LEXIS 188130, at *27 (D.P.R. Sep. 23, 2025).

537. *Lafontant v. Coolidge-CLK St. Germaine, LLC*, No. 24-2536, 2025 U.S. Dist. LEXIS 196052, at *7–8 (E.D. La. Oct. 2, 2025).

538. Memorandum Order at 5, *Jakes v. Youngblood*, No. 2:24-cv-1608 (W.D. Pa. Oct. 6, 2025), Dkt. 71.

539. *Oneto v. Watson*, 808 F. Supp. 3d 974, 981 (N.D. Cal. 2025).

540. *Mattox v. Prod. Innovations Rsch., LLC*, 807 F. Supp. 3d 1341, 1350–51, 1353 (E.D. Okla. 2025).

541. *Safe Choice, LLC v. City of Cleveland*, No. 1:24-cv-02033-PAB, 2025 U.S. Dist. LEXIS 214410, at *11 (N.D. Ohio Oct. 30, 2025).

No.	Case	Date ⁵⁰⁰	Monetary Penalty ⁵⁰¹	Attorneys' Fees and Costs	Footnote
37.	<i>Parker</i>	11/07/25	\$3,000 (one attorney)	\$0 ⁵⁴²	543
38.	<i>Shelton</i>	11/10/25	\$0	\$0	544
39.	<i>Cojom</i>	11/17/25	\$500 (one attorney)	\$0	545
40.	<i>Buchanan</i>	11/20/25	\$250 (one attorney)	\$0	546
41.	<i>Dubinin</i>	11/21/25	\$0	\$4,030.90	547

APPENDIX D

Proposed Amendments to Current Rule 11

Current Text = regular font

New Text = underlined

Deleted Text = ~~striketrough~~

Author's Note = *italics*

Rule 11. Signing Pleadings, Motions, and Other Papers; Representations to the Court; Sanctions

(a) Signature. Every pleading, written motion, and other paper must be signed by at least one attorney of record in the attorney's name--or by a party personally if the party is unrepresented. The paper must state the signer's address, e-mail address, and telephone number. Unless a rule or statute specifically states otherwise, a pleading need not be verified or accompanied by an affidavit. The court must strike an unsigned paper unless the omission is promptly corrected after being called to the attorney's or party's attention.

(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

542. *Parker v. Costco Wholesale Corp.*, No. C25-0519-SKV, 2025 U.S. Dist. LEXIS 273977, at *33–34 (W.D. Wash. Nov. 7, 2025). The court ordered plaintiff to compensate defendant for the expenses it incurred composing its response to plaintiff's motion to strike under 28 U.S.C. § 1927 rather than Rule 11. *Id.*

543. *Id.* at *35.

544. *Shelton v. Parkland Health*, No. 3:24-CV-2190-L-BW, 2025 U.S. Dist. LEXIS 221598, at *11–12 (N.D. Tex. Nov. 10, 2025).

545. *Cojom v. Roblen, LLC.*, No. 3:23-CV-1669 (JCH), 2025 U.S. Dist. LEXIS 225325, at *9–10 (D. Conn. Nov. 17, 2025).

546. Order Imposing Sanctions on Attorney James Dal Bon at 6, *Buchanan v. Vuori, Inc.*, No. 23-cv-01121-NC (N.D. Cal. Nov. 20, 2025), Dkt. No. 96.

547. *Dubinin v. Papazian*, No. 25-CV-23877-RAR, 2025 U.S. Dist. LEXIS 229362, at *10 (S.D. Fla. Nov. 21, 2025).

person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances:

(1) it is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation;

(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;

(3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and

(4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on belief or a lack of information.

(c) Sanctions.

(1) In General. If, after notice and a reasonable opportunity to respond, the court determines that Rule 11(b) has been violated, the court may impose an appropriate sanction on any attorney, law firm, or party that violated the rule or is responsible for the violation. Absent exceptional circumstances, a law firm must be held jointly responsible for a violation committed by its partner, associate, or employee.

(2) Motion for Sanctions. A motion for sanctions must be made separately from any other motion and must describe the specific conduct that allegedly violates Rule 11(b). The motion must be served under Rule 5, but it must not be filed or be presented to the court if the challenged paper, claim, defense, contention, or denial is withdrawn or appropriately corrected within 21 days after service or within another time the court sets. The challenged conduct shall be assessed on an objective standard of reasonableness. If warranted, the court may award to the prevailing party the reasonable expenses, including attorney's fees, incurred for the motion.

Safe Harbor Limitation: The 21-day waiting period shall not apply to a motion seeking sanctions for papers containing non-existent legal authorities. Such a motion shall be accompanied by a separate sworn statement describing all efforts to determine the existence of the disputed legal authorities. Withdrawal or correction of the challenged paper, claim, defense, contention, or denial shall have no effect on a Court's authority to decide a motion for sanctions, but

withdrawal or other corrective measures may be considered by the Court in determining appropriate sanctions.

AUTHOR'S NOTE: This revision eliminates the safe harbor for fictitious citations, quotations, or other false representations of law.

(3) On the Court's Initiative. On its own, the court may order an attorney, law firm, or party to show cause why conduct specifically described in the order has not violated Rule 11(b). The Court shall evaluate the specific conduct under the same objective standard of reasonableness that is applicable to motions for sanctions under subparagraph (c)(2).

AUTHOR'S NOTE: This revision clarifies that the mens rea standard to be applied in sua sponte proceedings is the same as the standard to be applied in proceedings initiated by a party's motion for sanctions under Rule 11(c)(2).

(4) Nature of a Sanction. A sanction imposed under this rule, either on a motion for sanctions under subparagraph (c)(2) or on the court's own initiative under subparagraph (c)(3), must be tailored limited to what suffices to deter repetition of the conduct or comparable conduct by others similarly situated. The sanction may include nonmonetary directives; an order to pay a penalty into court; or, ~~if imposed on motion and warranted for effective deterrence,~~ an order directing payment to the movant, or another party, of part or all of the reasonable attorney's fees and other expenses to compensate for financial harm directly resulting from the violation.

AUTHOR'S NOTE: This revision permits courts to award attorneys' fees and costs for Rule 11 violations determined either on a court's own initiative or on a party's motion.

(5) Limitations on Monetary Sanctions. The court must not impose a monetary sanction:

(A) against a represented party for violating Rule 11(b)(2); or

(B) on its own, unless it issued the show-cause order under Rule 11(c)(3) before voluntary dismissal or settlement of the claims made by or against the party that is, or whose attorneys are, to be sanctioned.

(6) Requirements for an Order. An order imposing a sanction must describe the sanctioned conduct and explain the basis for the sanction.

(d) Inapplicability to Discovery. This rule does not apply to disclosures and discovery requests, responses, objections, and motions under Rules 26 through 37.

