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ETHICS OF ARTIFICIAL INTELLIGENCE FOR LAWYERS: RESISTANCE IS FUTILE: CANDOR, SUPERVISION, AND FEES

Cliff McKinney*

I. INTRODUCTION

In *Star Trek: The Next Generation*, the Borg deliver their iconic warning to every species they encounter: "*Resistance is futile.*"[1] The line resonates because it conveys the inevitability that once the Borg arrive, escape is no longer an option.

For lawyers, the duties of candor, supervision, and fairness in fees are just as inescapable. ABA Formal Opinion 512 (**"ABA Opinion"**) makes clear that, regardless of how powerful artificial intelligence becomes, it cannot relieve attorneys of their obligation. Attorneys must verify what they file, oversee how their colleagues use the technology, and ensure that clients are charged fairly. This installment examines those three pillars, showing how courts and the ABA are making plain that ethical rules still govern.

II. BREAKDOWN OF ABA FORMAL OPINION 512—CONTINUED

A. Meritorious Claims and Contentions and Candor Toward the Tribunal

The ABA Opinion examines three rules in this section: Model Rules 3.1, 3.3, and 8.4(c).[2] Despite covering three rules, this is by far the shortest section of the ABA Opinion and includes

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1. *Star Trek: The Next Generation: The Best of Both Worlds* (June 18, 1990).
2. ABA Comm. on Ethics & Pro. Resp., Formal Op. 512 (2024), at 9.

just three short paragraphs.[3] The issues raised by these three rules are substantively very similar to the competency requirements of Model Rule 1.1 and could probably have been combined with that section to emphasize a broader duty that a lawyer has to verify any artificial intelligence work product to ensure that it is accurate, makes valid legal arguments, and does not provide any false or misleading information to other parties or to the court.[4]

Model Rule 3.1 (titled "Meritorious Claims & Contentions") states in relevant part, "A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis in law and fact for doing so that is not frivolous, which includes a good faith argument for an extension, modification or reversal of existing law."[5] Model Rule 3.3 (titled "Candor Toward the Tribunal") states in relevant part, "A lawyer shall not knowingly . . . make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer."[6] Model Rule 8.4(c) states, "It is professional misconduct for a lawyer to . . . engage in conduct involving dishonesty, fraud, deceit or misrepresentation . . . ."[7] Though not included in the ABA Opinion, Model Rule 8.4(d) is also relevant to the use of artificial intelligence. Model Rule 8.4(d) states, "It is professional misconduct for a lawyer to . . . engage in conduct that is prejudicial to the administration of justice . . . ."[8]

The ABA Opinion states that these rules require a lawyer to carefully review artificial intelligence output "to ensure that the assertions made to the court are not false."[9] The ABA Opinion notes that there have already been issues with artificial intelligence hallucinations creating "citations to nonexistent opinions, inaccurate analysis of authority, and use of misleading arguments."[10] The ABA Opinion notes that some courts are mandating lawyers to disclose their use of artificial intelligence,

3. *Id.* at 9-10.
4. MODEL RULES OF PRO. CONDUCT r. 1.1 (AM. BAR ASS'N 2025).
5. MODEL RULES OF PRO. CONDUCT r. 3.1 (AM. BAR ASS'N 2025).
6. MODEL RULES OF PRO. CONDUCT r. 3.3 (AM. BAR ASS'N 2025).
7. MODEL RULES OF PRO. CONDUCT r. 8.4(c) (AM. BAR ASS'N 2025).
8. MODEL RULES OF PRO. CONDUCT r. 8.4(d) (AM. BAR ASS'N 2025).
9. ABA Comm. on Ethics & Pro. Resp., Formal Op. 512, at 10.
10. *Id.*

although it does not appear to endorse this practice.[11] The ABA Opinion concludes, "In judicial proceedings, duties to the tribunal likewise require lawyers, before submitting materials to a court, to review these outputs, including analysis and citations to authority, and to correct errors, including misstatements of law and fact, a failure to include controlling legal authority, and misleading arguments."[12]

Other commentators have reached similar conclusions about the duties imposed by these rules in the context of using artificial intelligence.[13] Lawyers must always verify information created by artificial intelligence (or any other source) before submitting it to a tribunal.[14] Lawyers must ensure that their legal arguments are not based on false representations of the law.[15]

B. Supervisory Responsibilities

The ABA Opinion next considers Model Rules 5.1 and 5.3, which relate to a lawyer's managerial and supervisory responsibilities.[16] Under these rules, a lawyer can be responsible for another lawyer's violation of the Rules of Professional Conduct or a violation by a subordinate non-lawyer.[17] "Managerial lawyers must create effective measures to ensure that all lawyers in the firm conform to the rules of professional conduct."[18] Supervisory lawyers have a duty to "supervise subordinate lawyers and nonlawyer assistants to ensure that

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11. *Id.*

12. *Id.*

13. Hon. John G. Browning, *From Coding to Code of Conduct: Understanding the Ethical Dimensions of Lawyers' Use of Generative AI*, *in* 109 THE ADVOC. (TEXAS), 2024, at 8, 9.

14. Hon. Heidie W. Currier et al., *Ethics and the Rise of AI*, *in* N.J. LAW.. April 2025, at 25.

15. Hon. Jean M. Kies, *How Courts Should Deal with Generative AI: A Judge's Perspective*, WIS. LAW., January 2025, at 45, 47*; see also* GEORGE NINO & BRADLEY C. WEBER, *The Real Ethics of Artificial Intelligence-Considerations for Legal Professionals*, *in* NAT. RES. & ENERGY L. INST. 28-1, 28-21.

16. ABA Comm. on Ethics & Pro. Resp., Formal Op. 512, at 10.

17. MODEL RULES OF PRO. CONDUCT r. 5.1 and 5.5 (AM. BAR ASS'N 2025)*; see also* Browning, *supra* note 13, at 8, 10.

18. ABA Comm. on Ethics & Pro. Resp., Formal Op. 512, at 10.

subordinate lawyers and nonlawyer assistants conform to the rules."[19]

In the context of artificial intelligence, the ABA Opinion asserts that managerial lawyers "must establish clear policies regarding the law firm's permissible use of GAI."[20] The ABA Opinion also asserts that supervisory attorneys have an obligation to "make reasonable efforts to ensure that the firm's lawyers and nonlawyers comply with their professional obligations when using GAI tools."[21] The ABA Opinion emphasizes the need for training lawyers and nonlawyers in the proper and ethical use of artificial intelligence. The training should include: (1) the basics of using artificial intelligence technology, (2) instruction on the capabilities and limitations of artificial intelligence tools, (3) the ethical use of artificial intelligence, and (4) best practices for protecting confidentiality, including secure data handling and privacy issues.[22]

The ABA Opinion also invokes Model Rule 5.3 to remind lawyers that they have a supervisory obligation "insofar as they rely on others outside the law firm to employ GAI tools in connection with the legal representation."[23] The ABA Opinion does not provide examples of who these outside parties might be, but, presumably, they are technology firms or data analysis companies that might assist with tasks involving artificial intelligence, such as outsourcing a large set of documents to be scanned for important information using artificial intelligence tools that the firm does not have in-house. Model Rule 5.3 requires lawyers to ensure that these third parties will "do the work capably and protect the confidentiality of information relating to the representation."[24] Appropriate due diligence when selecting third-party providers includes: "familiarity with vendor's hiring practices; using confidentiality agreements; understanding the vendor's conflicts check system to screen for adversity among firm clients; and the availability and

19. *Id.*
20. *Id.*
21. *Id.*
22. *Id.*
23. ABA Comm. on Ethics & Pro. Resp., Formal Op. 512, at 11.
24. *Id.*

accessibility of a legal forum for legal relief for violations of the vendor agreement."[25] The ABA Opinion also advises that in selecting third-party providers, which would include artificial intelligence tools used within the firm, lawyers should do the following:

- ensure that the [GAI tool] is configured to preserve the confidentiality and security of information, that the obligation is enforceable, and that the lawyer will be notified in the event of a breach or service of process regarding production of client information;
- investigate the [GAI tool's] reliability, security measures, and policies, including limitations on the [the tool's] liability;
- determine whether the [GAI tool] retains information submitted by the lawyer before and after the discontinuation of services or asserts proprietary rights to the information; and
- understand the risk that [GAI tool servers] are subject to their own failures and may be an attractive target of cyber-attacks.[26]

Interestingly, this section of the ABA Opinion does not address the responsibility of lawyers to supervise attorneys whom they sponsor for *pro hac vice* admission. Of the Twenty-Five Cases, three involved a violation by an attorney admitted through *pro hac vice*. In *Benjamin v. Costco Wholesale Corp.*, the offending attorney was admitted *pro hac vice*, though there is no mention of her sponsoring attorney being sanctioned as well.[27] *Wadsworth v. Walmart Inc.* also involved a violation by an attorney admitted *pro hac vice*, and the court leveled sanctions against the sponsoring attorney, too, even though she did not draft the offending pleading.[28] In *Versant Funding LLC v. Tera Breakbulk*, again, the offending attorney was admitted *pro hac vice*, and the sponsoring attorney received sanctions for failure to

25. *Id.*

26. *Id.*

27. Benjamin v. Costco Wholesale Corp., No. 2:24-CV-7399 (LGD), 2025 WL 1195925, at *9 (E.D.N.Y. Apr. 24, 2025).

28. Wadsworth v. Walmart Inc., 348 F.R.D. 489, 498 (D. Wyo. 2025).

supervise the out-of-state attorney.[29] In other words, *pro hac vice* attorneys whose sponsoring attorneys did not adequately supervise them led to nearly 20% of instances involving hallucinated citations in the Twenty-Five Cases. This should cause all attorneys who sponsor *pro hac vice* admissions to be much more careful in proofreading and vetting the work product they approve.

Complying with these managerial and supervisory ethical obligations requires lawyers to understand the capabilities and limitations of artificial intelligence tools.[30] Lawyers must learn how to effectively and ethically use artificial intelligence so they can oversee the training and education of their staff.[31]This puts an onus on lawyers who might otherwise want to ignore artificial intelligence to overcome any reticence and develop at least a sufficient understanding to carry out their managerial and supervisory responsibilities.

C. Fees

The final substantive section in the ABA Opinion concerns fees, and it may be meaningful that it is second only to the Competency section in length.[32] Model Rule 1.5(a) states, "A lawyer shall not make an agreement for, charge, or collect an unreasonable fee or an unreasonable amount for expenses."[33] The rest of the rather lengthy Model Rule 1.5 provides guidance for how to determine if a fee is reasonable, including in contingency fee cases.[34] The ABA Opinion addresses two issues: (1) recouping the cost of artificial intelligence tools; and (2) the impact of artificial intelligence on hourly fees.[35]

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29. Versant Funding LLC v. Teras Breakbulk Ocean Navigation Enters., LLC, No. 17-CV-81140, 2025 WL 1440351, at *7 (S.D. Fla. May 20, 2025).

30. Samuel D. Hodge, Jr., *Revolutionizing Justice: Unleashing the Power of Artificial Intelligence*, 26 SMU SCI. & TECH. L. REV. 217, 246 (2023).

31. *See* Nino, *supra* note 15, at 28-21.

32. ABA Comm. on Ethics & Pro. Resp., Formal Op. 512, at11.

33. MODEL RULES OF PRO. CONDUCT r. 1.5(a) (AM. BAR ASS'N 2025).

34. MODEL RULES OF PRO. CONDUCT r. 1.5 (AM. BAR ASS'N 2025).

35. ABA Comm. on Ethics & Pro. Resp., Formal Op. 512, at 11-14.

I. Recouping the Cost of Artificial Intelligence Tools

Model Rule 1.5(b) requires a lawyer to communicate "[t]he scope of the representation and the basis or rate of the fee and expenses for which the client will be responsible shall be communicated to the client, preferably in writing, before or within a reasonable time after commencing the representation."[36] The salient question is whether the cost of artificial intelligence tools constitutes a reimbursable expense.[37] The ABA Opinion cites a 1993 Formal Opinion from the ABA Committee on Ethics and Professional Responsibility (**"1993 Formal Opinion"**) that discusses how lawyers charge for overhead and office expenses.[38]

The ABA published the 1993 Formal Opinion in the early days of computer research services. This opinion states that a lawyer can charge "reasonable costs for in-house services like photocopying and computer searches," but additional charges for the overhead cost of purchasing the computers and printers or staffing their operations are less clear.[39] The 1993 Formal Opinion determined that general overhead should not be charged to the client "[i]n the absence of disclosure to the client in advance of the engagement to the contrary . . . ."[40] The 1993 Formal Opinion states, "Perhaps the most difficult issue is the handling of charges to clients for the provision of in-house services."[41] The 1993 Formal Opinion states that it is permissible to pass on reasonable charges for in-house services such as copying, but only if the client and lawyer agree in advance.[42] The 1993 Formal Opinion concludes, "[T]he lawyer is obliged to charge the client no more than the direct cost associated with the service (i.e., the actual cost of making a copy on the photocopy machine) plus a reasonable allocation of overhead expenses directly associated with the provision of the service (e.g., the salary of a photocopy machine operator)."[43] The 1993 Formal Opinion states:

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36. MODEL RULES OF PRO. CONDUCT r. 1.5(b) (AM. BAR ASS'N 2025).
37. ABA Comm. on Ethics & Pro. Resp., Formal Op. 512, at 12.
38. *Id.*
39. *Id.* at 2.
40. *Id.* at 7.
41. *Id.* at 8.
42. ABA Comm. on Ethics & Pro. Resp., Formal Op. 379 (1993), at 8.
43. *Id.*

> In the absence of an agreement to the contrary, it is impermissible for a lawyer to create an additional source of profit for the law firm beyond that which is contained in the provision of professional services themselves. The lawyer's stock in trade is the sale of legal services, not photocopy paper, tuna fish sandwiches, computer time or messenger services.[44]

The ABA Opinion extrapolates from the 1993 Formal Opinion to reach the conclusion:

> To the extent a particular tool or service functions similarly to equipping and maintaining a legal practice, a lawyer should consider its cost to be overhead and not charge the client for its cost absent a contrary disclosure to the client in advance. For example, when a lawyer uses a GAI tool embedded in or added to the lawyer's word processing software to check grammar in documents the lawyer drafts, the cost of the tool should be considered to be overhead. In contrast, when a lawyer uses a third-party provider's GAI service to review thousands of voluminous contracts for a particular client and the provider charges the lawyer for using the tool on a per-use basis, it would ordinarily be reasonable for the lawyer to bill the client as an expense for the actual out-of-pocket expense incurred for using that tool.[45]

The ABA Opinion notes, though, "Absent contrary disclosure to the client, the lawyer should not add a surcharge to the actual cost of such expenses and should pass along to the client any discounts the lawyer receives from a third-party provider."[46] The ABA Opinion also states:

> The firm may agree in advance with the client about the specific rates to be charged for using a GAI tool, just as it would agree in advance on its legal fees. But not all in-house GAI tools are likely to be so special or costly to develop, and the firm may opt not to seek the client's agreement on expenses for using the technology. Absent an agreement, the firm may charge the client no more than the direct cost associated with the tool (if any) plus a reasonable allocation of expenses directly associated with providing the GAI tool,

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44. *Id.*
45. ABA Comm. on Ethics & Pro. Resp., Formal Op. 512, at 13.
46. *Id.*

> while providing appropriate disclosures to the client consistent with Formal Opinion 93-379. The lawyer must ensure that the amount charged is not duplicative of other charges to this or other clients.[47]

2. The Impact of Artificial Intelligence on Hourly Fees

There are two points to consider: (i) Can a lawyer bill more than his actual time spent on a task that is expedited by artificial intelligence? and (ii) Can a lawyer bill for her time learning to use artificial intelligence tools?[48] To answer these questions, the ABA Opinion again turns to the 1993 Formal Opinion.[49] The 1993 Formal Opinion states:

> It goes without saying that a lawyer who has undertaken to bill on an hourly basis is never justified in charging a client for hours not actually expended. If a lawyer has agreed to charge the client on this basis and it turns out that the lawyer is particularly efficient in accomplishing a given result, it nonetheless will not be permissible to charge the client for more hours than were actually expended on the matter. When that basis for billing the client has been agreed to, the economies associated with the result must inure to the benefit of the client, not give rise to an opportunity to bill a client phantom hours.[50]

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47. *Id.* at 14.

48. Based on my own anecdotal experience with artificial intelligence tools, I have not found that they significantly speed up my work, as there is considerable time involved in properly prompting, reviewing, and revising the work product. Instead, my personal experience is that the artificial intelligence tools I have used so far have enabled me to generate a better work product in roughly the same amount of time that the task would otherwise have taken. For example, suppose that I have a call tomorrow with opposing counsel to discuss a contentious exclusive use clause in a lease agreement. Before artificial intelligence, I would have spent time preparing for the call by reviewing the clause in context and trying to foresee the issues likely to be discussed and arguments to support my client's position. Now, in that same amount of time, I can use artificial intelligence to consider the clause from my opponent's point of view, generate a comprehensive list of talking points, and brainstorm counterarguments with the artificial intelligence that I might not have otherwise thought of on my own, including stress testing the arguments and counterarguments through a dialogue with the artificial intelligence. The time spent is no less, but the quality of my preparation is much greater. I acknowledge, however, that there are tasks that can be greatly sped up through artificial intelligence, and that is likely to become more common as artificial intelligence tools continue to improve.

49. ABA Comm. on Ethics & Pro. Resp., Formal Op. 512, at 12.

50. ABA Comm. on Ethics & Pro. Resp., Formal Op. 379, at 6.

Based on this, the ABA Opinion concluded, "If a lawyer uses a GAI tool to draft a pleading and expends 15 minutes to input the relevant information into the GAI program, the lawyer may charge for the 15 minutes as well as for the time the lawyer expends to review the resulting draft for accuracy and completeness."[51] The ABA Opinion also raises the specter that flat fee and contingency fee arrangements may be unreasonable if using an artificial intelligence tool "enables a lawyer to complete tasks much more quickly than without the tool."[52]

The other part of the impact on hourly fees is a lawyer's ability to recoup the time spent learning to use artificial intelligence tools.[53] There is no doubt that learning to use artificial intelligence competently and ethically will take lawyers many hours. But, the ABA Opinion invokes Model Rule 1.1's requirement that lawyers have adequate "legal knowledge, skill, thoroughness and preparation" to conclude that lawyers have a responsibility to learn how to use artificial intelligence without billing a client for the time.[54] As stated in the ABA Opinion, "Lawyers must remember that they may not charge clients for time necessitated by their own inexperience."[55] The ABA Opinion, however, draws a distinction between learning to use tools that the lawyer will use regularly and learning to use specific tools mandated by a particular client, such as a proprietary tool utilized by the client.[56] It may be appropriate to bill a client for the time spent learning to use explicitly requested tools, but the lawyer and client should agree upon how this billing will occur and, preferably, memorialize the agreement in writing.[57]

Notably absent from the ABA Opinion is whether lawyers are justified in raising their hourly rates as they obtain new technical skills. Model Rule 1.5(a) lists factors that a lawyer should consider in determining the reasonableness of a fee, which include:

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51. ABA Comm. on Ethics & Pro. Resp., Formal Op. 512, at 12.
52. *Id.*
53. *Id.* at 14.
54. *Id.*
55. *Id.*
56. ABA Comm. on Ethics & Pro. Resp., Formal Op. 512, at 14.
57. *Id.*

> (1) the time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly. . .
>
> (7) the experience, reputation, and ability of the lawyer or lawyers performing the services. . . .[58]

It seems reasonable that a lawyer who develops a high degree of competency with artificial intelligence tools may be justified in charging a higher hourly rate. So, while it is never permissible for a lawyer to charge for hours that she did not spend working, experience and ability that produce better results may justify higher rates.

D. A Duty to Use Artificial Intelligence?

The ABA Opinion hints that lawyers may someday have an ethical duty to use artificial intelligence. Under the Competency section, the ABA Opinion states, "Emerging technologies may provide an output that is of distinctively higher quality than current GAI tools produce, or may enable lawyers to perform work markedly faster and more economically, eventually becoming ubiquitous in legal practice and establishing conventional expectations regarding lawyers' duty of competence."[59] The ABA Opinion notes, "Over time, other new technologies have become integrated into conventional legal practice in this manner."[60] Today, a lawyer has an ethical duty to know how to use computers, emails, and computerized legal research.[61] "As GAI tools continue to develop and become more widely available, it is conceivable that lawyers will eventually have to use them to competently complete certain tasks for clients."[62]

Some commentators have also noted that the potential for artificial intelligence to reduce client costs meaningfully could be the basis for an ethical obligation for lawyers to begin using

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58. MODEL RULES OF PRO. CONDUCT r. 1.5(a) (AM. BAR ASS'N 2025).
59. ABA Comm. on Ethics & Pro. Resp., Formal Op. 512, at 4.
60. *Id.*
61. *Id.* at 4-5.
62. *Id.* at 5.

artificial intelligence.[63] This is especially true as new tools could significantly accelerate the completion of work.[64] Lawyers must stay informed about the market's current state and whether artificial intelligence offers cost savings that would be unreasonable to overlook.

E. Was Rule 4.1 Overlooked?

Remarkably, the ABA Opinion never uses the words "true" or "truth" and does not cite or discuss Model Rule 4.1. Model Rule 4.1 (Transactions with Persons Other than Clients) states:

> In the course of representing a client a lawyer shall not knowingly:
>
> (a) make a false statement of material fact or law to a third person; or
>
> (b) fail to disclose a material fact to a third person when disclosure is necessary to avoid assisting a criminal or fraudulent act by a client, unless disclosure is prohibited by Rule 1.6.[65]

I could not find a reference to Rule 4.1 in any of the Rule 11 Cases that I examined. But Rule 4.1 also seems to apply to hallucinated citation cases since copies of pleadings are delivered to opposing counsel. Rule 4.1 might also provide the basis for an ethical violation in pre-litigation scenarios, such as when an attorney sends a demand letter to an opposing side asserting hallucinated cases to bolster their demands.

F. Thoughts on the ABA Opinion

This is obviously still a developing issue, but lawyers should not be surprised if they are required to begin using artificial intelligence tools. This requirement may stem from either market pressures, where clients demand more efficient work products, or from evolving ethical obligations tied to competency and billing

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[64] Reginald A. Hirsch & Patrick A. Wright, *Ethics for Texas Family Law Attorneys Using AI*, 2024 TXCLE Advanced Family L. 21-III, 2024 WL 3875306. *See also* Nino, *supra* note 15, at 28-21.

64. *See* Browning, *supra* note 13, at 8, 10.

65. MODEL RULES OF PRO. CONDUCT r. 8.4(d) (AM. BAR ASS'N 2025).

practices. Artificial intelligence promises to help lawyers improve their practices by developing more creative and compelling arguments, avoiding errors, and preparing better strategies. Artificial intelligence also has the potential to reduce the billable hours required to accomplish many tasks, though the extent of that impact will likely vary depending on the nature of the work and the sophistication of the tools. Lawyers should be mindful of the conclusion of the ABA Opinion, which says, "With the ever-evolving use of technology by lawyers and courts, lawyers must be vigilant in complying with the Rules of Professional Conduct to ensure that lawyers are adhering to their ethical responsibilities and that clients are protected."[66]

III. EARLY CASE LAW INTERPRETATIONS OF THE ABA OPINION

It has been more than a year since the release of the ABA Opinion. The question is how courts are addressing the ethical issues presented using artificial intelligence. Are courts engaging in an analysis of the Model Rules of Professional Conduct or their state's version of those rules?[67] While reviewing the Twenty-Five Cases, I observed that very few cited the Rules of Professional Conduct, despite most involving Rule 11 sanctions for using hallucinated citations. Instead, most courts simply assumed (correctly) that a lawyer should carefully review a pleading for accuracy and confirm that there are no hallucinations or other inaccuracies. Still, the lack of citing specific violations surprised me. I also did not see any cases that referenced the ABA Opinion in the Twenty-Five Cases.

To explore this question, I took two approaches. First, I searched for cases directly mentioning the ABA Opinion. Next, I examined cases considering Rule 11 sanctions in the context of artificial intelligence.

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66. ABA Comm. on Ethics & Pro. Resp., Formal Op. 512, at 15.

67. The American Bar Association publishes the Model Rules of Professional Conduct. Most states have adopted these model rules, typically using the same numbering system. For example, Arkansas Rule of Professional Conduct 1.1 is substantially the same as the Model Rule of Professional Conduct 1.1.

As of this writing, I could only find three cases that mention the ABA Opinion. Each is discussed below.[68]

A. White v. County of Suffolk

The first case to cite the ABA Opinion arrived in December 2024 and concerned the reasonableness of fees. In *White v. County of Suffolk*, the plaintiff won multiple motions to compel, entitling the plaintiff to an award of attorneys' fees.[69] Plaintiff's counsel claimed a total of 150.5 hours at an hourly rate of $450.[70] The judge found the time entries to be excessive and vague, adding that "some time entries appear excessive in light of the tasks performed."[71] The judge then added this footnote:

> Although the Court did *not* consider on *this* application whether use of artificial intelligence tools could have been employed to reduce dramatically the costs for some of the tasks billed, query whether in light of the increasing availability of AI in the legal market, whether this consideration should be taken into account. *See* Danielle Braff, *The Fate of Billable Hours is in the Hands of Artificial Intelligence*, ABA J. (March 12, 2024) (https://www.abajournal.com/web/article/the-fate-of-billable-hours-is-in-the-hands-of-artificial-inmtelligence.) ("If AI is capable of doing tasks in second that once took hours or days, then law firms are faced with a dilemma: continue depending on that timer, which will be cut significantly; or find alternative billing methods that account for the tasks done, rather than the time it takes to do them"); *see also* Report and Recommendations of the New York State Bar Association Task Force on Artificial Intelligence (April 2024) ("If the [AI] Tools would make your work on behalf of a client substantially more efficient, then your use of (or failure to use) such Tools may be considered as a factor in determining whether the fees you charged for a given task or matter were reasonable"); ABA Formal Op. 512 (2024)

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68. I searched Westlaw, All State & Federal, on August 11, 2025, using two different searches: *ABA Comm. on Ethics & Prof'l Responsibility, Formal Op. 512 (2024)* and then searched *adv:"artificial intelligence" and "512"*.

69. White v. Cnty. of Suffolk, No. 20-CV-1501 (RER)(JMW), 2024 WL 5221208, at *2 (E.D.N.Y. Dec. 26, 2024).

70. *Id.*

71. *Id*. at *6.

> (noting how billing is affected by use of AI in law practice).[72]

The court did not cite Model Rule 1.5 regarding the reasonableness of fees, but it is remarkable that the first case to consider the ABA Opinion focused on how an attorney's failure to use artificial intelligence may have caused the fees to be unreasonable. As will be discussed in the following section regarding the Rule 11 Cases, most cases involving artificial intelligence and ethics concern attorneys misusing the tools. It may be a telling sign of the future that the first case to consider the ABA Opinion noted a failure to use artificial intelligence in the first place.

B. Yelp Inc. v. Google LLC

Yelp Inc. v. Google LLC is the second case to cite the ABA Opinion. Like *White*, this case did not concern the misuse of artificial intelligence. Instead, Yelp alleged that Google monopolized local search services in violation of antitrust laws.[73] Yelp pleaded that "Google holds well over 90% of the market share in local search" and cited Google's Gemini AI tool as the source of this fact.[74]

Google responded, "that a citation to an artificial intelligence ['AI'] tool is not a plausible allegation and argued that uncritical reliance on content created by a [generative AI] tool can result in misleading representations to courts," quoting from the ABA Opinion.[75]

The court responded to Google:

> This Court is cognizant of the fact that reliance on AI tools may lead to errors and misrepresentations. Yet, while Google's concerns about "pleading-by-bot" are legitimate, neither the Federal Rules of Civil Procedure not [sic] the Civil Local Rules of this District prohibit such use of AI. Indeed, Fed. R. Civ. P. 8 does not require that pleadings contain *any* citations to evidence whatsoever. A party is free to make uncited claims as he or she chooses, subject to the

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72. *Id.*

73. Yelp Inc. v. Google LLC, No. 24-CV-06101-SVK, 2025 WL 1168900, at *7 (N.D. Cal. Apr. 22, 2025).

74. *Id.* at *8.

75. *Id.* (quotations omitted).

> good faith requirements of Rule 11: "that to the best of the person's knowledge, information, and belief, formed after an inquiry *reasonable under the circumstances* . . . 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." Fed. R. Civ. P. 11(b) (emphasis added). Google has not argued that Yelp's query to Google's AI tool is an unreasonable inquiry under the circumstances, nor moved for any sanction (such as moving to strike the allegation). The Court declines to address the Rule 11 implications of Yelp's use of AI in its pleading, if any, at this time.[76]

The court did not expressly note the irony of Google trying to refute allegations generated by its own artificial intelligence tool. This case raises the question of whether a lawyer can cite to the results of an artificial intelligence query if the source is clearly identified, leaving the trier of fact to determine its weight. The judge in *Matter of Weber as Tr. Of Michael S. Weber Tr.* (one of the Twenty-Five Cases) raised a similar question about the reliability of expert testimony based on artificial intelligence.[77] These issues will likely become more important as artificial intelligence is used more frequently in litigation.

C. In re Baby Boy

The last case to cite the ABA Opinion, *In re Baby Boy*, concerned a challenge to an Illinois court's termination of parental rights.[78] Respondent's counsel submitted briefs containing eight hallucinated citations.[79] The court ordered a show cause hearing to consider sanctions.[80]

At the hearing, the attorney admitted he had only read some of the cases and claimed that he did not know others were inaccurate.[81] He argued that his failure to verify the brief prepared

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76. *Id.*

77. Matter of Weber as Tr. of Michael S. Weber Tr., 85 Misc. 3d 727, 743, 220 N.Y.S.3d 620, 635 (N.Y. Sur. 2024).

78. In re Baby Boy, 2025 IL App (4th) 241427, at 1.

79. *Id.*

80. *Id.* at 8.

81. *Id.*

by artificial intelligence resulted from being extremely busy and lacking access to research tools such as Westlaw.[82]

The judge considered possible violations of Rules 1.1, 3.1, 3.3, and 8.4 of the Rules of Professional Conduct.[83] The court also noted that the Illinois Supreme Court had recently authorized the use of artificial intelligence in state courts if "users [] understand its capabilities and thoroughly review any AI-generated content."[84]

Quoting the ABA Opinion, the court emphasized the risks of hallucinations, the need for independent judgment, and the duty to review artificial intelligence outputs for accuracy carefully.[85] The judge sanctioned the attorney, ordering him to disgorge $6,925.62 in fees, pay a $1,000 fine, and be referred to the state disciplinary body.[86]

So, despite being in existence for more than a year, the ABA Opinion has been cited only three times, and only once in the context of hallucinated cases. It seems certain, however, that the ABA Opinion will surface more frequently as courts continue dealing with the new ethical challenges created by artificial intelligence.

IV. APPLICATION OF THE MODEL RULES IN RULE 11 CASES

Since I could only find three cases that directly discuss the ABA Opinion, I decided to review all cases that discuss both Rule 11 and artificial intelligence. I conducted a Westlaw search using the term: *adv:"artificial intelligence" and "Rule 11"*.[87] My

82. *Id.*

83. *In re Baby Boy*, 2025 IL App (4th) 241427, at 8.

84. *Id*. at 17.

85. *Id*. at 16.

86. *Id.* at 23.

87. There are other cases that address sanctions for the use of artificial intelligence that do not include the phrase "Rule 11." For instance, while searching for cases referencing the ABA Opinion, I found *In re Baby Boy*, which is discussed in the following subsection. *In re Baby Boy* is a case where the court considered sanctions against an attorney for using artificial intelligence and referenced Rules 1.1, 3.1, 3.3, and 8.4 of the Rules of Professional Conduct. *See* In re Baby Boy, 2025 IL App (4th) 241427, at 8. But, *In re Baby Boy* does not refer to "Rule 11." I want to acknowledge the limitations of my chosen search terms in

rationale was that a case considering Rule 11 sanctions would be most likely to consider the application of the rules of professional conduct. This search returned 110 cases, though several just coincidentally included both the phrase "artificial intelligence" and "Rule 11" without involving sanctions. To narrow the scope, I eliminated all cases decided prior to ChatGPT's debut in 2022, leaving 97 cases (the "Rule 11 Cases"), which are listed in Appendix A.

I then searched through the Rule 11 Cases looking for citations to the Rules of Professional Conduct, including Rules 1.1, 1.4, 1.5, 1.6, 1.9, 1.18, 3.1, 3.3, 5.1, 5.3, and 8.4, since these are the rules cited in the ABA Opinion as most relevant to the ethical use of artificial intelligence. I acknowledge that I might have overlooked cases citing local professional-conduct rules I did not recognize, using different numbering systems, or quoting rules without explicit citation.[88] Only 17 of these 97 cases cited specific violations of the Rules of Professional Conduct, and I marked these cases in Appendix A.[89] The results show that judges rarely cite professional-conduct rules directly when imposing Rule 11 sanctions.

There are several ways to approach the Rule 11 Cases. I could have reviewed them case-by-case, but instead, I decided to review them rule by rule. This approach results in some overlap, since some cases considered multiple rules, but it better highlights how courts apply the professional-conduct rules in practice.

A. The Application of Rule 1.1

Model Rule 1.1 (Competence) requires a lawyer to provide competent representation through "legal knowledge, skill,

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excluding cases like *In re Baby Boy*, but the terms I used revealed nearly a hundred cases worth examining, which I hope is a sufficient sample set to illustrate the points.

88. For example, Florida and New Mexico do not use the same numbering system for their Rules of Professional Conduct as the Model Rules of Professional Conduct. I found two Florida cases and one New Mexico case that included citations to their own numbering of the rules, but spotting those was mostly luck.

89. Malone-Bey v. Lauderdale Cnty. Sch. Bd., No. 3:25-CV-380-KHJ-MTP, 2025 WL 2098352 (S.D. Miss. July 25, 2025) involved a Rule 1.7 conflicts of interest case. I left it on the list of 97 cases reviewed, but I did not include it in the count of cases that cited to specific violations of the Rules of Professional Conduct since a conflict of interest under Rule 1.7 is not an ethical violation related to the use of artificial intelligence.

thoroughness and preparation."[90] This is the rule that the ABA Opinion spends the most time considering, addressing it under its Competence section.[91] Eight of the Rule 11 Cases mention Rule 1.1 in the context of using artificial intelligence. All eight involve an attorney submitting hallucinated citations in a pleading. The first four cases cited below are included in the Twenty-Five Cases and are summarized more fully above. The discussions below are limited to how the courts addressed Rule 1.1 when deciding whether to sanction the offending attorneys. The basic facts are the same in all eight cases: an attorney used artificial intelligence to prepare a pleading, relied on hallucinated citations, and failed to verify them.

- The judge in *Benjamin v. Costco Wholesale Corporation* quoted part of the New York version of Rule 1.1 and observed, "[I]n turning to AI to perform a task she should have undertaken on her own, Plaintiff's counsel did not fully live up to that duty [of competency]."[92]
- The judge in *Dehaghani v. Castro* took a shotgun approach, citing four rules in one sentence rather than analyzing each separately. The court stated, "A lawyer's failure to verify generative AI outputs can implicate a host of Rules, including Rule [1.1] (Competent and Diligent Representation), Rule [3.1] (Meritorious Claims and Contentions), Rule [3.3] (Cander Toward the Tribunal), and Rule [3.4] (Fairness in Adjudicatory Proceedings), among others."[93]
- The court in *In re Martin* criticized the attorney's "professed ignorance of the dangers of using ChatGPT for legal research . . . ."[94] It stated, "Lawyers have ethical obligations not only to review whatever cases they cite (regardless of where they pulled them from), but to understand developments in technology germane to their

90. MODEL RULES OF PRO. CONDUCT r. 1.1 (AM. BAR ASS'N 2025).

91. ABA Comm. on Ethics & Pro. Resp., Formal Op. 512, at 2.

92. Benjamin v. Costco Wholesale Corp., No. 2:24-CV-7399 (LGD), 2025 WL 1195925, at *7 (E.D.N.Y. Apr. 24, 2025).

93. Dehghani v. Castro, No. 2:25-CV-00052-MIS-DLM, 2025 WL 1361765, at *6 (D.N.M. May 9, 2025).

94. In re Martin, 670 B.R. 636, 648 (Bankr. N.D. Ill. 2025).

practice."[95] The court cited Rule 1.1 in a footnote and emphasized that lawyers are required to understand the benefits and risks of technology.[96]

- In *Versant Funding LLC v. Teras Breakbulk Ocean Navigation Enterprises, LLC*, the court also cited Rule 1.1 as requiring attorneys to learn "the benefits and risks" of artificial intelligence, though it did not analyze the rule further.[97]
- In *ByoPlanet International, LLC v. Johansson*, the court noted that Florida's version of Rule 1.1 includes commentary requiring an attorney to understand the benefits and risks of artificial intelligence.[98] The court found that the attorney failed to maintain competence, stating, "Beyond doubt, [offending counsel] did not understand the benefits and risks associated with generative AI, and this led to repeated bad-faith misrepresentations to the Court."[99]
- In *Coomer v. Lindell*, the court cited Rule 1.1 (among others) as possibly being violated by a filing containing hallucinations, without elaborating on how these rules apply.[100]
- In *Delano Crossing 2016, LLC v. County of Wright*, the court cited Rule 1.1 in concluding that "the submission of an AI-generated brief, apparently unreviewed, as evidenced by inclusion of entirely fake case citations, reasonably raises questions as to a lawyer's honesty, trustworthiness, and/or fitness as a lawyer."[101]
- In *Puerto Rico Soccer League NFP, Corporation v. Federacion Puertorriquena de Futbol*, defense counsel

95. *Id.*

96. *Id.*

97. Versant Funding LLC v. Teras Breakbulk Ocean Navigation Enters., LLC, No. 17-CV-81140, 2025 WL 1440351, at *2 (S.D. Fla. May 20, 2025).

98. ByoPlanet Int'l, LLC v. Johansson, No. 0:25-CV-60630, 2025 WL 2091025, at *6-7 (S.D. Fla. July 17, 2025).

99. *Id.* at *10.

100. Coomer v. Lindell, No. 22-CV-01129-NYW-SBP, 2025 WL 1201993, at *3 (D. Colo. Apr. 23, 2025).

101. Delano Crossing 2016, LLC v. Cnty. of Wright, No. 86-CV-23-2147, 2025 WL 1539250, at *5 (Minn. Tax May 29, 2025).

> alleged that the plaintiff's counsel must have used artificial intelligence to write motions that contained multiple errors with missing quotes and citations.[102] Plaintiff's attorney denied using artificial intelligence and claimed the errors resulted from "human oversight under significant time constraints" [sic] and that "no cases were fabricated, but instead, were misspelled, miscited, or misremembered during the drafting process."[103] Plaintiff's attorney claimed that "they have complied with Model Rule 1.1 as they have provided competent representation and their arguments are rooted in accurate and controlling caselaw, albeit with some citation errors."[104] The court was not persuaded and catalogued fifty-five instances of fake, misquoted, or miscited cases along with numerous formatting errors.[105] The court found that even if artificial intelligence had not been used, plaintiff's attorney still failed to satisfy Rule 1.1, given his "admitted haste in drafting the *Motions* and dozens of errors that resulted."[106]

Courts consistently emphasized that ignorance of artificial intelligence is not a defense. Lawyers remain responsible for the accuracy of their filings, and Rule 1.1 requires them to understand both the benefits and the risks of the tools they choose to use.

B. The Application of Rule 1.3

Model Rule 1.3 is not addressed in the ABA Opinion. However, two of the Rule 11 Cases cite this rule. Model Rule 1.3 (Diligence) states, "A lawyer shall act with reasonable diligence and promptness in representing a client."[107] Both of the cases citing Rule 1.3 also cite Rules 1.1 and 3.3, and *ByoPlanet International* also cites Rule 8.4.

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102. Puerto Rico Soccer League NFP, Corp. v. Federacion Puertorriquena de Futbol, No. CV 23-1203 (RAM), 2025 WL 1080732, at *1 (D.P.R. Apr. 10, 2025).

103. *Id.*

104. *Id.*

105. *Id.* at *3-4.

106. *Id.* at *3.

107. MODEL RULES OF PRO. CONDUCT r. 1.3 (AM. BAR ASS'N 2025).

The court in *ByoPlanet International* cited Rule 1.3 in support of the statement that "a lawyer should act with reasonable diligence and shall not engage in misrepresentation to a court."[108] The court in *Coomer* cites Rule 1.3 in a laundry list of possible violations but does not elaborate on its exact application to the facts.[109]

Although courts rarely rely on Rule 1.3 in the artificial intelligence context, these cases suggest that being diligent includes the responsibility to verify work product.

C. The Application of Rule 3.1

The ABA Opinion considers Model Rule 3.1 under its discussion of Meritorious Claims and Contentions and Candor Toward the Tribunal.[110] The key part of Rule 3.1 (Meritorious Claims & Contentions) states, "A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis in law and fact for doing so that is not frivolous, which includes a good faith argument for an extension, modification or reversal of existing law."[111] Four of the Rule 11 Cases considered Rule 3.1, again, all in the context of hallucinated citations.

- The court in *Mid Central Operating Engineers Health & Welfare Fund v. HoosierVac LLC* cited Rule 3.1, stating that the rule "proscribes presenting unfounded legal bases" and that "[t]here is no merit in relying on non-existent cases . . . ."[112]

108. ByoPlanet Int'l, LLC v. Johansson, No. 0:25-CV-60630, 2025 WL 2091025, at *6 (S.D. Fla. July 17, 2025).

109. Coomer v. Lindell, No. 22-CV-01129-NYW-SBP, 2025 WL 1201993, at *3 (D. Colo. Apr. 23, 2025).

110. ABA Comm. on Ethics & Pro. Resp., Formal Op. 512, at 9.

111. MODEL RULES OF PRO. CONDUCT r. 3.1 (AM. BAR ASS'N 2025).

112. Mid Cent. Operating Eng'rs Health & Welfare Fund v. HoosierVac LLC, No. 2:24-CV-00326-JPH-MJD, 2025 WL 574234, at *4 (S.D. Ind. Feb. 21, 2025), *report and recommendation adopted as modified*, No. 2:24-CV-00326-JPH-MJD, 2025 WL 1511211 (S.D. Ind. May 28, 2025).

- In *US v. Hayes*, the court cited Rule 3.1 but did not provide any analysis, instead focusing on Rule 3.3, which his discussed in the next section.[113]
- The court in *Idehen v. Stoute-Phillip* concluded that the hallucinated cases represented false statements under both Rule 3.1 and Rule 3.3.[114] The court stated that the use of the hallucinated cases would constitute a violation under Rule 3.1 but questioned whether it rose to the level of requiring a referral to the state's professional conduct board.[115]
- The judge in *Dehghani* cited multiple rules, including Rule 3.1, but did not elaborate on how the hallucinated cases violated the rules.[116]

These cases show that courts are beginning to treat hallucinated authorities not only as a Rule 11 problem but as a direct violation of the Rule 3.1 duty to avoid frivolous claims.

D. The Application of Rule 3.3

The ABA Opinion mentions Rule 3.3 only three times, all on the same page.[117] The ABA Opinion lumps Rule 3.3 with Rules 3.1 and 8.4 for consideration under the Meritorious Claims and Contentions and Candor Toward the Tribunal section.[118] Yet, Rule 3.3 is the most cited rule of professional conduct in the Rule 11 Cases. Fourteen of the seventeen Rule 11 Cases consider Rule 3.3, which is over 82%. All the Rule 11 Cases that cite Rule 3.1 also cite Rule 3.3. However, six of the Rule 11 Cases cite only Rule 3.3, which is twice as many cases as those that rely solely on Rule 1.1.

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113. United States v. Hayes, 763 F. Supp. 3d 1054, 1064 (E.D. Cal. 2025), *reconsideration denied*, No. 2:24-CR-0280-DJC, 2025 WL 1067323 (E.D. Cal. Apr. 9, 2025).

114. Idehen v. Stoute-Phillip, No. LT-305376-23/QU, 2025 WL 2178395, at *9 (N.Y. Civ. Ct. July 29, 2025).

115. *Id.*

116. Dehghani v. Castro, No. 2:25-CV-00052-MIS-DLM, 2025 WL 1361765, at *6 (D.N.M. May 9, 2025).

117. ABA Comm. on Ethics & Pro. Resp., Formal Op. 512, at 9.

118. *Id.*

Courts are also developing a split in their analysis of Rule 3.3, with some courts finding that the use of hallucinated cases constitutes a violation and others focusing on the *mens rea* of Rule 3.3 to determine that submitting hallucinated cases without knowing their falsehood may not constitute a violation of the rule. The key language of Rule 3.3 (Candor Toward the Tribunal) states, "A lawyer shall not knowingly . . . make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer . . . ."[119]

- The judge in *Mid Central Operating Engineers Health and Welfare Fund* cited Rule 3.3, concluding that presenting hallucinated cases violated the attorney's "duty of verifying that the law he presented was 'good law.'"[120]
- In *Mata*, the judge cited New York's version of Rule 3.3 while weighing sanctions but did not elaborate beyond quoting the rule. Interestingly, the judge also considered whether submitting fake federal judicial decisions could constitute the criminal act of forging the signature of a federal judge.[121]
- In *US v. Hayes*, the court paid particular attention to Rule 3.3, including quoting from or citing to Rule 3.3 in eight different sentences across the same number of pages.[122]
- The judge in *Park* cited to New York's version of Rule 3.3, among other authorities, for the proposition that a lawyer must verify the statements made in a pleading.[123] Like *Mata*, it seems the judge felt that hallucinated citations violate Rule 3.3.

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119. MODEL RULES OF PRO. CONDUCT r. 3.3 (AM. BAR ASS'N 2025).

120. Mid Cent. Operating Eng'rs Health & Welfare Fund v. HoosierVac LLC, No. 2:24-CV-00326-JPH-MJD, 2025 WL 574234, at *4 (S.D. Ind. Feb. 21, 2025), *report and recommendation adopted as modified*, No. 2:24-CV-00326-JPH-MJD, 2025 WL 1511211 (S.D. Ind. May 28, 2025).

121. Mata v. Avianca, Inc., 678 F. Supp. 3d 443, 460-61 (S.D.N.Y. 2023).

122. United States v. Hayes, 763 F. Supp. 3d 1054, 1064 (E.D. Cal. 2025), *reconsideration denied*, No. 2:24-CR-0280-DJC, 2025 WL 1067323 (E.D. Cal. Apr. 9, 2025).

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

- The court in *ByoPlanet Int'l, LLC* also cited Rule 3.3 for the proposition that a lawyer "shall not engage in misrepresentation to a court."[124]
- Several cases merely cite Rule 3.3 as a possible basis for discipline, but without analysis. These include: *Coomer*, *Delano Crossing 2016, LLC*, *Pettit*, and *Axis Dynamics, Inc.*[125]

The Rule 3.3 cases take a turn with *Garner v. Kadince, Inc.* In *Garner*, the court issued Utah's version of Rule 11 sanctions against an attorney who submitted hallucinated citations in a brief that he claimed a law clerk prepared.[126] The attorney stated that he was unaware that the law clerk had used ChatGPT, and the firm had not previously addressed the use of artificial intelligence.[127] The court found that a $1,000 sanction and other penalties were appropriate.[128] However, in a footnote, the court found that the attorney's conduct "fell short of the level of intent required" to violate Rule 3.3 because he did not "knowingly or recklessly" make the false statement to the court.[129] [Note: Utah's version of Rule 3.3 uses the phrase "knowingly or recklessly" but the Model version of Rule 3.3 only says "knowingly"[130]]. This obviously contrasts with the other cases discussed above, where courts interpreted Rule 3.3 as imposing a duty to verify the accuracy of the pleadings, regardless of how they were prepared. The finding in the *Garner* case is perhaps particularly surprising given that Utah's version of Rule 3.3 allows for a "reckless"

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124. ByoPlanet Int'l, LLC v. Johansson, No. 0:25-CV-60630, 2025 WL 2091025, at *6 (S.D. Fla. July 17, 2025).

125. Coomer v. Lindell, No. 22-CV-01129-NYW-SBP, 2025 WL 1201993, at *3 (D. Colo. Apr. 23, 2025); Delano Crossing 2016, LLC v. Cnty. of Wright, No. 86-CV-23-2147, 2025 WL 1539250, at *5 (Minn. Tax May 29, 2025); Pettit v. Allina Health Sys., No. 23-CV-2789 (JWB/JFD), 2025 WL 339275, at *7 (D. Minn. Jan. 30, 2025), *report and recommendation adopted*, No. CV 23-2789 (JWB/JFD), 2025 WL 904403 (D. Minn. Mar. 25, 2025) ; Axis Dynamics, Inc. v. Knox Cnty., Tenn., No. 3:24 -CV-329, 2025 WL 2176505, at *5 (E.D. Tenn. July 29, 2025).

126. Garner v. Kadince, Inc., 2025 UT App 80, ¶ 5, 571 P.3d 812, 814.

127. *Id.*

128. *Id.*

129. *Id.* at ¶ 10, 571 P.3d 812, 815.

130. *Cf.* MODEL RULES OF PRO. CONDUCT r. 3.3 (AM. BAR ASS'N 2025) and Utah R. Pro. Conduct Rule 3.3.

violation of Rule 3.3 as opposed to the more intentional "knowingly" standard used in Model Rule 3.3.[131]

The case of *Johnson v. Dunn* also reached the same conclusion as *Garner* regarding Rule 3.3. The cases of *Johnson* and *Garner* do not cite or mention each other, with the *Garner* decision being made about two months before the *Johnson* decision. Like Utah, Alabama has a modified version of Rule 3.3, but Alabama only uses the "knowingly" standard instead of adding "recklessly" like Utah.[132] In *Johnson*, the defendant's counsel filed motions containing hallucinated citations.[133] The court ordered a show cause hearing against all four attorneys for the defendant, despite two of them filing a motion to be excused, arguing they had not participated in preparing the pleadings.[134] The court denied the request and ordered all four to attend the hearing.[135] Prior to the show cause hearing, the attorneys filed a response admitting the responsibility of one but claiming the innocence of the other three.[136] The attorney who took the blame said that he had limited experience with ChatGPT but acknowledged that it was against his firm's policy to use artificial intelligence without verifying the sources.[137] The court publicly reprimanded the attorney who wrote the brief and the two who admitted reading it ahead of time, ordered all three to give a copy of the order to their clients, to send a copy of the order to the presiding judge in every pending state or federal case in which they are counsel of record, to provide a copy of the order to every attorney in their large law firm, disqualified the three attorneys from further participation in the case, and ordered a copy of the order be sent to the Alabama State Bar and the bar of every state where the three are licensed to practice.[138] The court also

131. *See generally* Matthew R. Ginther et. al., *The Language of Mens Rea*, 67 VAND. L. REV. 1327, 1331 (2014) (discussing the distinction between the culpable mental states of purposeful, knowing, reckless, and negligent).

132. *Cf.* MODEL RULES OF PRO. CONDUCT r. 3.3 (Am. BAR ASS'N 2025) and Ala. State R. Pro. Conduct Rule 3.3.

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

134. *Id.* at *3.

135. *Id.*

136. *Id.*

137. *Id.* at *5.

138. *Johnson*, 2025 WL 2086116, at *21.

analyzed Rule 3.3, but, despite the court's obvious displeasure with the three attorneys, the court concluded that the conduct did not rise to the level of a knowing violation of Rule 3.3:

> Further, it is unclear to the court that Alabama Rule of Professional Conduct 3.3 applies to the misconduct at issue here. On the one hand, inserting into court filings unverified legal citations generated by AI is wholly inconsistent with the duty of candor that Rule 3.3 enumerates. On the other hand, by its terms Rule 3.3 forbids only knowing misstatements of law, and these false statements occurred because none of the three attorneys at issue bothered to verify the hallucinated citations (and two of them did not know that the citations had been generated by AI). As far as the court can discern, the Alabama Supreme Court has not yet had the opportunity to consider whether Rule 3.3 applies to this specific kind of misconduct. Absent such guidance, the court will not extend that rule beyond its plain terms.[139]

Though the outcome of the Rule 3.3 analysis was the same in *Garner* and *Johnson*, there are two distinctions worth noting. The *Garner* court interpreted a version of Rule 3.3 that included both a knowingly and a recklessly standard, which should have made it easier to find fault with the attorney, given the lower standard of recklessness. The attorney in *Garner* also admitted that he relied on the work of a law clerk, whose inexperience should have triggered a higher duty of care. In *Johnson*, three attorneys admitted to having proofread the pleading before it was filed, but one, a partner in a large firm, admitted to being the one who added the hallucinated cases. The other two attorneys were seemingly more justified in relying on the research quality of their law partner than that of an unlicensed law clerk. Even though the court in *Johnson* imposed Rule 11 sanctions against all three attorneys, the *Johnson* court still did not find that it rose to the level of a Rule 3.3 violation. With other cases like *Mata* and *Hayes* finding Rule 3.3 violations in similar fact patterns, a significant question seems to be developing among the courts about how Rule 3.3 should apply to the use of unverified hallucinations.

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139. *Id.* at *14.

Two other cases also seem to head the same direction as *Garner* and *Johnson*. The court in *Puerto Rico Soccer League NFP, Corp.* seemed to be skeptical of applying Rule 3.3 to the use of hallucinated cases. The facts of this case are discussed under the Rule 1.1 analysis section, but the quick summary is that the plaintiff's attorney submitted a pleading with fifty-five documented hallucinations but claimed that they were the result of human error instead of artificial intelligence.[140] The court stated, "If, indeed, Plaintiffs' errors were not made knowingly, they did not violate Model Rule 3.3, but the breadth of their errors remains striking."[141]

The court in *Idehen* also seems to agree with the direction of *Garner*, *Johnson*, and *Puerto Rico Soccer League NFP, Corp*. In *Idehen*, an attorney filed a pleading with several hallucinated cases that he later said came from CoPilot.[142] After the court set a hearing to show cause, the attorney filed a response admitting the false citations but pleading that he had a serious health condition and that his computer was affected by malware and unauthorized remote access.[143] He claimed that the pleading he initially prepared did not match the one that he submitted, but he did not produce the original pleading that supposedly did not contain hallucinations.[144] He also filed an updated version of his sources, purportedly correcting his errors.[145] However, the updated version still contained numerous hallucinations and even included a cut-and-paste statement from the artificial intelligence that included the warning about the possible inaccuracy of the information.[146] At the show cause hearing, the attorney denied using ChatGPT when directly asked by the judge, but the judge eventually got him to admit that he used CoPilot.[147] He then reversed his position, stating that the malware and unauthorized

140. Puerto Rico Soccer League NFP, Corp. v. Federacion Puertorriquena de Futbol, No. CV 23-1203 (RAM), 2025 WL 1080732, at *3 (D.P.R. Apr. 10, 2025).

141. *Id.*

142. Idehen v. Stoute-Phillip, No. LT-305376-23/QU, 2025 WL 2178395, at *1 (N.Y. Civ. Ct. July 29, 2025).

143. *Id.* at *2.

144. *Id.*

145. *Id.*

146. *Id.*

147. *Idehen*, 2025 WL 2178395, at *6.

users on his computer must have altered the results again.[148] He reversed that position once more after the hearing adjourned for lunch.[149] The court said, "[H]ad [the offending attorney] simply come to the hearing acknowledging that he had used Copilot to conduct his research, was unaware that the software could produce fake cases, and apologized for his mistake the Court would have likely determined that a sanction was sufficient to address the frivolous conduct."[150] But his conduct at the hearing and second filing containing more hallucinated cases "escalated his conduct from merely frivolous to egregious misconduct which implicates his honesty, trustworthiness, and fitness to practice law."[151] The court fined the attorney $2,000, referred him to the attorney discipline committee, and ordered him to serve a copy of the sanction order to his clients.[152]

So, it appears that a split is emerging around the application of Rule 3.3. Some courts, albeit with little to no discussion, are concluding that submitting hallucinated cases automatically constitutes a Rule 3.3 violation. Other courts, though, are focusing on whether the attorney *knew* that the citations were hallucinated and were merely derelict instead of intentional. It will be interesting to see how this issue continues to develop and whether a consensus emerges around one viewpoint or whether there will be a split among the states in applying this rule.

E. The Application of Rule 3.4(c)

The ABA Opinion mentions in a footnote that issues related to Rule 3.4(c) could also apply to artificial intelligence cases.[153] Specifically, the ABA Opinion notes, "Lawyers should consult with the applicable court's local rules to ensure that they comply with those rules with respect to AI use."[154] Model Rule 3.4 (Fairness to Opposing Party & Counsel) states in subsection (c), "A lawyer shall not . . . knowingly disobey an obligation under

148. *Id.* at *7.
149. *Id.*
150. *Id.* at *10.
151. *Id.*
152. *Id.*
153. ABA Comm. on Ethics & Pro. Resp., Formal Op. 512, at 10.
154. *Id.*

the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists."[155]

Only one of the Rule 11 Cases cites Rule 3.4. The judge in *Dehghani* cited Rule 3.4 among a laundry list (including Rules 1.1, 3.1, and 3.3) of possible ethical violations resulting from submitting hallucinated cases.[156] But the judge did not explain how that rule might apply to the case.[157]

F. The Application of Rule 8.4(c)

The ABA Opinion discusses the application of Rule 8.4(c), noting that "[e]ven an unintentional misstatement to a court can involve a misrepresentation under Rule 8.4(c)."[158] Model Rule 8.4 (Misconduct) under subsection (c) states, "It is professional misconduct for a lawyer to . . . engage in conduct involving dishonesty, fraud, deceit or misrepresentation."[159]

As with Rule 3.4(c), only one of the Rule 11 Cases cites Rule 8.4(c). Just like the court in *Dehghani* cited Rule 3.4 in a laundry list of possible violations (including Rules 1.3 3.3), the court in *ByoPlanet Int'l, LLC* included Rule 8.4(c) in a laundry list of citations to support its statement that "a lawyer should act with reasonable diligence and shall not engage in misrepresentation to a court."[160] The judge did not analyze the application of these rules separately.[161]

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155. MODEL RULES OF PRO. CONDUCT r. 3.4(c) (AM. BAR ASS'N 2025).

156. Dehghani v. Castro, No. 2:25-CV-00052-MIS-DLM, 2025 WL 1361765, at *6 (D.N.M. May 9, 2025).

157. *Id.*

158. ABA Comm. on Ethics & Pro. Resp., Formal Op. 512, at 11.

159. MODEL RULES OF PRO. CONDUCT r. 8.4(c) (AM. BAR ASS'N 2025).

160. ByoPlanet Int'l, LLC v. Johansson, No. 0:25-CV-60630, 2025 WL 2091025, at *6 (S.D. Fla. July 17, 2025).

161. *Id.*

G. Rules Discussed in the ABA Opinion but Not by the Rule 11 Cases

Several of the Model Rules discussed in the ABA Opinion did not appear within the Rule 11 Cases.[162] The ABA Opinion discusses Model Rules 1.1, 1.4, 1.5, 1.6, 1.9(c), 1.18(b), 3.1, 3.3, 5.1, 5.3, and 8.4(c). Of these, the Rule 11 Cases discuss, or at least mention, the state or Model version of Rules 1.1, 3.1, 3.3, and 8.4(c). The Rule 11 Cases do not discuss Rule 1.4 (Communications), Rule 1.5 (Fees), Rule 1.6 (Confidentiality of Information), Rule 1.9 (Duties to Former Clients), Rule 1.18 (Duties to Prospective Clients), Rule 5.1 (Responsibilities of Partners, Managers, and Supervisory Lawyers), and Rule 5.3 (Responsibilities Regarding Nonlawyer Assistance). I am surprised by the lack of discussion of Rules 5.1 and 5.3, considering that several of the Rule 11 Cases involved pleadings prepared by law clerks and *pro hac vice* attorneys. Undoubtedly, the case law will continue to evolve, and courts will consider more rules as lawyers increasingly utilize artificial intelligence.

V. CONCLUSION

The ABA Opinion provides a useful starting point for regulating the use of artificial intelligence by attorneys. However, it is just a starting point, and the rules of professional conduct will have to evolve to address the emerging issues. Courts are just now beginning to tackle the issues, which may grow in unexpected ways.

The law is still catching up to the technology. While courts are exploring how to deal with artificial intelligence, legislatures are also beginning to confront the new reality. The next installment will turn to that broader regulatory landscape that is taking place, from Congress to California to the European Union.

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162. The ABA Opinion has a footnote that notes that the use of artificial intelligence could implicate other rules, but this subsection confines itself to those rules that merited discussion in the body of the ABA Opinion.

APPENDIX A

Cases Searched For "Artificial Intelligence" And "Rule 11" And Searched For Discussions Of The Rules Of Professional Conduct[163]

Cases with Citations to the Model Rules of Professional Conduct Discussed in the ABA Opinion

1. Mata v. Avianca, Inc., 678 F. Supp. 3d 443 (S.D.N.Y. 2023)
   - Cites to Rule of Professional Conduct 3.3
2. Benjamin v. Costco Wholesale Corp., No. 2:24-CV-7399 (LGD), 2025 WL 1195925 (E.D.N.Y. Apr. 24, 2025)
   - Cites to Rule of Professional Conduct 1.1
3. In re Martin, No. 24 B 13368, 2025 WL 2017224 (Bankr. N.D. Ill. July 18, 2025)
   - Cites to Rule of Professional Conduct 1.1
4. Dehghani v. Castro, No. 2:25-CV-00052-MIS-DLM, 2025 WL 1361765 (D.N.M. May 9, 2025)
   - Cites to Rule of Professional Conduct 1.1, 3.1, 3.3, and 3.4
5. Park v. Kim, 91 F.4th 610 (2d Cir. 2024)
   - Cites to Rule of Professional Conduct 3.3
6. United States v. Hayes, 763 F. Supp. 3d 1054 (E.D. Cal. 2025), *reconsideration denied*, No. 2:24-CR-0280-DJC, 2025 WL 1067323 (E.D. Cal. Apr. 9, 2025)
   - Cites to Rule of Professional Conduct 3.1 and 3.3
7. Mid Cent. Operating Eng'rs Health & Welfare Fund v. HoosierVac LLC, No. 2:24-CV-00326-JPH-MJD, 2025 WL 574234 (S.D. Ind. Feb. 21, 2025), *report and recommendation adopted as modified*, No. 2:24-CV-00326-JPH-MJD, 2025 WL 1511211 (S.D. Ind. May 28, 2025)
   - Cites to Rules of Professional Conduct 3.1 and 3.3

163. This search was performed on Aug. 7, 2025 in Westlaw's All State & All Feds index with the search term *adv:"artificial intelligence" and "Rule 11"*.

8. Garner v. Kadince, Inc., 2025 UT App 80
    - Cites to Rule of Professional Conduct 3.3
9. Versant Funding LLC v. Teras Breakbulk Ocean Navigation Enters., LLC, No. 17-CV-81140, 2025 WL 1440351 (S.D. Fla. May 20, 2025)
    - Cites to Rule of Professional Conduct 1.1
10. ByoPlanet Int'l, LLC v. Johansson, No. 0:25-CV-60630, 2025 WL 2091025 (S.D. Fla. July 17, 2025)
    - Cites to Rule of Professional Conduct 1.1, 1.3, 3.3, and 8.4
11. Johnson v. Dunn, No. 2:21-CV-1701-AMM, 2025 WL 2086116 (N.D. Ala. July 23, 2025)
    - Cites to Rule of Professional Conduct 3.3
12. Idehen v. Stoute-Phillip, No. LT-305376-23/QU, 2025 WL 2178395 (N.Y. Civ. Ct. July 29, 2025)
    - Cites to Rule of Professional Conduct 3.1 and 3.3
13. Coomer v. Lindell, No. 22-CV-01129-NYW-SBP, 2025 WL 1201993 (D. Colo. Apr. 23, 2025)
    - Cites to Rule of Professional Conduct 1.1, 1.3, and 3.3
14. Delano Crossing 2016, LLC v. Cnty. of Wright, No. 86-CV-23-2147, 2025 WL 1539250 (Minn. Tax May 29, 2025)
    - Cites to Rule of Professional Conduct 1.1 and 3.3
15. Puerto Rico Soccer League NFP, Corp. v. Federacion Puertorriquena de Futbol, No. CV 23-1203 (RAM), 2025 WL 1080732 (D.P.R. Apr. 10, 2025)
    - Cites to Rule of Professional Conduct 1.1 and 3.3
16. Pettit v. Allina Health Sys., No. 23-CV-2789 (JWB/JFD), 2025 WL 339275 (D. Minn. Jan. 30, 2025), *report and recommendation adopted*, No. CV 23-2789 (JWB/JFD), 2025 WL 904403 (D. Minn. Mar. 25, 2025)
    - Cites to Rule of Professional Conduct 3.3
17. Axis Dynamics, Inc. v. Knox Cnty., Tenn., No. 3:24 -CV-329, 2025 WL 2176505 (E.D. Tenn. July 29, 2025)
    - Cites to Rule of Professional Conduct 3.3

Cases Reviewed in the Search for Citations to the Model Rules of Professional Conduct Discussed in the ABA Opinion that Did Not Contain Such Citations

1. Wadsworth v. Walmart Inc., 348 F.R.D. 489 (D. Wyo. 2025)
2. Ferris v. Amazon.com Servs., LLC, No. 3:24-CV-304-MPM-JMV, 2025 WL 1122235 (N.D. Miss. Apr. 16, 2025)
3. Willis v. U.S. Bank Nat'l Ass'n as Tr., Igloo Series Tr., No. 3:25-CV-516-BN, 2025 WL 1408897 (N.D. Tex. May 15, 2025)
4. Kruglyak v. Home Depot U.S.A., Inc., 774 F. Supp. 3d 767 (W.D. Va. 2025)
5. Sanders v. United States, 176 Fed. Cl. 163 (2025)
6. Coomer v. Lindell, No. 22-CV-01129-NYW-SBP, 2025 WL 1865282 (D. Colo. July 7, 2025)
7. Gauthier v. Goodyear Tire & Rubber Co., No. 1:23-CV-281, 2024 WL 4882651 (E.D. Tex. Nov. 25, 2024)
8. United States v. Cohen, 724 F. Supp. 3d 251 (S.D.N.Y. 2024)
9. Bevins v. Colgate-Palmolive Co., No. CV 25-576, 2025 WL 1085695 (E.D. Pa. Apr. 10, 2025)
10. Dehghani v. Castro, No. 2:25-CV-0052 MIS-DLM, 2025 WL 988009 (D.N.M. Apr. 2, 2025), *aff'd*, No. 2:25-CV-00052-MIS-DLM, 2025 WL 1361765 (D.N.M. May 9, 2025)
11. Bunce v. Visual Tech. Innovations, Inc., No. CV 23-1740, 2025 WL 662398 (E.D. Pa. Feb. 27, 2025)
12. Keaau Dev. P'ship LLC v. Lawrence, No. CAAP-24-0000494, 2025 WL 1366320 (Haw. Ct. App. May 12, 2025), *as amended* (May 15, 2025)
13. Kaur v. Desso, No. 9:25-CV-726 (AMN), 2025 WL 1895859 (N.D.N.Y. July 9, 2025)
14. Nguyen v. Savage Enters., No. 4:24-CV-00815-BSM, 2025 WL 679024 (E.D. Ark. Mar. 3, 2025)
15. Lacey v. State Farm Gen. Ins. Co., No. CV 24-5205 FMO (MAAX), 2025 WL 1363069 (C.D. Cal. May 5, 2025)

16. Iovino v. Michael Stapleton Assocs., Ltd., No. 5:21-CV-00064, 2024 WL 3520170 (W.D. Va. July 24, 2024)
17. Gordon v. Wells Fargo Bank N.A. Inc., No. 5:24-CV-388 (CAR), 2025 WL 1057211 (M.D. Ga. Apr. 8, 2025)
18. Willis v. U.S. Bank Nat'l Ass'n as Tr., Igloo Series Tr., No. 3:25-CV-516-BN, 2025 WL 1224273 (N.D. Tex. Apr. 28, 2025)
19. Jackson v. Auto-Owners Ins. Co., No. 7:24-CV-136–WLS, 2025 WL 1932274 (M.D. Ga. July 14, 2025)
20. Powhatan Cnty. Sch. Bd. v. Skinger, No. 3:24CV874, 2025 WL 1559593 (E.D. Va. June 2, 2025)
21. Hill v. Oklahoma, No. CIV-25-522-SLP, 2025 WL 1840659 (W.D. Okla. July 3, 2025)
22. Carter v. UZGlobal LLC, No. 1:23-CV-01013-MV-JHR, 2025 WL 1786084 (D.N.M. June 27, 2025)
23. Mortazavi v. Booz Allen Hamilton, Inc., No. 2:24-CV-07189-SB-RAO, 2024 WL 4308032 (C.D. Cal. Sept. 26, 2024)
24. Romero v. Goldman Sachs Bank USA, No. 1:25-CV-2857-GHW, 2025 WL 1916119 (S.D.N.Y. June 25, 2025)
25. Flowz Digital LLC v. Dalal, No. 2:25-CV-00709-SB-PVC, 2025 WL 1294947 (C.D. Cal. May 5, 2025)
26. Elizondo v. City of Laredo, No. 5:25-CV-50, 2025 WL 2071072 (S.D. Tex. July 23, 2025)
27. Mitra Mirage v. Costco Wholesale Corp. et al., No. 2:25-CV-04856-AH-(SKX), 2025 WL 2201070 (C.D. Cal. July 31, 2025)
28. Martinez v. Dollar Tree Stores, Inc. et al., No. 2:25-CV-05265-AH-(RAOX), 2025 WL 2176688 (C.D. Cal. July 31, 2025)
29. Seither & Cherry Quad Cities, Inc. v. Oakland Automation, LLC, No. 23-11310, 2025 WL 2105286 (E.D. Mich. July 28, 2025)
30. Malone-Bey v. Lauderdale Cnty. Sch. Bd., No. 3:25-CV-380-KHJ-MTP, 2025 WL 2098352 (S.D. Miss. July 25, 2025) [Note: This case cites to Rule of Professional Conduct 1.7, which deals with conflicts of interest instead of violations related to the use of artificial intelligence.]

31. Everett J. Prescott, Inc. v. Beall, No. 1:25-CV-00071-JAW, 2025 WL 2084353 (D. Me. July 24, 2025)
32. Rollins v. Premier Motorcar Gallery Inc., No. 4:24-CV-413-MW-MAF, 2025 WL 2166019 (N.D. Fla. July 15, 2025), *report and recommendation adopted sub nom.* Rollins v. Premier Motorcar Gallery Inc., No. 4:24CV413-MW/MAF, 2025 WL 2161428 (N.D. Fla. July 30, 2025)
33. Lowery Wilkinson Lowery, LLC, et al. v. Illinois, No. 25-CV-22-RAW, 2025 WL 2174834 (E.D. Okla. July 31, 2025)
34. Everett J. Prescott, Inc. v. Beall, No. 1:25-CV-00071-JAW, 2025 WL 2085275 (D. Me. July 24, 2025)
35. Ligeri v. Amazon.com Services LLC, No. 2:25-CV-00764-JHC, 2025 WL 2161497 (W.D. Wash. July 30, 2025)
36. Saxena v. Martinez-Hernandez, No. 2:22-CV-02126-CDS-BNW, 2025 WL 1194003 (D. Nev. Apr. 23, 2025)
37. Buckner v. Hilton Glob., No. 3:24-CV-375-RGJ, 2025 WL 1725426 (W.D. Ky. June 20, 2025)
38. Vargas v. Salazar, No. 4:23-CV-04267, 2024 WL 4804091 (S.D. Tex. Nov. 1, 2024), *report and recommendation adopted*, No. 4:23CV4267, 2024 WL 4804065 (S.D. Tex. Nov. 15, 2024)
39. Zedcrest Cap. Ltd. v. Oshionbo, No. 3:24-CV-00780-S (BT), 2024 WL 3682755 (N.D. Tex. Aug. 6, 2024)
40. Boggess v. Chamness, No. 6:25-CV-64-JDK-JDL, 2025 WL 978992 (E.D. Tex. Apr. 1, 2025)
41. Bees360 Inc. v. Cai, No. 4:22-CV-01035, 2025 WL 963082 (S.D. Tex. Mar. 31, 2025)
42. Gutierrez v. Gutierrez, 399 So. 3d 1185 (Fla. Dist. Ct. App. 2024), *review dismissed sub nom.* Gutierrez v. In Re Gutierrez, No. SC2024-1782, 2025 WL 325963 (Fla. Jan. 28, 2025), *reinstatement granted*, No. SC2024-1782, 2025 WL 342830 (Fla. Jan. 30, 2025), and *opinion after reinstatement of appeal sub nom.* Gutierrez v. Gutierrez, No. SC2024-1782, 2025 WL 1416895 (Fla. May 16, 2025), and *mandamus dismissed*, No. SC2025-0417, 2025

WL 1157136 (Fla. Apr. 21, 2025), and *review denied*, No. SC2024-1782, 2025 WL 1416895 (Fla. May 16, 2025)

43. Gjovik v. Apple Inc., No. 23-CV-04597-EMC, 2025 WL 1447380 (N.D. Cal. May 19, 2025)
44. Sims v. Souily-Lefave, No. 2:24-CV-00831-CDS-EJY, 2025 WL 1101123 (D. Nev. Apr. 14, 2025)
45. Mid Cent. Operating Eng'rs Health & Welfare Fund v. HoosierVac LLC, No. 2:24-CV-00326-JPH-MJD, 2025 WL 1511211 (S.D. Ind. May 28, 2025)
46. Wilt v. Dep't of the Navy, No. 6:24-CV-213-JDK-KNM, 2025 WL 1276250 (E.D. Tex. May 2, 2025)
47. Novitzky v. Transunion LLC, No. 2:23-CV-04229-SPG-MAR, 2024 WL 5424114 (C.D. Cal. Apr. 11, 2024)
48. Mortazavi v. Booz Allen Hamilton, Inc., No. 2:24-CV-07189-SB-RAO, 2024 WL 4505449 (C.D. Cal. Oct. 16, 2024)
49. Parra v. United States, No. 25-CV-431, 2025 WL 1792979 (Fed. Cl. June 27, 2025)
50. Buckner v. Hilton Glob., No. 3:24-CV-375-RGJ, 2025 WL 890175 (W.D. Ky. Mar. 21, 2025)
51. Frier v. Hingiss, No. 23-CV-0290-BHL, 2023 WL 6046840 (E.D. Wis. Sept. 15, 2023)
52. Nelson v. Washington Bd. of Indus. Appeals, No. 3:25-CV-05551-DGE, 2025 WL 1772085 (W.D. Wash. June 26, 2025)
53. Yelp Inc. v. Google LLC, No. 24-CV-06101-SVK, 2025 WL 1168900 (N.D. Cal. Apr. 22, 2025)
54. Powhatan Cnty. Sch. Bd. v. Skinger, No. 3:24-CV-874, 2025 WL 1842621 (E.D. Va. July 2, 2025)
55. GovernmentGPT Inc. v. Axon Enter. Inc., 749 F. Supp. 3d 1049 (D. Ariz. 2024)
56. Dukuray v. Experian Info. Sols., No. 23 CIV. 9043 (AT) (GS), 2024 WL 3812259 (S.D.N.Y. July 26, 2024), *report and recommendation adopted*, No. 23 CIV. 9043 (AT), 2024 WL 3936347 (S.D.N.Y. Aug. 26, 2024)
57. Whaley v. Equifax Info., Servs., LLC, No. 3:22-CV-357, 2023 WL 5899845 (S.D. Ohio Sept. 11, 2023)
58. Arajuo v. Wedelstadt, No. 23-C-1190, 2025 WL 263529 (E.D. Wis. Jan. 22, 2025)

59. Ruggierlo, Velardo, Burke, Reizen & Fox, P.C. v. Lancaster, No. 22-12010, 2023 WL 5846798 (E.D. Mich. Sept. 11, 2023)
60. Ferlito v. Harbor Freight Tools USA, Inc., No. CV 20-5615 (GRB) (SIL), 2025 WL 1181699 (E.D.N.Y. Apr. 23, 2025)
61. Vogel v. RMAC Tr. Series 2016-CTT, No. 1:24-CV-02182 (RDA/LRV), 2025 WL 1969912 (E.D. Va. July 16, 2025)
62. Mojtabavi v. Blinken, No. SA CV 24-1359 PA (ASX), 2024 WL 5316832 (C.D. Cal. Oct. 22, 2024)
63. United States v. Ortiz-Acosta, No. 22-CR-00167-RM-1, 2025 WL 1248282 (D. Colo. Apr. 30, 2025)
64. Zelma v. Wonder Grp. Inc., No. 25CV3232 (EP) (CLW), 2025 WL 1952681 (D.N.J. July 14, 2025)
65. United States v. Hayes, No. 2:24-CR-0280-DJC, 2025 WL 1067323 (E.D. Cal. Apr. 9, 2025)
66. Maurice v. Wingfield, No. 3:25-CV-291-TSL-MTP, 2025 WL 1892529 (S.D. Miss. June 9, 2025), *report and recommendation adopted as modified*, No. 3:25-CV-291-TSL-MTP, 2025 WL 1888222 (S.D. Miss. July 8, 2025)
67. LaNasa v. Stiene, 731 F. Supp. 3d 403 (E.D.N.Y. 2024), *aff'd*, No. 24-1325, 2025 WL 893456 (2d Cir. Mar. 24, 2025)
68. Jason M. Hatfield, P.A. v. Pirani, No. 5:22-CV-5110, 2025 WL 1950112 (W.D. Ark. July 16, 2025)
69. Marion v. Hollis Cobb Assocs., Inc., No. 1:24-CV-2582-MLB-JCF, 2025 WL 1275828 (N.D. Ga. Feb. 14, 2025), *report and recommendation adopted*, No. 1:24-CV-2582-MLB, 2025 WL 1606912 (N.D. Ga. Apr. 21, 2025)
70. Strader v. Schnurr, No. 22-3228-JWL-JPO, 2022 WL 16833790 (D. Kan. Nov. 9, 2022)
71. City of LaVergne v. Gure, No. M202000148COAR3CV, 2022 WL 3709387 (Tenn. Ct. App. Aug. 29, 2022)
72. Rubio v. D.C., No. CV 23-719 (RDM), 2024 WL 4957373 (D.D.C. Dec. 3, 2024), *aff'd sub nom.* Rubio v. D.C. Dep't of Hum. Servs., No. 24-7183, 2025 WL 1189459 (D.C. Cir. Apr. 22, 2025)

73. Strader v. Kansas, No. 23-3002-JWL-JPO, 2023 WL 111924 (D. Kan. Jan. 5, 2023)
74. McSweeney v. Cohen, 776 F. Supp. 3d 200 (S.D.N.Y. 2025)
75. MSP Recovery Claims, Series, LLC v. Sanofi-Aventis U.S. LLC, No. 218CV2211BRMLHG, 2022 WL 20359241 (D.N.J. Feb. 8, 2022)
76. Damri v. LivePerson, Inc., 772 F. Supp. 3d 430 (S.D.N.Y. 2025)
77. MAK Tech. Holdings Inc. v. Anyvision Interactive Techs. Ltd., 213 A.D.3d 28, 181 N.Y.S.3d 219 (2022), *rev'd*, 42 N.Y.3d 570, 249 N.E.3d 1194 (2024)
78. Rodriguez v. ByteDance, Inc., No. 23 CV 4953, 2025 WL 672951 (N.D. Ill. Mar. 3, 2025)
79. Software Automation Holdings, Inc. v. Ins. Toolkits, LLC, No. 5:23-CV-140-D, 2025 WL 1840654 (E.D.N.C. July 3, 2025)
80. Von Neuman, v. Wells Fargo Bank, N.A., No. 25-CV-00509-LTB-RTG, 2025 WL 2211655 (D. Colo. Mar. 17, 2025)