

Corks & Courts: A Judicial Roundtable on AI in Practice

The following topics are intended to facilitate discussion regarding the omnipresent issue of Artificial Intelligence (“AI”) and its impact on the practice of law generally and on the bankruptcy bar specifically. Group members will first discuss each hypothetical. Thereafter, a representative from each group will share the group’s observations.

Topic 1: AI and the Attorney-Client Privilege

In light of the ever-increasing usage, and potential reliance, on AI, what steps can, and should, litigants take to ensure that they preserve the attorney-client privilege.

Relevant Statutes and Cases

California Rule of Professional Conduct 1.6(a)

A lawyer shall not reveal information protected from disclosure by Business and Professions Code section 6068, subdivision (e)(1) unless the client gives informed consent,* or the disclosure is permitted by paragraph (b) of this rule [regarding prevention of criminal acts].

California Business & Professions Code § 6068(e)(1)

(e)(1) To maintain inviolate the confidence, and at every peril to himself or herself to preserve the secrets, of his or her client.

United States v. Ruehle, 583 F.3d 600, 607 (9th Cir. 2009).

“[A] party asserting the attorney-client privilege has the burden of establishing the [existence of an attorney-client] relationship *and* the privileged nature of the communication.”

United States v. Graf, 610 F.3d 1148, 1156 (9th Cir. 2010).

“An eight-part test determines whether information is covered by the attorney-client privilege:

(1) Where legal advice of any kind is sought (2) from a professional legal adviser in his capacity as such, (3) the communications relating to that purpose, (4) made in confidence (5) by the client, (6) are at his instance permanently protected (7) from disclosure by himself or by the legal adviser, (8) unless the protection be waived.”

United States v. Heppner, No. 25 CR. 503 (JSR), 2026 WL 436479 (S.D.N.Y. Feb. 17, 2026).

Federal agents seized electronic devices containing a defendant’s communications with, and documents generated by Claude. Defendant asserted that the materials were generated for the purpose of conveying facts to his counsel for the purpose of obtaining

legal advice.

The Court concluded that by entering confidential information into a consumer-grade, public version of Claude entirely on his own initiative, he voluntarily disclosed such information outside the attorney-client relationship and that subsequent disclosure to his counsel, could not cure the earlier waiver of privilege. Similarly, the Court found that the materials in question were not protected by the work-product doctrine even if they were prepared in anticipation of litigation because they were not prepared by or at the behest of his counsel.

A copy of the S.D.N.Y.'s decision is attached hereto as Exhibit "1."

Warner v. Gilbarco, Inc., No. 2:24-CV-12333, 2026 WL 373043 (E.D. Mich. Feb. 10, 2026).

Defendant sought to compel discovery of a pro se plaintiff's use of artificial intelligence during litigation, after discovery had closed. In denying the motion to compel, the Court held that the AI generated materials were subject to work-product protection because generative AI program allegedly used by plaintiff was a tool, and because AI materials were involved in plaintiff's internal drafting process, analysis, and her thought process, and were prepared in anticipation for litigation.

A copy of the E.D. Mich.'s decision is attached hereto as Exhibit "2."

Topic 2: AI and the Work-Product Doctrine

Similar to Topic 1, what steps can, and should, litigants take to ensure that they preserve the attorney work-product doctrine and should litigants consider not using AI?

Relevant Statutes and Cases

Federal Rule of Civil Procedure 26(b)(3)(A)

Documents and Tangible Things. Ordinarily, a party may not discover documents and tangible things that are prepared in anticipation of litigation or for trial by or for another party or its representative (including the other party's attorney, consultant, surety, indemnitor, insurer, or agent). But, subject to Rule 26(b)(4), those materials may be discovered if:

- (i) they are otherwise discoverable under Rule 26(b)(1); and
- (ii) the party shows that it has substantial need for the materials to prepare its case and cannot, without undue hardship, obtain their substantial equivalent by other means.

Made applicable in bankruptcy proceedings pursuant to Federal Rule of Bankruptcy Procedure 7026.

United States v. Nobles, 422 U.S. 225, 238–39, 95 S. Ct. 2160, 2170, 45 L. Ed. 2d 141 (1975).

“[T]he work-product doctrine shelters the mental processes of the attorney, providing a privileged area within which he can analyze and prepare his client's case. But the doctrine is an intensely practical one, grounded in the realities of litigation in our adversary system. One of those realities is that attorneys often must rely on the assistance of investigators and other agents in the compilation of materials in preparation for trial. It is therefore necessary that the doctrine protect material prepared by agents for the attorney as well as those prepared by the attorney himself.”

Topic 3: AI and an Attorney’s Duties of Competence and Candor to the Tribunal

Based on the potential for hallucinations and inaccuracies, what challenges does the use of AI pose to an attorney’s duties of competence and candor to the tribunal and what steps can, and should, attorneys take to ensure that their use of AI does not conflict with such duties? Additionally, to the extent that an attorney’s conduct violates such rules, what steps can a Court take to address and dissuade such conduct. Is General Order No. 210 and the accompanying form Declaration issued by the Southern District Bankruptcy Court a model that other courts could adopt?

Relevant Statutes and Cases

California Rule of Professional Conduct 1.1

- (a) A lawyer shall not intentionally, recklessly, with gross negligence, or repeatedly fail to perform legal services with competence.
- (b) For purposes of this rule, “competence” in any legal service shall mean to apply the (i) learning and skill, and (ii) mental, emotional, and physical ability reasonably* necessary for the performance of such service.
- (c) If a lawyer does not have sufficient learning and skill when the legal services are undertaken, the lawyer nonetheless may provide competent representation by (i) associating with or, where appropriate, professionally consulting another lawyer whom the lawyer reasonably believes* to be competent, (ii) acquiring sufficient learning and skill before performance is required, or (iii) referring the matter to another lawyer whom the lawyer reasonably believes* to be competent.
- (d) In an emergency a lawyer may give advice or assistance in a matter in which the lawyer does not have the skill ordinarily required if referral to, or association or consultation with, another lawyer would be impractical. Assistance in an emergency must be limited to that reasonably* necessary in the circumstances.

California Rule of Professional Conduct 3.3(a)(2)

“A lawyer shall not fail to disclose to the tribunal* legal authority in the controlling jurisdiction known* to the lawyer to be directly adverse to the position of the client and not disclosed by opposing counsel, or knowingly* misquote to a tribunal* the language of a book, statute, decision or other authority...”

California Business & Professions Code § 6068(d).

It is the duty of an attorney to do all of the following:

- (d) To employ, for the purpose of maintaining the causes confided to him or her those means only as are consistent with truth, and never to seek to mislead the judge or any judicial officer by an artifice or false statement of fact or law.

General Order No. 210 and CSD 5013- Southern District of California Bankruptcy Court

Effective January 1, 2026, any pleading, motion, or paper (whether moving, opposing,

or in reply) that the filer prepared in any aspect by using a generative artificial intelligence ("AI") program must be accompanied by an attestation or certification signed by the filer:

- Identifying the AI program used; and
- Certifying that the filer checked the document for factual and legal accuracy using print reporters, traditional legal databases, or other reliable means.

CSD 5013- Disclosure and Certification on Generative Artificial Intelligence Use

Shayan v. Shakib, 116 Cal. App. 5th 619, 339 Cal. Rptr. 3d 354 (2025).

Appellant's attorney used AI to draft appellant's opening brief, which contained "hallucinations" and "made-up quotes from reported decisions." Appellee filed a motion to dismiss the appeal and strike the brief, as a sanction for attorney's conduct. In opposing the motion, appellant referred to the fabricated quotes as "clerical citation

errors” and denied that they resulted from the use of AI tools.

The Court found that counsel violated California Rule of Professional Conduct 3.3(a)(2) and Business & Professions Code § 6068, imposed sanctions of \$7,500, struck appellant’s opening brief, and ordered appellant to file a corrected opening brief.

A copy of the Second District Court of Appeal’s decision is attached hereto as Exhibit “3.”

McCarthy v. United States Drug Enf’t Admin., 171 F.4th 245 (3d Cir. 2026).

Attorney filed opening and reply briefs that were generated, in part, with inaccurate summaries and a hallucinated authority, which he alleged were obtained from a non-attorney. Despite confirming the inaccuracy of his filings after they were filed, he neither read nor verified the existence of the cited authorities and made no attempt to remediate the situation until after the Court ordered him to provide copies of the cited authorities and explain if or how he verified their accuracy.

Following entry of an order to show cause why he should not be sanctioned, the Court concluded that he did not violate his duty of candor to the tribunal because it was debatable as to whether he “knowingly” made a false statement because he failed to read the cases. Similarly, the Court found that it was debatable whether he knowingly failed to correct his false statements of fact and law and could not conclude that he did not know that the concept of “good faith” was inconsistent with presenting legal authority that he did not even verify existed. However, the Court found that the attorney violated his duty to provide competent representation to a client because he failed to check all the citations in his briefs and imposed the sanction of a reprimand, finding, *inter alia*, that the Court had not yet had the opportunity to speak on the issue and emphasize that, when using AI, litigants must still strictly adhere to the rules of professional conduct.

In a partial dissent, Judge Roth explained that she would have imposed sanctions for violation of the duty of candor to the tribunal because the attorney could not have believed that the material in question was true based on a reasonably diligent inquiry where he never checked the veracity, or event the existence, of the cases cited.

A copy of the Third Circuit’s decision is attached hereto as Exhibit “4.”

Topic 4: Proposed Amendments to the California Rules of Professional Conduct

Are the proposed amendments to the California Rules of Professional conduct sufficient to address the impact of AI on the practice of law or should more extensive amendments be proposed either to the California Rules of Professional Conduct or to the Local Rules of the District Courts and/or Bankruptcy Courts?

Sources

See Proposed amendments to the California Rules of Professional Conduct (redline), attached hereto as Exhibit "5."

2026 WL 436479

Only the Westlaw citation is currently available.

United States District Court, S.D. New York.

UNITED STATES of America,

v.

[Bradley HEPPNER](#), Defendant.

25 Cr. 503 (JSR)

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Signed February 17, 2026

Synopsis

Background: Defendant who pleaded not guilty to grand jury charges of securities fraud, wire fraud, conspiracy, making false statements to auditors, and falsifying corporate records asserted privilege over documents he created using publicly available generative artificial intelligence (AI) platform. Government moved for ruling that AI documents were not protected by attorney-client privilege or work product doctrine.

Holdings: The District Court, [Jed S. Rakoff](#), J., held that:

in matter of first impression, AI user's communications in connection with pending criminal investigation were not protected by attorney-client privilege, and

in matter of first impression, AI user's communications in connection with pending criminal investigation were not protected by work product doctrine.

Motion granted.

Procedural Posture(s): Pre-Trial Hearing Motion.

Attorneys and Law Firms

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MEMORANDUM

[JED S. RAKOFF](#), United States District Judge:

*1 At a pretrial conference in this matter held on February 10, 2026, the Court, after hearing the arguments of counsel, granted from the bench the Government's motion for a ruling that certain written exchanges that defendant Benjamin Heppner had with a generative artificial intelligence ("AI") platform were not protected from Government inspection by either the attorney-

client privilege or the work product doctrine. See ECF No. 22 (“Gov’t Mot.”). This Memorandum sets forth the reasons for the Court’s ruling.

I. Background and Procedural History

Generative artificial intelligence tools have become increasingly prevalent across various domains of human activity. It has reliably been estimated, for instance, that more than half of United States households have adopted AI in some form. See Bond, Trends - Artificial Intelligence (2025), https://www.bondcap.com/report/pdf/Trends_Artificial_Intelligence.pdf at 59 (accessed February 12, 2026). Only three years after its release, one prominent AI platform is being used by more than 800 million people worldwide every week. Id. at 55. Yet the implications of AI for the law are only beginning to be explored. Thus, the Court’s ruling in this case appears to answer a question of first impression nationwide: whether, when a user communicates with a publicly available AI platform in connection with a pending criminal investigation, are the AI user’s communications protected by attorney-client privilege or the work product doctrine? ¹ For the reasons that follow, the answer is no.

On October 28, 2025, a grand jury in this District returned an indictment charging Heppner with securities fraud, wire fraud, conspiracy to commit securities fraud and wire fraud, making false statements to auditors, and falsifying corporate records. ECF No. 3. The indictment was unsealed on November 4, 2025, see ECF No. 4, and Heppner was arrested the following day in the Northern District of Texas. On November 10, 2025, Heppner pleaded not guilty before this Court to all the charges against him and was released on bond. See ECF Nos. 16, 18. Trial is set to commence April 6, 2026. See ECF No. 16.

The charges against Heppner arise from his alleged misconduct as an executive of several corporate entities, including the publicly traded company GWG Holdings, Inc. (“GWG”). See generally ECF No. 3. At a high level, the indictment charges that Heppner defrauded GWG’s investors out of more than \$150 million by making false representations about, and causing GWG to enter into undisclosed self-serving transactions concerning, two privately held companies that Heppner controlled, Beneficient Company Group, L.P. and Highland Consolidated L.P. See id. ¶¶ 1-3.

In connection with Heppner’s arrest on November 4, 2025, agents with the Federal Bureau of Investigation executed a search warrant at Heppner’s home and seized numerous documents and electronic devices. See Gov’t Mot. at 3; ECF No. 23-1 at 1. Heppner’s counsel later represented to the Government that among the seized materials were approximately thirty-one documents that memorialize communications that Heppner had with the generative AI platform “Claude,” which is operated by the private company Anthropic. See Gov’t Mot. at 3; ECF Nos. 23-1 23-2. According to Heppner’s counsel, the documents represent communications between Heppner and Claude that took place “in 2025, after Mr. Heppner had received a grand jury subpoena [and] after it was clear with discussions with the government that Mr. Heppner was the target of this investigation.” Transcript, February 10, 2026 (“Tr.”) at 4. Without any suggestion from counsel that he do so, Heppner “prepared reports that outlined defense strategy, that outlined what he might argue with respect to the facts and the law that we anticipated that the government might be charging.” Id. Thus, counsel asserted, Heppner “was preparing these reports in anticipation of a potential indictment.” Id.

*2 In exchanges with the Government, Heppner, through his counsel, asserted privilege over these documents (the “AI Documents”), arguing that (1) Heppner had inputted into Claude, among other things, information that Heppner had learned from counsel; (2) Heppner had created the AI Documents for the purpose of speaking with counsel to obtain legal advice; and (3) Heppner had subsequently shared the contents of the AI Documents with counsel. See Gov’t Mot. at 3-4, 11; ECF Nos. 23-2, 23-4, 23-5. Heppner’s counsel conceded, however, that counsel “did not direct [Heppner] to run Claude searches.” ECF No. 23-5. Pursuant to a “Privilege Protocol Stipulation,” the Government and Heppner’s counsel agreed that the Government would segregate the AI Documents and not inspect them pending the resolution of Heppner’s claims of privilege, and Heppner’s counsel listed the AI Documents in Heppner’s privilege log. See Gov’t Mot. at 3-4 & n.1; ECF Nos. 23-1, 23-2.

On February 6, 2026, the Government moved, in writing, for a ruling that the AI Documents are protected by neither the attorney-client privilege nor the work product doctrine. Gov't Mot. The Court heard oral argument on the Government's motion at the pretrial conference held on February 10, 2026, and, as noted, orally granted the motion.

II. Attorney-Client Privilege

It is well established that the attorney-client privilege attaches to, and protects from disclosure, “communications (1) between a client and his or her attorney (2) that are intended to be, and in fact were, kept confidential (3) for the purpose of obtaining or providing legal advice.” [United States v. Mejia](#), 655 F.3d 126, 132 (2d Cir. 2011).² Courts construe the attorney-client privilege narrowly because it operates as an exception to the rule that “all relevant proof is essential” for a complete record and for “confidence in the fair administration of justice.” [In re Six Grand Jury Witnesses](#), 979 F.2d 939, 943 (2d Cir. 1992). See also, e.g., [Calvin Klein Trademark Tr. v. Wachner](#), 198 F.R.D. 53, 55 (S.D.N.Y. 2000).

Applying these principles here, the AI Documents lack at least two, if not all three, elements of the attorney-client privilege. First, the AI Documents are not communications between Heppner and his counsel. Heppner does not, and indeed could not, maintain that Claude is an attorney. “In the absence of an attorney-client relationship, the discussion of legal issues between two non-attorneys is not protected by attorney-client privilege.” E.g., [In re OpenAI, Inc., Copyright Infringement Litig.](#), 802 F. Supp. 3d 688, 699 (S.D.N.Y. 2025). Because Claude is not an attorney, see ECF No. 23-6, that alone disposes of Heppner's claim of privilege.

The Court is aware that some commentators have argued that whether Claude is an attorney is irrelevant because a user's AI inputs, rather than being communications, are more akin to the use of other Internet-based software, such as cloud-based word processing applications. But the use of such applications is not intrinsically privileged in any case, and the argument that Claude is like any other form of software only cuts against the invocation of privilege because all “[r]ecognized privileges” require, among other things, “a trusting human relationship,” such as, in the attorney-client context, a relationship “with a licensed professional who owes fiduciary duties and is subject to discipline.” See Ira P. Robbins, [Against an AI Privilege](#), JOLT Dig., Harvard L. Sch. (Nov. 7, 2025), <https://jolt.law.harvard.edu/digest/against-an-ai-privilege>. No such relationship exists, or could exist, between an AI user and a platform such as Claude.

Second, the communications memorialized in the AI Documents were not confidential. This is not merely because Heppner communicated with a third-party AI platform but also because the written privacy policy to which users of Claude consent provides that Anthropic collects data on both users’ “inputs” and Claude's “outputs,” that it uses such data to “train” Claude, and that Anthropic reserves the right to disclose such data to a host of “third parties,” including “governmental regulatory authorities.” See Anthropic, Privacy Policy (as of February 19, 2025), <https://www.anthropic.com/legal/archive/a2eecf43-807a-4a53-89dd-04c44c351138>. The policy clearly puts Claude's users on notice that Anthropic, even in the absence of a subpoena compelling it to do so, may “disclose personal data to third parties in connection with claims, disputes[,] or litigation.” Id. More generally, as another court in this District recently observed, AI users do not have substantial privacy interests in their “conversations with [another publicly accessible AI platform] which users voluntarily disclosed” to the platform and which the platform “retains in the normal course of its business.” [In re OpenAI, Inc., Copyright Infringement Litig.](#), No. 25 MD 3143, ECF No. 1021 at 3 (Jan. 5, 2026). For these reasons, Heppner could have had no “reasonable expectation of confidentiality in his communications” with Claude. See [Mejia](#), 655 F.3d at 132-34. And the AI Documents are not like confidential notes that a client prepares with the intent of sharing them with an attorney because Heppner first shared the equivalent of his notes with a third-party, Claude. Cf. [United States v. DeFonte](#), 441 F.3d 92, 95-96 (2d Cir. 2006) (per curiam).

*3 Third, Heppner did not communicate with Claude for the purpose of obtaining legal advice. This issue perhaps presents a closer call because Heppner's counsel asserts that Heppner communicated with Claude for the “express purpose of talking to counsel.” ECF No. 23-5. But, as Heppner's counsel also conceded, Heppner did not do so at the suggestion or direction of counsel. See id. (noting that counsel “did not direct [Heppner] to run Claude searches”). Had counsel directed Heppner to use Claude, Claude might arguably be said to have functioned in a manner akin to a highly trained professional who may act as a

lawyer's agent within the protection of the attorney-client privilege. Cf. [United States v. Adlman](#), 68 F.3d 1495, 1498-99 (2d Cir. 1995) (citing [United States v. Kovel](#), 296 F.2d 918 (2d Cir. 1961)). But because Heppner communicated with Claude of his own volition, what matters for the attorney-client privilege is whether Heppner intended to obtain legal advice from Claude, not whether he later shared Claude's outputs with counsel. And Claude disclaims providing legal advice. Indeed, when the Government asked Claude whether it could give legal advice, it responded that "I'm not a lawyer and can't provide formal legal advice or recommendations" and went on to recommend that a user "should consult with a qualified attorney who can properly assess your specific circumstances." ECF No. 23-6 at 1-2.

Thus, the communications between Heppner and Claude were not privileged at the time they took place.³ Moreover, even assuming that Heppner intended to share these communications with his counsel and eventually did so, it is black-letter law that non-privileged communications are not somehow alchemically changed into privileged ones upon being shared with counsel. Thus, because the AI Documents "would not be privileged if they remained in [Heppner's] hands," they did not "acquire protection merely because they were transferred" to counsel. See [Gould, Inc. v. Mitsui Min. & Smelting Co., Ltd.](#), 825 F.2d 676, 679-80 (2d Cir. 1987).

III. Work Product Doctrine

Related to but distinct from the attorney-client privilege, the work product doctrine, "[a]t its core[,] ... shelters the mental processes of the attorney, providing a privileged area within which he can analyze and prepare his client's case." [United States v. Nobles](#), 422 U.S. 225, 238, 95 S.Ct. 2160, 45 L.Ed.2d 141 (1975). The doctrine "provides qualified protection for materials prepared by or at the behest of counsel in anticipation of litigation or for trial." [In re Grand Jury Subpoenas Dated March 19, 2002, and August 2, 2002](#), 318 F.3d 379, 383 (2d Cir. 2003). As with the attorney-client privilege, the work product doctrine is not "lightly created nor expansively construed," *id.* (quoting [United States v. Nixon](#), 418 U.S. 683, 710, 94 S.Ct. 3090, 41 L.Ed.2d 1039 (1974)), and the Second Circuit has repeatedly held that the doctrine's purpose "is not generally promoted by shielding from discovery materials in an attorney's possession that were prepared neither by the attorney nor his agents," *id.* (citing [Matter of Grand Jury Subpoenas Dated Oct. 22, 1991, and Nov. 1, 1991](#), 959 F.2d 1158 (2d Cir. 1992)). The doctrine's availability in reference to materials in the possession of a client "depends upon the existence of a real, rather than speculative, concern that the thought processes of [the client's] counsel in relation to pending or anticipated litigation would be exposed." [Matter of Grand Jury Subpoenas](#), 959 F.2d at 1167 (quoting [Gould](#), 825 F.2d at 680).

The AI Documents do not merit protection under the work product doctrine because, even assuming, *arguendo*, that they were prepared "in anticipation of litigation," [In re Grand Jury Subpoenas](#), 318 F.3d at 383, they were nevertheless not "prepared by or at the behest of counsel," *id.*, nor did they reflect defense counsel's strategy, see [Matter of Grand Jury Subpoenas](#), 959 F.2d at 1167. As to the former, Heppner's counsel confirmed that the AI Documents "were prepared by the defendant on his own volition." Tr. at 5. That means that Heppner was not acting as his counsel's agent when he communicated with Claude. As to the latter, counsel conceded that while the AI Documents did "affect" counsel's strategy going forward, they did not "reflect" counsel's strategy at the time that Heppner created them. See *id.*

*4 At oral argument, Heppner resisted these conclusions by relying on two authorities. The first, [Federal Rule of Criminal Procedure 16\(b\) \(2\) \(A\)](#), is inapplicable on its face. That rule provides that, where the Government provides a defendant with pretrial discovery and the defendant thereby becomes obligated to satisfy the Government's pretrial discovery requests, the defendant's obligation does not extend to "discovery or inspection of reports, memoranda, or other documents made by the defendant, or the defendant's attorney or agent, during the case's investigation or defense." *Id.* Here, however, the AI Documents were seized from Heppner, at the time of his arrest, pursuant to a search warrant the validity of which Heppner's counsel does not challenge. See Gov't Mot. at 3. The Government did not request them, and Heppner did not produce them, in pretrial discovery.

Heppner's second authority is [Shih v. Petal Card, Inc.](#), 565 F. Supp. 3d 557 (S.D.N.Y. 2021). In that case, a Magistrate Judge in this District authorized the plaintiff to withhold certain communications that she had with an individual who was then her lawyer, and later became her husband, that the plaintiff prepared in anticipation of litigation or for trial. The court held that the

work product doctrine protected such communications, “regardless of whether [the lawyer/husband] was acting as her counsel at the time, and without showing that another attorney ‘directed the work.’ ” [Id.](#) at 574.

[Shih](#), of course, is not binding on this Court, and this Court respectfully disagrees with its holding. As relevant here, the court in [Shih](#) principally concluded that the work product doctrine is not limited to materials prepared by or at the direction of an attorney. [Id.](#) But that conclusion undermines the policy animating the work product doctrine, which, as one of the cases cited in [Shih](#) explains, is “to preserve a zone of privacy in which a lawyer can prepare and develop legal theories and strategy ‘with an eye toward litigation.’ ” [Parneros v. Barnes & Noble, Inc.](#), 332 F.R.D. 482, 492 (S.D.N.Y. 2019) (quoting [United States v. Adlman](#), 134 F.3d 1194, 1196 (2d Cir. 1998) (quoting, in turn, [Hickman v. Taylor](#), 329 U.S. 495, 510-11, 67 S.Ct. 385, 91 L.Ed. 451 (1947))); see [Shih](#), 565 F. Supp. 3d at 574 (citing [Parneros](#)). While it is true that the work product doctrine may apply to materials generated by non-lawyers, the Second Circuit has repeatedly stressed that the purpose of the doctrine is to protect lawyers’ mental processes. See, e.g., [In re Grand Jury Subpoenas](#), 318 F.3d at 383-85 (extensively describing doctrine’s rationale and applying it to material “prepared by or for counsel”); [Adlman](#), 134 F.3d at 1197 (similar); [Adlman](#), 68 F.3d at 1500-02 (similar); [Matter of Grand Jury Subpoenas](#), 959 F.2d at 1166 (doctrine “generally does not shield from discovery documents that were not prepared by the attorneys themselves, or their agents”); see also [Bice v. Robb](#), 511 F. App’x 108, 110 (2d Cir. 2013) (summary order) (declining to extend protection to documents “not the work product of an individual acting as [plaintiffs’] attorney”).

Here, there is no dispute that Heppner acted on his own when he created the AI Documents. See ECF No. 23-5 (noting that defense counsel “did not direct [Heppner] to run Claude searches”); Tr. at 5 (confirming same). Because the AI Documents were not prepared at the behest of counsel and did not disclose counsel’s strategy, they do not merit protection as work product.

IV. Conclusion

Generative artificial intelligence presents a new frontier in the ongoing dialogue between technology and the law. Time will tell whether, as in the case of other technological advances, generative artificial intelligence will fulfill its promise to revolutionize the way we process information. But AI’s novelty does not mean that its use is not subject to longstanding legal principles, such as those governing the attorney-client privilege and the work product doctrine. Because Heppner’s use of Claude fails to satisfy either of these rules, the AI Documents do not merit the protections Heppner has claimed.

All Citations

--- F.Supp.3d ----, 2026 WL 436479

Footnotes

- 1 The Court is unaware of, and the parties have not identified, any case to date that has presented this issue. Most published decisions involving generative artificial intelligence have had to do with attorneys’ misuse of that technology. That set of concerns is plainly not present here.
- 2 Except where otherwise indicated, all quotations in this Memorandum omit citations, quotation marks, footnotes, brackets, ellipses, and other alterations in source material.
- 3 At oral argument, Heppner’s counsel suggested in passing that the AI Documents may be privileged because they “incorporated information that we had conveyed to Mr. Heppner over the course of our representation.” Tr. at 3. But even if certain information that Heppner input into Claude was privileged, he waived the privilege by sharing that information with Claude and Anthropic, just as if he had shared it with any other third party. Further, in light of Anthropic’s privacy

policy discussed above, Heppner had no reasonable expectation that the inputs would not be shared with other third parties.

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2026 WL 373043

Only the Westlaw citation is currently available.
United States District Court, E.D. Michigan, Southern Division.

Sohyon WARNER, Plaintiff,

v.

GILBARCO, INC., Gilbarco, Inc. (d/b/a Gilbarco Veeder-Root), and Vontier Corporation, Defendants.

Case No. 2:24-cv-12333

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Signed February 10, 2026

Synopsis

Background: Pro se former employee moved for sanctions against former employer and parent company in her discrimination claim against them, alleging their non-compliance with prior discovery order and seeking production of certain materials. Former employer and parent company moved to compel the production of certain documents and the execution of medical authorizations, and sought sanctions.

Holdings: The District Court, [Anthony P. Patti](#), United States Magistrate Judge, held that:

human resources investigations were protected by attorney-client privilege and work product doctrine;

alleged factual accounts given during human resources investigations were not subject to disclosure;

extension of discovery period was not warranted;

artificial intelligence (AI) materials used by former employee were subject to work-product protection; and

former employee did not waive work product doctrine by using artificial intelligence large language model.

Motions granted in part, denied in part, and deemed withdrawn in part.

Procedural Posture(s): Motion for Sanctions (Discovery); Motion to Compel Discovery; Motion to Extend Time for Discovery; Motion to Compel.

Attorneys and Law Firms

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[Lauren Harrington](#), [Richard W. Warren](#), Ogletree, Deakins, Nash, Smoak & Stewart, PLLC, Birmingham, MI, for Defendants.

ORDER DENYING PLAINTIFF'S MOTION FOR SANCTIONS BASED ON NON-COMPLIANCE WITH A COURT ORDER (ECF No. 68), GRANTING IN PART, DENYING

IN PART, AND DEEMING WITHDRAWN IN PART DEFENDANTS' MOTION TO COMPEL (ECF No. 80), and STRIKING THE NON-JOINT STATEMENT (ECF No. 89)

Anthony P. Patti, UNITED STATES MAGISTRATE JUDGE

A. Pending Matters

*1 On August 28, 2025, the Court entered an amended scheduling order, which set the fact discovery deadline for December 5, 2025. (ECF No. 41.) To date, the Undersigned has handled several discovery-related motions (*see, e.g.*, ECF No. 45, 47, 48, 49, 50) via orders dated September 26, 2025 (ECF No. 56) and October 30, 2025 (ECF No. 66).

Currently pending before the Court are: (1) Plaintiff's November 10, 2025 notice of Defendants' non-compliance with the Court's October 30, 2025 order and request for sanctions under [Fed. R. Civ. P. 37](#) (ECF No. 68), as to which Defendants filed a response (ECF No. 73), and Plaintiff filed a reply (ECF No. 77); and, (2) Defendants' December 23, 2025 motion to compel and request for sanctions (ECF No. 80), as to which Plaintiff has filed a response (ECF No. 86) and Defendants have filed a reply (ECF No. 87). Additionally, the parties have filed statements of resolved and unresolved issues. (*See* ECF Nos. 89, 90.)¹

Judge Drain has referred each of these motions to me for hearing and determination (ECF No. 69, 81). The Undersigned conducted a video status conference on January 12, 2026. (ECF Nos. 85, 93.) Pursuant to the Court's January 13, 2026 notice, Plaintiff, on her own behalf, and defense counsel (Attorney Richard W. Warren) appeared on February 5, 2026 in person for a hearing on these motions. (ECF Nos. 82, 88.)

B. Order

1. Plaintiff's motion (ECF No. 68) is DENIED.

Upon consideration of the motion papers and the parties' arguments and representations at the hearing, and for all the reasons stated on the record by the Court, which are hereby incorporated by reference as though fully restated herein, Plaintiff's motion (ECF No. 68) is **DENIED** as set forth in the prayer for relief (*see* ECF No. 68, PageID.662-663 ¶¶ 1-6.):

• To the extent Plaintiff asked the Court to “[f]ind Defendants in non-compliance with [ECF 66](#) and the [Federal Rules of Civil Procedure](#)[,]” the motion is **DENIED**. *Inter alia*, the Court agrees that Defendants complied with the direction regarding [Bates ranges 162-462](#) (*see* ECF No. 66, PageID.630 ¶ 4), when it submitted its November 7, 2025 supplemental response (*see* ECF No. 73, PageID.735; ECF No. 73-1). To the extent that Defendants provided additional information after Court-ordered deadlines, the Court is satisfied that it did so in compliance with its duty to supplement under [Fed. R. Civ. P. 26\(e\)](#).

*2 • To the extent Plaintiff asks Defendants to “[o]rder immediate, complete production of all comparator files, HR investigations, and ESI—requiring Defendants to re-run all searches using the expanded custodian and term list provided on October 27, 2025, and to re-produce the results in an organized, labeled format consistent with Rule 34(b)(2)(E)[,]” the motion is **DENIED**. Defense counsel, as an officer of the Court, provided answers to the Court's extensive questioning on this subject, and the Court is satisfied that Defendants have produced the comparator files (*see* ECF No. 68, PageID.651-653) within their “possession, custody, or control[.]” [Fed. R. Civ. P. 34\(a\)\(1\)](#); thus, there is nothing for the Court to order. The two investigation reports listed in the privilege log will be addressed below.

Although not spelled out in her prayer for relief, Plaintiff complains that Defendants' production of Bates range 463-4427 on October 27, 2025 and November 7, 2025 did not comply with the Court's October 30, 2025 order (ECF No. 66). (ECF No. 68, PageID.656-658). However, Defendants' November 7, 2025 supplemental response reads: “Not long before Plaintiff's counsel withdrew their representation, Defendants agreed to run an ESI search with specific search parameters—date range: December 1, 2021 to December 31, 2023—custodians: Ivan Ayma, Emily Heuser, Rosanna Hurst and Robert Steffler—and the search terms below[.]” below which appears a list of search terms. (ECF No. 73-1, PageID.754.) Immediately below the chart of search

terms, Defendants state: “As a result of this search, see documents at Bates Nos. G000463-1378 and G001379-4427.” (ECF No. 73-1, PageID.754 [No. 16].) The Court finds that this suffices and complies with its prior order.

• To the extent Plaintiff asked the Court to “[r]equire Defendants to serve an updated, itemized privilege log identifying each withheld document with sufficient detail to assess the claim of privilege, and to produce all non-privileged portions of the HR investigations[.]” the motion is **DENIED**. Instead, the Court performed Plaintiff’s suggested *in camera* review. Having considered the two investigation reports listed on Defendants’ November 21, 2025 privilege log (ECF No. 73-3), one by compliance counsel Kathy Martorell dated March 3, 2023 (*see* ECF No. 73-6) and the other by compliance investigator Kate S. Gibson dated December 14, 2022 (*see* ECF No. 73-4), along with the declarations filed in support of privileges with respect to those two documents, one by Kate Gibson, Esq. (ECF No. 73-5) and the other by Kathy Hunt, Esq. (ECF No. 73-7), the Court concludes these investigations and the reports they generated were done in anticipation of litigation, both subjectively and objectively, as opposed to the ordinary course of business. *See, e.g., Upjohn Co. v. United States*, 449 U.S. 383, 386, 101 S.Ct. 677, 66 L.Ed.2d 584 (1981); *Lee v. EUSA Pharma US LLC*, No. 2:22-CV-11145, 2024 WL 250064 (E.D. Mich. Jan. 23, 2024) (Patti, M.J.) (order after *in camera* review); *United States v. Nobles*, 422 U.S. 225, 238–39, 95 S.Ct. 2160, 45 L.Ed.2d 141 (1975) (“the doctrine protect[s] material prepared by agents for the attorney as well as those prepared by the attorney himself.”). Because these documents are protected by both the attorney-client privilege and the work product doctrine, the Court will not order their production. Although Plaintiff argued that any factual accounts given in those reports should be produced, the Court extensively questioned defense counsel at the hearing and is satisfied that no witnesses interviewed by in-house counsel gave written, recorded, sworn, or transcribed verbatim statements. As this Court has noted, “even attorney interview notes of fact witnesses (if any exist), which are inevitably funneled through the attorney-interviewers’ ears, minds, fingers and/or voices (if dictated), are also protected as work product and, thus, not discoverable.” *Lee*, 2024 WL 250064, at *4. *See In re General Motors LLC Ignition Switch Lit.*, 80 F.Supp.3d 521, 532 (S.D.N.Y. 2015) (“[i]nterview notes and memoranda produced in the course of ... internal investigations have long been considered classic attorney work product.”) As the Supreme Court has explained: “Forcing an attorney to disclose notes and memoranda of witnesses’ oral statements is particularly disfavored because it tends to reveal the attorney’s mental processes ...” *Upjohn*, 449 U.S. at 399, 101 S.Ct. 677 (citation omitted). *See also United States v. One Tract of Real Prop. Together With all Bldgs., Improvements, Appurtenances & Fixtures*, 95 F.3d 422, 427 (6th Cir. 1996); 6 *Moore’s Federal Practice* § 26.70[2][a] (Matthew Bender 3d ed.) (“Thus, while the facts themselves are not privileged, a chart or other compilation of facts may be protected as work product.”).² The Court confirmed that Plaintiff was provided with all of the names of the people interviewed by in-house counsel in the internal investigation, and, though she had the opportunity to depose them to obtain whatever factual information they had, she did not.

*3 • To the extent Plaintiff asked the Court to “[i]mpose sanctions under [Fed. R. Civ. P. 37(b) and Fed. R. Civ. P. 26(g)] ... [.]” such as assessing expenses and fees, deeming facts established, imposing an adverse inference / spoliation, imposing an evidentiary preclusion, deeming a privilege waived, or providing a warning of further sanctions, the motion is **DENIED**;

• To the extent Plaintiff asked the Court to “[d]irect Defendants to certify, under oath, the preservation and completeness of all ESI and hard-copy materials associated with departed custodians (Schoultz, Hurst, Blaser, McClellan, Posada, Heuser, and Martorell) and to describe their data-retention measures in writing[.]” the motion is **DENIED**, as that certification was given on the record in open court; and,

• To the extent Plaintiff sought an extension of the discovery period “to ensure Plaintiff receives a meaningful opportunity to review all compelled productions, conduct follow-up discovery, and complete depositions after compliance is achieved[.]” the motion is **DENIED**. For example, although Plaintiff claims to have requested depositions of Human Resources (HR) in September 2025, she never took a deposition, purportedly because she did not have related documents. She also never sought to compel that deposition at any time, let alone within the discovery period. Nonetheless, defense counsel confirmed that Plaintiff was given a list of those witnesses interviewed in the investigation, and, as the Court explained from the bench, although documents may be beneficial in deposing a witness, they are not absolutely necessary; indeed, a deposition may sometimes be used to *identify* documents to be sought in discovery, the revelation of which may occasionally become the basis for continuing a deposition. If Plaintiff was concerned about the completeness of personnel records produced to her, she was free to explore

the contents that she had been given and whether other material exists or should have been included in document productions by depositing the HR director or some other appropriate custodian. She did not avail herself of this opportunity.

Given the Court's denial of Plaintiff's motion, the Court has considered whether to require Plaintiff to pay Defendants their "reasonable expenses incurred in opposing the motion, including attorney's fees[.]" but the Court declines to do so, finding "the motion was substantially justified or other circumstances make an award of expenses unjust[.]" *Fed. R. Civ. P. 37(a)(5)*, particularly the need for the Court to engage in its *in camera* review. Plaintiff can hardly be faulted for making that request under these circumstances.

2. Defendants' motion (ECF No. 80) is GRANTED IN PART, DENIED IN PART, and DEEMED WITHDRAWN IN PART.

Upon consideration of the motion papers and the parties' arguments and representations at the hearing, and for all the reasons stated on the record by the Court, which are hereby incorporated by reference as though fully restated herein, Defendants' motion (ECF No. 80) is **GRANTED IN PART, DENIED IN PART, and DEEMED WITHDRAWN IN PART**. Preliminarily, the initial and amended scheduling orders provide: "Discovery shall be completed on or before the date set forth in the scheduling order. The court will not order discovery to take place subsequent to the discovery cutoff date." (ECF No. 14, PageID.81; ECF No. 41, PageID.257 (emphasis in original).) Judge Drain's and the Undersigned's Practice Guidelines contain similar provisions. (See www.mied.uscourts.gov.) Plaintiff served her responses to Defendants' second request to produce on October 23, 2025 (ECF No. 80-4), she was deposed on November 25, 2025, and the discovery deadline in this case was extended to December 5, 2025 (ECF No. 41, PageID.257.) Defendants have made no showing that it was impossible or impractical to have filed the December 23, 2025 motion before the close of discovery, nor did Defendants file a motion to extend discovery or otherwise demonstrate good cause for filing their motion outside of the discovery period. Therefore, the motion is **DENIED AS UNTIMELY**, except as specified below. See *Santifer v. Inergy Auto Sys., LLC*, No. 5:15-cv-11486, 2016 WL 4011268, at *2 (E.D. Mich. Jul. 27, 2016) (E.D. Mich. July 27, 2016) (requiring good cause for bringing a motion to compel after the close of discovery). Alternatively, as set forth in the prayer for relief:

*4 • To the extent Defendants seek production of "all documents and information concerning her use of third-party AI tools in connection with this lawsuit, as requested in Defendants' discovery requests," this request is **DENIED**, as the information sought is not discoverable. See *Fed. R. Civ. P. 26(b)(3)(A)* ("Ordinarily, a party may not *discover* documents and tangible things that are prepared in anticipation of litigation or for trial by another *party* or its representative") (emphases added). Moreover, it is not relevant, or, even if marginally relevant, is not proportional. See *Fed. R. Civ. P. 26(b)(1)*.³

• To the extent Defendants ask the Court to "[o]verrule[] Plaintiff's attorney–client privilege and work-product objections to the AI materials," or alternatively, "if the Court sustains any privilege or protection as to any item, require Plaintiff, within seven days, to serve a *Rule 26(b)(5)(A)*-compliant privilege log[.]" the request is **DENIED**. Even if this information were discoverable, it is subject to protection under the work-product doctrine, which Plaintiff is permitted to assert. See, e.g., *Systemes v. Childress*, No. 09-10534, 2013 WL 12181774 (E.D. Mich. Nov. 22, 2013) (Hluchaniuk, M.J.) (order granting in part and denying in part motion to quash subpoenas); *Anderson v. Furst*, No. 2:17-12676, 2019 WL 2284731, *4 (E.D. Mich. May 29, 2019) (Patti, M.J.) ("Plaintiff, as a *pro se* litigant, has a right to assert work product protection over such material."); see also *Fed. R. Civ. P. 26(b)(3)*. Moreover, to the extent Defendants argue that Plaintiff waived the work-product protection by using ChatGPT, the work-product waiver has to be a waiver *to an adversary* or in a way likely to get in an adversary's hand. *In re Columbia/HCA Healthcare Corp. Billing Pracs. Litig.*, 293 F.3d 289, 306 n.28 (6th Cir. 2002) (explaining differences in waiver of attorney–client privilege and work product protection); *Schanfield v. Sojitz Corp. of Am.*, 258 F.R.D. 211, 214 (S.D.N.Y. 2009) ("It is well-established that voluntary disclosure of confidential material to a third party waives any applicable attorney–client privilege."). See also *United States v. Am. Tel. & Tel. Co.*, 642 F.2d 1285, 1299 (D.C. Cir. 1980) ("while the mere showing of a voluntary disclosure to a third person will generally suffice to show waiver of the attorney–client privilege, it should not suffice in itself for waiver of the work product privilege."). And ChatGPT (and other generative AI programs) are *tools, not persons*, even if they may have administrators somewhere in the background. As Plaintiff noted in her response, Defendants' motion "asks the Court to compel Plaintiff's internal analysis and mental impressions—*i.e.*, her

thought process— rather than any existing document or evidence, which is not discoverable as a matter of law. The motion seeks intrusive post-discovery production based on speculation about what might exist in Plaintiff's internal drafting process, untethered from [Rule 26](#) relevance, disregarding the heightened protection afforded to opinion work product, and improperly attempting to manufacture a waiver where none exists. At its core, Defendants' request is a fishing expedition. ..." (ECF No. 86, PageID.917.) Additionally, the Court agrees with Plaintiff that the pursuit of this information is "a distraction from the merits of this case[.]" and that Defendants' theory, which is supported by no case law but only a Law360 article posing rhetorical questions,⁴ "would nullify work-product protection in nearly every modern drafting environment, a result no court has endorsed." (*Id.*, PageID.920, 930.)

*5 • To the extent Defendants ask the Court to compel Plaintiff "to execute HIPAA-compliant medical authorizations for the medical and mental-health providers Plaintiff identified in her deposition[.]" this request is **GRANTED**. Notwithstanding the untimeliness of this motion, pursuant to the Court's broad authority under [Fed. R. Civ. P. 1](#) and [Fed. R. Civ. P. 16\(a\)\(2\) & \(d\)](#), Plaintiff is required to produce signed HIPPA releases for Therapists Maria Yoo and Lemica Cox, and Dr. Shazia Kumar (*see* [ECF No. 80, PageID.818](#); [ECF No. 80-2, PageID.840](#) [pp. 23-24]) no later than **Thursday, February 12, 2026**. While Plaintiff claims that her prior attorney obtained these releases from her and would have given them to defense counsel, defense counsel represented that he did not receive them. Even a minimal amount of cooperation on Plaintiff's part could have avoided this portion of Defendants' motion to compel.

• To the extent Defendants seek an order requiring Plaintiff "to bear Defendants' reasonable expenses, including attorneys' fees, incurred in bringing this Motion, pursuant to [Rule 37\(a\)\(5\)](#)," the request was **WITHDRAWN** at the hearing.

(ECF No. 49, PageID.810-811.)

In the end, both sides of this dispute seek to obtain each other's thought processes, while shielding their opponent from discovery of their own. The Court will uphold the protections afforded the thought processes and litigation strategies of both sides and will order production of neither.

IT IS SO ORDERED.⁵

All Citations

--- F.Supp.3d ----, 2026 WL 373043

Footnotes

- 1 Plaintiff's "notice" ([ECF No. 68](#)) has been treated as a motion. The usual path to gaining relief from the Court is to file a motion, and notices are generally not permitted unless previously requested by the Court (*e.g.*, [ECF No. 51](#)); more often than not, they are stricken. Plaintiff is cautioned about filing notices going forward, as she has, on more than one occasion, filed unauthorized "notices" on the docket. (*See, e.g.*, [ECF No. 58, 68](#).) Also, Plaintiff's emergency supplement ([ECF No. 72](#)) was stricken pursuant to the Court's November 26, 2025 text-only order. Finally, at the February 5, 2026 motion hearing, the Court struck the non-joint statement ([ECF No. 89](#)) from the record.

- 2 This is in contrast with *government* documents protected by the *deliberative process privilege*, where factual summaries may be discoverable because they are not “deliberative.” See *EEOC v. Peoplemark, Inc.*, No. 1:08-cv-907, 2010 WL 748250, at *2 (W.D. Mich. Feb. 26, 2010).
- 3 Notably, the Court previously confirmed that Defendants have no evidence of Plaintiff having violated the protective order by uploading documents marked confidential onto an AI platform. (ECF No. 93, PageID.1002.) The Court also reviewed pertinent and highlighted portions of Plaintiff’s deposition transcript (ECF No. 80-2), which reveals an inordinate amount of questioning about Plaintiff’s use of AI, but again, no suggestion that she uploaded prohibited items. Defendants’ preoccupation with Plaintiff’s use of AI needs to abate.
- 4 See ECF No.80, PageID.825-826. But as Plaintiff points out, “no cited case orders the production of what Defendants seek here: a litigant’s internal mental impressions reformatted through software.” (ECF No. 86, PageID.933.)
- 5 The attention of the parties is drawn to Fed. R. Civ. P. 72(a), which provides a period of fourteen (14) days after being served with a copy of this order within which to file objections for consideration by the district judge under 28 U.S.C. § 636(b)(1).

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116 Cal.App.5th 619
Court of Appeal, Second District, California.
DIVISION ONE.

Peiman SHAYAN, Plaintiff and Appellant,

v.

Ebby SHAKIB, Defendant and Respondent.

B337559, B339376

|

Filed December 1, 2025

Editor's Note: This decision contains discussion of citation references that are incorrect or do not actually exist. These invalid citations appeared in the original court opinion and have been preserved as written since they are part of the official record. Any links to these invalid citations have been removed.

Background: Appeal was filed from decision of the Superior Court, Los Angeles County, No. 23STCV03714, [William F. Fahey](#), J., in a civil case. In addition to filing motion to dismiss the appeal, respondent filed motion to strike appellant's opening brief as sanction for conduct of appellant's attorney in including fabricated quotations from cited cases in the brief.

Holdings: The Court of Appeal held that:

conduct of appellant's attorney amounted to an unreasonable violation of the rules of the Court of Appeal, which required attorneys to assure that filings they signed did not falsely represent the holdings of cases, and thus sanctions were appropriate;

dismissal of appeal was not appropriate sanction for conduct of appellant's attorney; and

appropriate sanction for conduct of appellant's attorney was to order attorney to pay sanctions in amount of \$7,500 to clerk of the Court of Appeal, strike the opening brief, and require appellant to file corrected opening brief.

Motion to strike granted; monetary sanctions awarded.

Procedural Posture(s): On Appeal; Motion to Strike; Motion to Dismiss.

(Los Angeles County Super. Ct. No. 23STCV03714) ([William F. Fahey](#), Judge)

Attorneys and Law Firms

Farivar Law Firm and Fahim Farivar for Plaintiff and Appellant.

Murphy Rosen, [David Rosen](#), Santa Monica; Novian & Novian, [Farid Novian](#) and [Sean Raymond Bozarth](#), Santa Ana, for Defendant and Respondent.

[ROTHSCHILD](#), P. J., [BENDIX](#), J., [WEINGART](#), J.

ORDER

THE COURT:

***621 **356** It is undisputed that appellant's attorney, Fahim Farivar, filed a brief containing numerous fabricated quotations—that is, language falsely attributed to published decisions. By filing a brief that misrepresents legal authority, Farivar unreasonably violated longstanding rules of this court. Regardless of whether inaccuracies in a brief are the result of using artificial intelligence (AI) tools or some other drafting process, as Farivar and appellant argue occurred here, the signatory attorney is responsible for the content of the brief and subject to sanctions for inaccuracies it contains.

Accordingly, we grant respondent's motion to strike appellant Peiman Shayan's opening brief. In addition, on the court's own motion, we award monetary sanctions, payable to the court, against Farivar, and allow appellant to file a new brief.

A. The Parties' Arguments and Submissions

Respondent Ebby Shakib contends that attorney Farivar used AI in drafting appellant's opening brief, resulting in the brief “containing what are commonly referred to as [AI] ‘hallucinations’ ”—here, “made[-]up quotes ***622** from reported decisions.” Further, as respondent notes, appellant's opening brief quotes from “a transcript of a hearing in a different matter altogether” (italics omitted), strategically replacing with ellipses the portions of the quotation that would betray it is from a hearing in another case.¹ On these ****357** bases, respondent moved this court to strike the brief and dismiss the consolidated appeal as a sanction.

In opposing the motion, appellant does not dispute that these fabricated quotes appear in his opening brief. Instead, he refers to them as “clerical citation errors” and denies that they are the result of attorney Farivar using AI tools. Appellant contends that Farivar “personally retrieved and reviewed each authority [cited in the brief] in Westlaw, read the opinions in full, and confirmed their applicability to the propositions advanced.” According to appellant, the inaccuracies are the result, not of AI, but of Farivar's drafting process. Specifically, Farivar provided his “staff” with a draft brief containing “placeholders” of legal and record citations and “repeatedly instructed staff to ... either replace draft placeholders with verbatim transcript passages or published case language from Westlaw, supported by precise citations, or delete the line entirely if it could not be verified.” As a result, “a small number of paraphrase placeholders inadvertently remained in the final brief.”

As to the citation to a transcript from another matter, appellant explains that this, too, was an innocent mistake resulting from “portions of the transcript[] [in the other matter being] inadvertently included in the certified reporter's transcript provided to this court.” (Capitalization omitted.)

To support his characterization of the fabricated quotes, appellant offers the declaration of attorney Farivar, excerpts from Farivar's Westlaw history referencing the cases cited, and chat logs of communications between Farivar and his staff. He also offers a “quotation clarification and verification table” (capitalization omitted) providing, for “almost all of the” citations respondent describes as AI-hallucinations, the actual language contained in the authority ***623** cited. Appellant asks that, “[t]o the extent the court deems corrective measures appropriate” (capitalization omitted), we grant him “leave to file a corrected [opening brief] and/or to conform the brief exactly to the clarifications in” the table.

According to appellant, this table establishes that the 10 fabricated citations it identifies reflect only “minor difference(s) in wording, not substance [compared to the actual language in the authority cited], and the underlying authorities fully support the propositions advanced.” The table includes three distinct types of fabrications, and we disagree that appellant's characterization applies to any of them.

One type of fabricated citation uses words that appear in the decision from which the brief purports to quote, but put together in a way that does not appear in the decision. Another type uses language merely paraphrasing the decisions purportedly quoted. For example, the opening brief attributes the following quotation to *Berman v. Bromberg* (1997) 56 Cal.App.4th 936, 947, 65 Cal.Rptr.2d 777: “ ‘The sham pleading doctrine is not intended to prevent honest clarifications or refinements based on subsequent discovery or reflection.’ ” The language that actually appears in the case is: “The foregoing rule ‘is intended to prevent sham pleadings omitting an incurable defect in the case. However, “[r]ules of pleading are conveniences to promote justice and not to impede or warp it. We do not question the rule that all allegations of fact in a verified complaint, which are subsequently omitted or contradicted, are still binding on the complainant. The rule is valid and useful, but it does not exist in a vacuum and cannot be mechanically applied. It is a good rule to defeat abuses of the privilege ****358** to amend and to discourage sham and untruthful pleadings. It is not a rule, however, which is intended to prevent honest complainants from correcting erroneous allegations of generic terms which may have legal implications but which are also loosely used by laymen or to prevent the correction of ambiguous statements of fact.’ ” [Citation].” (*Berman, supra*, 56 Cal.App.4th at p. 946, 65 Cal.Rptr.2d 777.)

Yet another type of fabrication in the opening brief goes beyond the language that actually appears in the decision or any paraphrase thereof. For example, the opening brief attributes the following language to *Gogri v. Jack in the Box Inc.* (2008) 166 Cal.App.4th 255, 269-270, 82 Cal.Rptr.3d 629: “ ‘A partial disposition does not entitle the defendant to fees if the plaintiff subsequently dismisses the case. The dismissal eliminates the basis for prevailing party status.’ ” This *Gogri* decision—both generally and in the specific language from it that the “citation clarification and verification table” identifies as the basis for the fabricated quote—does not discuss or even mention fees or prevailing party status. (*Gogri, supra*, 166 Cal.App.4th at pp. 269–270, 82 Cal.Rptr.3d 629.) By any measure, all three types of fabricated quotations are more than mere “clerical citation errors.”

***624** Respondent filed a reply in response to appellant's opposition to the sanctions motion. The reply notes that appellant's opposition itself contains inaccurate representations of case holdings, something this court has confirmed. We permitted appellant to file supplemental materials—primarily additional records of Farivar's Westlaw research—as well as an additional opposition brief.

B. Farivar Has Committed Sanctionable Conduct

As interpreted recently in *People v. Alvarez* (2025) 114 Cal.App.5th 1115, 337 Cal.Rptr.3d 585 (*Alvarez*), the rules of this court impose on attorneys the obligation to assure that filings they sign do not falsely represent the holdings of cases. (See *Alvarez, supra*, at pp. 1119-1120, 337 Cal.Rptr.3d 585 [holding it is an “unreasonable violation of the Rules of Court” to “misrepresent[] the substance of cases in filings before this court”]; Cal. Rules of Court, rule 8.204(a)(1)(B) [requiring all assertions of law in brief be supported by citation to legal authority]; see also Code Civ. Proc., § 128.7, subd. (b)(2) [requiring “legal contentions” in a brief to be “warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law”]; *Noland v. Land of the Free, L.P.* (2025) 114 Cal.App.5th 426, 445, 336 Cal.Rptr.3d 897 (*Noland*) [concluding that “relying on fabricated legal authority is sanctionable” and rendered appeal frivolous].) The Rules of Professional Conduct impose a similar responsibility. (See Rules Prof. Conduct, rule 3.3(a)(2) [duty to not “knowingly misquote to a tribunal the language of a book, statute, decision or other authority”]; see also Bus. & Prof. Code, § 6068, subd. (d) [duty “never to seek to mislead the judge or any judicial officer by an artifice or false statement of fact or law”].)

The Fourth District in *Alvarez* and Division Three of this court in *Noland* each concluded that an attorney had unreasonably failed to comply with this obligation by filing briefs containing fabricated quotations (and in some instances, fabricated cases) that the attorneys admitted were AI-generated. (See *Alvarez, supra*, 114 Cal.App.5th 1115, 337 Cal.Rptr.3d 585; *Noland, supra*, 114 Cal.App.5th 426, 336 Cal.Rptr.3d 897.) We conclude Farivar has similarly failed to comply with this obligation, ****359** whether the fabricated citations in appellant's brief derive from Farivar's use of AI or from the editing process appellant and Farivar describe. We disagree with Farivar that we must reach a different conclusion because he declares he reviewed the cases cited. Regardless of whether Farivar read the cases cited and/or personally checked the accuracy of all citations in the brief, the rules of this court require him to present accurate, truthful representations of the facts and law to this court. This he did not do.

We further conclude that Farivar's conduct reflects an "unreasonable" violation of the rules of this court (Cal. Rules of Court, rule 8.276(a)(4)), and *625 thus a basis on which we may impose sanctions. (Cal. Rules of Court, rule 8.276(a).) In *Alvarez*, the court concluded the attorney's violation of the rules was unreasonable in part because he had knowingly provided the false statements of law at issue. (*Alvarez, supra*, 114 Cal.App.5th at pp. 1119-1120, 337 Cal.Rptr.3d 585.) The court inferred this state of mind from the attorney's admission that he relied solely on AI-tools to generate citations, because this involves an inherent risk that the tools will generate inaccurate statements of law. (See *ibid.*) Here, Farivar admits he relied solely on nonattorney staff, not to confirm the accuracy of citations and quotes, but to find case language and pin citations based on general "placeholder" paraphrases Farivar provided. This process involves an inherent risk that the staff will provide inaccurate language and, like the reliance on AI in *Alvarez*, supports an inference that he knowingly and unreasonably violated the rules. Farivar's additional mischaracterization of legal authority when responding to opposing counsel pointing out Farivar's misrepresentations in the opening brief further confirms this inference. Sanctions are, therefore, appropriate.

C. The Appropriate Sanction

We disagree with respondent, however, that dismissing the appeal is an appropriate sanction for Farivar's conduct.² Our inherent authority to impose this sanction "should be exercised only in extreme situations, such as where the conduct was clear and deliberate and no lesser sanction would remedy the situation." (*Crawford v. JPMorgan Chase Bank, N.A.* (2015) 242 Cal.App.4th 1265, 1271, 195 Cal.Rptr.3d 868.) We conclude that we can sufficiently address the prejudice to the parties and the court from Farivar's sanctionable conduct and sufficiently achieve the deterrent purpose of sanctions (see, e.g., Code Civ. Proc., § 128.7, subds. (b)(2), (c) & (h)) by doing the following:

First, Farivar shall pay sanctions in the amount of \$7,500 to the clerk of this court within 30 days after the remittitur is filed. We calculate this amount based on, inter alia: (1) the significant amount of time this court spent verifying the fabricated citations in the opening brief, and (2) that Farivar refused to accept responsibility for his conduct, instead characterizing the fabricated quotations and citations as mere "clerical citation errors" and continuing to misrepresent legal authority in his opposition to the sanctions motion.

Second, we strike appellant's opening brief and require appellant to file, within 10 days of the issuance of this order, a corrected opening brief. *626 Appellant's corrected brief may differ from the version originally filed only to the extent it corrects or omits the fabricated citations and quotations in the original version. Appellant shall file and serve both a final version **360 of the new brief as well as a redline version.

Finally, because we conclude attorney Farivar has violated a Rule of Professional Conduct, we are required to "take appropriate corrective action." (Cal. Code Jud. Ethics, canon 3D(2).) In line with this obligation, we direct the clerk of the court to serve a copy of this order on the State Bar.

We acknowledge and have considered that, as appellant argues, the majority of the fabricated quotes in the opening brief do not appear to be misrepresentations that work to appellant's advantage; that is, the brief does not represent the law to be more favorable to appellant's arguments than it actually is. Nonetheless, we must consider broader concerns about the integrity of the courts and the legal profession. Inaccurate citations in briefing—whether the result of technological hallucinations or human failure to verify—may be relied on in court decisions, "circulated, believed, and become 'fact' and 'law' in some minds. We all must guard against those instances.... 'There is no room in our court system for the submission of fake, hallucinated case citations, facts, or law....' [Citation.]" (*Noland, supra*, 114 Cal.App.5th at pp. 448-449, 336 Cal.Rptr.3d 897.)

IT IS SO ORDERED.

All Citations

116 Cal.App.5th 619, 339 Cal.Rptr.3d 354, 2025 Daily Journal D.A.R. 10,972

Footnotes

- 1 Specifically, in arguing the lower court was reluctant to grant appellant leave to amend his complaint, the opening brief purports to quote the court as saying the following: “ ‘Well, at best that would cure that one issue. But as I said at the outset, there are a number of other problems with your ... I'm not sure I would give you full leave to amend; but I'm going to take it under submission.’ (RT, 11/09/23, pp. 17:17–24.)” This quote, however, is from the transcript of a November 9, 2023 hearing in *DZCollections v. Abadi*, not this case. The complete quote reads as follows (the portions omitted in the appellant's opening brief are bolded): “The Court: Well, at best that would cure that one issue. But as I said at the outset, there are a number of other problems with your **cross-complaint, including lack of specificity on fraud. Negligent misrepresentation requires a particular duty. I'm not sure—well, conspiracy and an unjust enrichment are remedies**, so I'm not sure I would give you full leave to amend; but I'm going to take it under submission.” The instant matter involves neither a cross-complaint, nor fraud, nor conspiracy.
- 2 In an October 7, 2025 order, we denied respondent's motion to dismiss the consolidated appeal as a sanction. We explain that decision here.

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United States Court of Appeals, Third Circuit.

Stephen MCCARTHY, P.A., Petitioner

v.

UNITED STATES DRUG ENFORCEMENT ADMINISTRATION

No. 24-2704

|

Submitted Pursuant to Third Circuit L.A.R. 34.1(a) May 20, 2025

|

(Filed: March 27, 2026)

Synopsis

Background: Client petitioned for review from order issued by the Drug Enforcement Administration (DEA). After client's attorney filed opening and reply briefs, attorney disclosed, in response to order directing attorney to provide copies of the eight adjudications summarized in his opening brief, that he had obtained summaries from non-attorney who used artificial intelligence (AI) to generate them, and that seven summaries were inaccurate and one authority was hallucinated. The United States Court of Appeals for the Third Circuit ordered attorney to show cause why he should not be sanctioned.

Holdings: The Court of Appeals, [Chung](#), Circuit Judge, held that:

under Pennsylvania law, attorney did not violate duty of candor to the court by filing briefs misrepresenting DEA adjudications;

under Pennsylvania law, attorney did not violate duty of candor to the court when he failed to correct false statements made in his opening brief;

under Pennsylvania law, attorney did not violate duty of candor to the court when he stated in his reply brief that the erroneous authorities in his opening brief were cited in “good faith”;

attorney violated duty to provide competent representation to a client under Pennsylvania law, and as a result violated circuit disciplinary rule barring conduct violating rules of conduct of state that attorney is subject to; and

sanction of reprimand was appropriate.

Reprimand ordered.

[Roth](#), Circuit Judge, filed opinion concurring in part and dissenting in part.

Procedural Posture(s): Proceeding on Attorney Discipline.

On Petition for Review of an Order of the Drug Enforcement Administration, (Agency No. 23-40)

Attorneys and Law Firms

[Daniel A. Pallen](#), Esq., Media, PA, for Petitioner.

Administrator Drug Enforcement Administration, Drug Enforcement Administration, United States Department of Justice 1405, Washington, DC, Chief Counsel DEA, Esq., Springfield, VA, Anita Gay, Esq., United States Department of Justice, Asset Forfeiture Program, Washington, DC, for United States Drug Enforcement Administration.

Before: PHIPPS, CHUNG, and ROTH, Circuit Judges

OPINION OF THE COURT

CHUNG, Circuit Judge.

***247** An attorney submitted a brief to this Court which contained legal authority summarized and provided to him by a non-attorney. The attorney failed to verify the legal authority in any way. Unfortunately, the research contained myriad inaccuracies. Even after learning of the inaccuracies, the attorney neither read nor verified the existence of the authorities and, nonetheless, submitted another brief casting the mistakes as “immaterial.” Reply Br. 14. After submitting both briefs, the attorney confirmed his suspicion that the erroneous citations were generated by AI. Even so, he still neither read nor verified the existence of the cited authorities. To the contrary, the attorney made no attempt to remediate the situation until we ordered him to provide copies of the cited authorities and explain if or how he verified their accuracy. We conclude that this course of conduct violated this Court’s rules and will impose sanctions.

I. BACKGROUND

Daniel A. Pallen, Esq. (“Attorney”) represented the Appellant in *McCarthy v. United States Drug Enforcement Administration*, No. 24-2704. He is an attorney admitted to the bar of this Court and the Pennsylvania bar. See *McCarthy v. U.S. Drug Enforcement Admin.*, No. 24-2704, 2025 WL 2028399 (3d Cir. July 21, 2025). On September 30, 2024, Attorney filed the Opening Brief in that case. To support his argument that the Drug Enforcement Agency (“DEA”) acted inconsistently with its prior practice, he provided summaries of eight DEA adjudications. We now know that in including and preparing these summaries, Attorney relied on case overviews generated by AI and provided to him by a non-attorney. Attorney “modified some of the [provided] language for ease of reading and then simply incorporated the same into the brief” without verifying the existence or accuracy of the citations. He then submitted the brief under his signature as an officer of the court. The summaries for seven of the authorities were riddled with factual and legal inaccuracies, and one of the authorities simply did not exist. In its Response Brief, the Government catalogued these failures. Despite reading the response, Attorney did not check the citations.

Attorney then began preparing the Reply Brief. He still did not check the citations, even while suspecting that AI had been used by the non-attorney in providing suggestions to Attorney for both the Opening Brief and the Reply Brief.¹ Attorney filed the Reply Brief on February 6, 2025. In that brief and, again, having never checked the citations, he stated that the erroneous citations were part of “a good faith effort to chronicle Agency disparities, [and that there were] some immaterial misstatements about the cited cases’ tangential details.” Reply Br. 14. He further characterized the inaccuracies within the summaries and the non-existence of a cited adjudication as “minor discrepancies.” *Id.*

Attorney states that “[i]t was not until a few days later in mid-February 2025” that he “conclusively deduced that the citations and case descriptions made in the Opening Brief” had been generated by AI. ECF 56, Corrected Response to Order to Show Cause Dated July 21, 2025 (“Resp. to OSC”) 3. Upon realizing this, Attorney took no action whatsoever.

***248** On May 15, 2025, this Court ordered Attorney to provide copies of the eight adjudications summarized in the Opening Brief. It was at this point that Attorney finally checked the authorities, and discovered for himself the summaries’ inaccuracies and the fact that one cited adjudication did not exist. In response to our order, Attorney disclosed, for the first time, that the seven summaries were inaccurate and that one authority was hallucinated by AI. He further admitted that he first suspected AI

had been used in “early February 2025,” and that he confirmed that AI had been used to generate the underlying work product for the erroneous summaries in “mid-February 2025.” Resp. to Text Order 4.

We then ordered Attorney to show cause why he should not be sanctioned pursuant to the Third Circuit Rules of Attorney Disciplinary Enforcement (“Circuit Disciplinary Rules”). In response, Attorney conceded that his conduct violated our Circuit Disciplinary Rules and requested a hearing, which was held on August 11, 2025.

II. DISCUSSION

A. Violations of Disciplinary Rule 2.1

Pursuant to Third Circuit Disciplinary Rule 2.1(d), “[a] member of the bar of this Court may be disciplined by this Court as a result of ... conduct that violates the Rules of ... any state, territory, or commonwealth of the United States to which the respondent is subject.” Disciplinary Rule 2.1. Attorney is subject to the Pennsylvania Rules of Professional Conduct (“Pa. R.P.C.”).

1. Pa. R.P.C. 3.3, Duty of Candor to the Court

An attorney violates Pa. R.P.C. 3.3 by “knowingly [] ... mak[ing] a false statement of material fact or law to a tribunal or fail[ing] to correct a false statement of material fact or law previously made to the tribunal by the lawyer.” Pa. R.P.C. 3.3(a)(1). Attorney's conduct may have violated Pa. R.P.C. 3.3(a) in various ways.

First, in his Opening Brief, Attorney advanced a meritless legal argument in that the argument relied upon non-existent authority or was wholly unsupported by the adjudications cited. Specifically, the adjudications were misrepresented to, among other things, make it appear that the DEA imposed lesser sanctions than those actually imposed in those adjudications. This conduct may have violated Pa. R.P.C. 3.3(a) because Attorney misrepresented the facts and conclusions of the DEA adjudications. But Pa. R.P.C. 3.3 is violated only when an attorney “knowingly” makes a false statement. Pa. R.P.C. 3.3(a)(1). While Attorney misrepresented the legal authorities he cited, it is debatable whether he knew such statements were false as he failed to read the cases.²

*249 Second, when alerted to these errors in his Opening Brief, and despite his suspicions that the citations had been generated by AI, Attorney did not correct those statements and submitted *additional* mischaracterizations of the citations in his Reply Brief. Reply Br. 14 (stating summaries were “a good faith effort to chronicle Agency disparities, [and that there were] some immaterial misstatements about the cited cases' tangential details.”). Attorney thus may have violated Pa. R.P.C. 3.3(a)(1) when he failed to correct false statements made to the Court and when he asserted in his Reply Brief that the citations were “immaterial misstatements” and “minor discrepancies” about “tangential details.” Reply Br. 14. In fact, these errors were not immaterial. The summaries provided the primary support for Attorney's argument that the DEA's actions were arbitrary and capricious. As Attorney explained it, the summaries showed that the DEA “deviat[ed] from its prior practice” without justification. Opening Br. 35. This, according to Attorney, was an independently sufficient reason to vacate the DEA's decision. Opening Br. 25–26. Nonetheless, Pa. R.P.C. 3.3 may not be implicated here. Given that Attorney did not act with the normal diligence expected of an attorney, it is again debatable whether he knowingly failed to correct the false statements of fact and law contained in his Opening Brief. It is similarly debatable whether he made the mischaracterizations of his previous errors knowing they were false.

Finally, Attorney may also have violated Pa. R.P.C. 3.3(a) because he lacked any basis to state that the erroneous authorities in the Opening Brief were cited in “good faith.” We cannot conclude that Attorney did not know that the concept of “good faith” is inconsistent with presenting legal authority that he did not even verify existed. It is therefore likely that in submitting this assertion to the Court, Attorney knowingly made a false statement of fact to the tribunal. To violate Pa. R.P.C. 3.3(a)(1), however, the false statement must be one of a *material* fact. Attorney asserted his good faith when replying to an argument made by the DEA. In responding to that argument, Attorney's good faith was immaterial.

On the whole, while we are deeply troubled by Attorney's cavalier stance towards his various submissions to this Court, we do not find that he violated Pa. R.P.C. 3.3(a)(1).

2. Pa. R.P.C. 1.1, Duty to Provide Competent Representation to a Client

We caution, though, that Attorney's continued dereliction of minimal diligence implicates another Pa. R.P.C., namely Pa. R.P.C. 1.1. This rule requires an attorney to “provide competent representation to a client” and specifies that “[c]ompetent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.” Pa. R.P.C. 1.1. We conclude that Attorney's conduct violated R.P.C. 1.1 in that he failed to exercise the “thoroughness [] necessary for the representation” in this matter. This violation is a basis for discipline under Circuit Disciplinary Rules 2.1(d).

In the first instance, competent representation required that Attorney be so thorough as to check all the citations in his *250 Opening Brief before signing and filing it.³ This is especially the case given that the legal authorities and their substance were provided to him by a non-attorney.⁴ He chose not to check the cites, however. Later, when he was alerted to the inaccuracies in this brief, competent representation required that he be so thorough as to check the authorities in his Opening Brief (and Pa. R.P.C. 3.3 would then have required he submit appropriate corrections to the Court). He again chose not to do so. Unfortunately, Attorney's lack of diligence continued when he stated in his Reply Brief, wholly without basis, that his citations to these authorities were “immaterial misstatements” and “minor discrepancies” about “tangential details.” Reply Br. 14. Attorney's myriad failures led to all of the problems highlighted above. In light of this lack of thoroughness, we find that Attorney violated Pa. R.P.C. 1.1 and Circuit Disciplinary Rule 2.1(d).⁵

B. Sanctions

A panel of this Court “may impose any sanction other than suspension or disbarment.”⁶ Circuit Disciplinary Rule 4.1. “Discipline may consist of ... monetary sanction, removal from the roster of attorneys eligible for appointment as Court-appointed counsel, reprimand, or any other sanction that the Court or a panel thereof may deem appropriate.” Circuit Disciplinary Rule 3.1.

Here, Attorney has wasted the time and resources of this Court and the Government due to his failure to verify, at multiple *251 points in time, authorities that he submitted to this Court; his doubling-down on that conduct by submitting *yet another brief* in which he characterized his complete lack of legal research as a “good faith effort;” his characterization of the misrepresentations as “immaterial” and related to “tangential details,” although having never read the authorities and having no basis to make such assertions, Reply Br. 14; and his failure to timely verify and report his knowledge of inaccuracies.

Moreover, Attorney has harmed his credibility with this Court. As Attorney signed his brief and submitted it as an officer of the Court, this Court initially credited Attorney with earnest, but mistaken, efforts in offering legal authority to this Court. It was highly disappointing to learn that Attorney's status as an officer of the Court did not prevent him from blindly submitting erroneous authority and to learn that this Court's confidence in him was misplaced.

On one hand, Attorney's conduct is somewhat mitigated by the actions he took after our show-cause order. Attorney has displayed sincere contrition. He has been forthcoming and admitted his many failures to this Court without minimizing his conduct. Attorney also states that he has taken corrective measures to prevent a similar incident from occurring in the future. On the other hand, the mitigating force of Attorney's remedial conduct is lessened by the fact that he only made such efforts *after* we issued the show cause order. That he was not already verifying the accuracy of all citations in his briefs is itself concerning.

In considering sanctions, we also find mitigating the fact that this Court has not yet addressed the failure of attorneys to use AI with appropriate guardrails.⁷ While Attorney had ample reason to question the reliability of the authorities he submitted, and arguably had reason to know the pitfalls of AI,⁸ this Court has not yet had the opportunity to speak on the issue and emphasize that, when using AI, litigants must still strictly adhere to all rules of professional conduct. Moreover, we are mindful that in issuing the show cause order, this Court did not ask Attorney to address Pa. R.P.C. 1.1.⁹ While our Circuit Disciplinary Rules do not require us to notify an attorney of each rule that may have been violated, *see* Circuit Disciplinary Rule 4.1 (requiring only that an attorney be notified of “the alleged conduct which may justify the imposition of discipline”), we nonetheless find Attorney's lack of opportunity to address this rule to be a mitigating factor in deciding what discipline to impose.

Considering the above, the Court will impose the sanction of a reprimand. Pursuant *252 to our Disciplinary Rules, “the Clerk will notify ... all other courts before whom [Attorney] is admitted to practice and the National Disciplinary Data Bank” of this discipline and provide them with a copy of the opinion imposing this discipline. Circuit Disciplinary Rule 12. Had this not been our first opportunity to address the use of AI, and had we given notice that we would consider whether Attorney's conduct violated Pa. R.P.C. 1.1, it is likely that monetary sanctions would have been imposed here. As this precedent has now been set, the first mitigating factor will not apply in the future and violators may well face any of the sanctions available per Circuit Disciplinary Rules 4.1-4.2.

Our decision is neither a critique nor a comment upon Attorney's reliance on others in conducting research, nor the use of AI generally. With proper supervision and vetting, both may be helpful to an attorney. Nor are perfect summaries and citations needed to avoid sanctions. Mistakes do happen. Our decision to impose sanctions is due to Attorney's overall conduct over the course of months. Had he checked the citations upon receiving the Government's brief and then informed us that the citations were inaccurate, our decision today would be different. Had he taken reasonable efforts to ensure the reliability of his Opening Brief in the first place, we would not be here at all.

III. CONCLUSION

For the foregoing reasons, Mr. Pallen will be sanctioned accordingly.

ROTH, Circuit Judge, concurring in part and dissenting in part.

Although I agree with my colleagues that Daniel Pallen's (Attorney) violations of Pa. R.P.C. 1.1 and Circuit Disciplinary Rule 2.1(d) warrant sanctions, I write separately because I would have imposed sanctions more severe than the Majority deems appropriate. In my view, the Majority incorrectly attaches an inapplicable standard of culpability to Pa. R.P.C. 3.3(a)(1)—a rule which Attorney violated on at least two occasions. The sanctionable conduct is not merely Attorney's filing of a brief with incorrect and hallucinated citations, but also his subsequent actions, inactions, and lack of candor that continued until he was eventually held accountable by this Court.

I. Attorney Violated Pa. R.P.C. 3.3(a)(1) Because He Falsely Asserted Legal Arguments Without a Belief Based on a Reasonably Diligent Inquiry

The Majority hesitates to conclude that Attorney violated Pa. R.P.C. 3.3(a)(1) because they are unsure whether he knew the AI-generated case summaries and analyses asserted in his Opening Brief were false. I agree with the Majority that a knowing standard of culpability would apply to any *factual assertions* within the Opening Brief.¹ However, the Majority need only read the comments to Pa. R.P.C. 3.3 to see that the Pennsylvania Supreme Court distinguishes *facts* relevant to a client's case—for which a knowingly standard of culpability would apply—from *legal argument* in support thereof:

An advocate is responsible for pleadings and other documents prepared for litigation, but is usually not required to have personal knowledge of matters asserted therein, for litigation documents ordinarily present assertions by the client, *253 or by someone on the client's behalf, and not assertions by the lawyer. Compare Rule 3.1. **However, an assertion purporting to be on the lawyer's own knowledge, as in an affidavit by the lawyer or in a statement in open court, may properly be made only when the lawyer knows the assertion is true or believes it to be true on the basis of a reasonably diligent inquiry.**²

Within the same Rules of Professional Conduct, the Pennsylvania Supreme Court recognizes that analysis of precedent is a legal skill covered under an attorney's duty of competence.³ While Attorney was not required to have first-hand knowledge of every facet of his client's factual history, the Pennsylvania Rules of Professional Conduct prohibited him from blindly accepting his client's legal research as accurate. If Attorney wanted to demonstrate the DEA's "lack of reasoned decision-making" and use prior caselaw to explain that the agency "acted arbitrarily and capriciously," his reasoning must have been purported on his own knowledge.⁴

The relevant analysis under [Pa. R.P.C. 3.3\(a\)](#) is not whether Attorney knew he was including miscited and hallucinated caselaw in his Opening Brief. Rather, the question is whether Attorney knew his analyses of the cases were true, or *at minimum* whether he believed those analyses were true based on a reasonably diligent inquiry.⁵ Yet Attorney never conducted any inquiry whatsoever. Instead, he incorporated his client's AI-generated legal research into the Opening Brief without checking the veracity (or even existence) of those cases. Such conduct squarely violates [Rule 3.3\(a\)\(1\)](#).

II. Attorney's Actions After Receiving Notice of His Mistakes in the Opening Brief Are More Egregious Than Mere Mistakes

Had Attorney's violations been limited to incorrect citations, I would be more inclined to agree with my colleagues about the severity of the sanctions imposed. I am troubled, however, by Attorney's conduct after the government spent four pages of its Response Brief discussing the errors for each of the eight incorrect citations. This would have been the opportune time for Attorney to recognize and remedy his mistakes.

Instead of acknowledging the errors made in his Opening Brief, Attorney put his nose in the air and accused the government of "disregard[ing] the forest for the trees."⁶ A defense of mischaracterized caselaw, like an analysis of precedent, is a legal skill. When Attorney dismissed his erroneous caselaw analyses as "some immaterial misstatements about the cited cases' tangential details," he was required under [Pa. R.P.C. 3.3\(a\)](#) to know that his statements were true, or believe them to be true after conducting a reasonably diligent inquiry.⁷ It is difficult to understand how Attorney could defend the truth of his statements when he never bothered to read the cases, even after filing his Reply Brief. Accordingly, Attorney's statements in defense of his miscited and hallucinated *254 caselaw in his Reply Brief constitute additional violations of [Pa. R.P.C. 3.3\(a\)](#).

Yes, mistakes do happen.⁸ Yet even if we call Attorney's initial lapse of judgment a mistake, we should not say the same about Attorney's actions after the government put him on notice in its Response Brief. Attorney confirmed in early February 2025—shortly after filing his Reply Brief on February 6, 2025—that his client had used AI to generate the research, including the erroneous caselaw in his Opening Brief. But Attorney chose to sit on his hands. The Majority adequately described why Attorney's conduct violated [Pa. R.P.C. 1.1](#) and Circuit Disciplinary Rule 2.1(d). However, attorneys practicing before this

Court should not be permitted to stick their heads in the sand and pray that ignorance will preclude them from upholding their professional responsibilities.

III. This Court Does Not Need to Warn Attorneys to Use Artificial Intelligence Responsibly

Finally, I write to comment on the Majority's hesitation to impose monetary sanctions because we have not yet addressed the use of AI in a precedential opinion.⁹ We need not explicitly forewarn against improper AI use when it falls within the strictures on legal argument of [Pa. R.P.C. 3.3](#). Moreover, we can take notice of the numerous courts across the country that have already addressed attorneys' obligation to take ownership over their work product. We have seen federal appellate courts admonish attorneys for filing briefs with hallucinated cases.¹⁰ We have seen federal district courts—including within this Circuit—discipline attorneys for not checking work provided to them by clients.¹¹ We have seen state courts sanction lawyers for blindly relying on generative-AI to conduct caselaw research.¹² What's more, such lapses in judgment are no longer confined to the legal community, as publications by national media broadcast these errors to the public.¹³

Although Attorney did not ask for leniency on this ground, the Majority appears to adopt the reasoning of an attorney who filed briefing with fake caselaw hallucinated by an AI-program before the United States Court of Appeals for the Second Circuit. In [Park v. Kim](#), the attorney argued that she should not be sanctioned because the court had not yet issued guidance advising lawyers to exercise *255 caution when utilizing artificial intelligence.¹⁴ The *Park* court correctly rejected that argument, emphasizing that a rule about artificial intelligence use “is not necessary to inform a licensed attorney, who is a member of the bar of this Court, that she must ensure that her submissions to the Court are accurate.”¹⁵

My comments should not be taken to persuade against the use of AI. I agree with my colleagues that such technology may be useful when used with proper supervision and vetting. But punishing an attorney for failure to verify information obtained from AI is consistent with the standard to which attorneys historically have been held. No forewarning is necessary when it is clear what standard the attorney was required to follow. The ethical practice of the law is innate in the responsibilities of each practicing attorney. It needs no reminder as each case is accepted and resolved.

All Citations

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Footnotes

- 1 At the beginning of the show cause hearing, we reminded Attorney of his obligation of confidentiality to his client before he spoke or answered questions. See [Pennsylvania Rules of Professional Conduct 1.6](#). In coming to our decision here, we need not rely on any communications he had with his client and will not refer to them.
- 2 Pennsylvania law suggests that reckless conduct may violate [Pa. R.P.C. 3.3\(a\)](#) and Attorney's continued failure to verify the citations and subsequent affirmative mischaracterizations was plausibly reckless in view of his knowledge that a non-attorney provided the content to him and his suspicion that such content had been AI-generated. See [Off. of Disciplinary Couns. v. Wrona](#), 589 Pa. 337, 908 A.2d 1281, 1288 (2006) (finding, among other rules, that [Pa. R.P.C. 3.3](#) was violated when attorney acted recklessly); [id.](#) (appearing to adopt reckless standard without specifically addressing *mens rea* required). Because the text of Pa. R.P.C. specifies knowing conduct, and because the Pennsylvania Supreme Court has not spoken to specifically say otherwise, we will not adopt a reckless standard here.

Our dissenting colleague highlights the applicability of [Pa. R.P.C. 3.3\(a\)](#) Explanatory Comment 3 (Representations of a Lawyer). We read that comment to be concerned with a lawyer's statements of fact and we read Explanatory Comment 4 (Legal Argument) to be concerned with statements of law. See also [Off. of Disciplinary Couns. v. Price](#), 557 Pa. 166, 732 A.2d 599, 603-04 (1999) (analyzing Comment 3 in the context of a lawyer's statements of material fact).

- 3 In examining substantially identical rules, courts have routinely found that the failure to verify the veracity and authenticity of citations violates an attorney's duty to provide thorough and competent representation. See [In re Martin](#), 670 B.R. 636, 648 (Bankr. N.D. Ill. 2025) (pursuant to ABA Model [Rule 1.1](#) attorneys have an “ethical obligations ... to review whatever cases they cite”); [Benjamin v. Costco Wholesale Corp.](#), 779 F. Supp. 3d 341, 349 (E.D.N.Y. 2025) (plaintiff's attorney violated [New York Rules of Professional Conduct Rule 1.1](#) where she did not review AI generated research); [Dehghani v. Castro](#), 782 F. Supp. 3d 1051, 1060 (D.N.M. 2025) (“[a] lawyer's failure to verify generative AI outputs can implicate” Texas Rules of Professional Conduct Rule 1.1); [Puerto Rico Soccer League NFP, Corp. v. Federacion Puertorriquena de Futbol](#), No. CV 23-1203 (RAM), 2025 WL 1080732, *3 (D.P.R. Apr. 10, 2025) (plaintiffs' attorneys violated ABA Model [Rule 1.1](#) where they provided a “litany of inaccurate information” to the court and provided citations to caselaw that were either incorrect or did not exist); [Robert Thackston v. Daniel P. Driscoll, Secretary of the Army](#), No. SA-24-CV-00276-FB-ESC, 2025 WL 2715267, *5 (W.D. Tex. Aug. 28, 2025) (same); [Hall v. Acad. Charter Sch.](#), No. 2:24-CV-08630-JMW, 2025 WL 2256653, *1 (E.D.N.Y. Aug. 7, 2025) (same); [Davis v. Marion Cnty. Superior Ct. Juv. Det. Ctr.](#), No. 1:24-CV-01918-JRS-MJD, 2025 WL 2502308, *5 (S.D. Ind. Sept. 2, 2025) (same).
- 4 Cf. [Pa. R.P.C. 5.3](#) “Responsibilities Regarding Nonlawyer Assistance,” cmt. 3 (advising that “a lawyer must make reasonable efforts to ensure that the services [of a nonlawyer] are provided in a manner that is compatible with the lawyer's professional obligations. The extent of this obligation will depend upon the circumstances, including the education, experience and reputation of the nonlawyer; [and] the nature of the services involved” and referencing [Pa. R.P.C. 1.1](#), among other Pa. R.P.C.s.)
- 5 This Court also alerted Attorney that it would consider whether his conduct violated Circuit Disciplinary Rule 2.1(e) (providing for discipline based upon conduct “unbecoming a member of the bar of this Court”) and the hearing in this matter touched upon whether Attorney's conduct implicated Local Appellate Rules 28.4 and 46.4 (requiring signature), as informed by [Fed. R. Civ. P. 11](#). We do not reach that issue here as we find [Pa. R.P.C. 1.1](#) and Circuit Disciplinary Rule 2.1(d) adequately address Attorney's conduct.
- 6 Suspension or disbarment may be imposed by this Court's Standing Committee on Attorney Discipline. See Circuit Disciplinary Rules 4.1, 4.2.
- 7 With the rapid advancement of this technology, there have been missteps by a variety of participants in the legal system, from junior members of the bar to judges themselves. It is incumbent upon all participants to adhere to professional standards governing their work. See, e.g., Jud. Conf. Comm. on Codes of Conduct, Guidance for Ethical Use of AI in the Judiciary, Section F “Accountability, accuracy, and the need for verification” (February 2, 2026) (citing Code of Conduct, Canon 3B and Judiciary's Interim Guidance, III(A)(4)).
- 8 Two years ago, an attorney submitting fake cases generated by AI was described as “unprecedented.” [Mata v. Avianca, Inc.](#), 678 F. Supp. 3d 443, 461 (S.D.N.Y. 2023). Unfortunately, that is no longer the case. See, e.g., [Johnson v. Dunn](#), 792 F.Supp.3d 1241, 1256-57 (N.D. Ala. 2025) (compiling cases involving fabricated authorities).
- 9 When this Court issued the Order to Show Cause, it was under the misimpression that, when Attorney confirmed that AI had been used to draft portions of the Opening Brief, he also confirmed that the summaries were incorrect and that one authority did not exist. Accordingly, the Court's focus was Attorney's duty of candor to the Court in not disclosing those errors.
- 1 See [Pa. R.P.C. 3.3\(a\)\(1\)](#) (“A lawyer shall not *knowingly* make a false statement of material 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[.]”) (emphasis added).

- 2 Pa. R.P.C. 3.3 cmt. 3 (emphasis added).
- 3 See Pa. R.P.C. 1.1 cmt. 2.
- 4 Opening Br. 35.
- 5 See *Off. Of Disciplinary Couns. v. Price*, 557 Pa. 166, 732 A.2d 599, 605 (1999) (holding that an attorney violated Pa. R.P.C. 3.3(a)(1) because he “relied on rumors, innuendo and his own perceptions” instead of “conducting a reasonably diligent inquiry into the accuracy of his statements.”).
- 6 Reply Br. 14.
- 7 Reply Br. 14.
- 8 See Maj. Op. 251.
- 9 *Supra* Maj. Op. 251.
- 10 See *Park v. Kim*, 91 F.4th 610, 613–15 (2d Cir. 2024); *Grant v. City of Long Beach*, 96 F.4th 1255, 1257 (9th Cir. 2024).
- 11 See, e.g., *Bevins v. Colgate-Palmolive Co.*, No. 25-cv-576, 2025 WL 1085695, at *7 (E.D. Pa. Apr. 10, 2025); *Bunce v. Visual Tech. Innovations, Inc.*, No. 23-cv-1740, 2025 WL 662398, at *3–4 (E.D. Pa. Feb. 27, 2025).
- 12 See, e.g., *Ader v. Ader*, 87 Misc.3d 1213(A), 2025 WL 2831332, at *3–4 (N.Y. Sup. Ct. Oct. 1, 2025); *Smith v. Farwell*, No. 2282CV01197, 2024 WL 4002576, at *4–5, *7 (Mass. Dist. Ct. Feb. 15, 2024).
- 13 See, e.g., Larry Neumeister, *Lawyers submitted bogus case law created by ChatGPT. A judge fined them \$5,000*, ASSOCIATED PRESS (June 22, 2023), <https://apnews.com/article/artificial-intelligence-chatgpt-fake-case-lawyers-d6ae9fa79d0542db9e1455397aef381c> [<https://perma.cc/8KRK-6VUW>]; Benjamin Weiser and Jonah E. Bromwich, *Michael Cohen Used Artificial Intelligence in Feeding Lawyer Bogus Cases*, N.Y. TIMES (Dec. 29, 2023), <https://www.nytimes.com/2023/12/29/nyregion/michael-cohen-ai-fake-cases.html> [<https://perma.cc/ZNY2-B9HA>]; Michael Lee, *Lawyer in hot water after using AI to present made up information: ‘incompetent’*, FOX (Feb. 7, 2024), <https://www.foxnews.com/us/lawyer-hot-water-after-using-ai-present-made-up-information-incompetent> [<https://perma.cc/64BZ-9U7D>].
- 14 *Park*, 91 F.4th at 613–15.
- 15 *Park*, 91 F.4th at 615 (emphasis omitted).

Rule 1.1 Competence
(Redline Comparison of the Proposed Rule to the Current Rule)

- (a) A lawyer shall not intentionally, recklessly, with gross negligence, or repeatedly fail to perform legal services with competence.
- (b) For purposes of this rule, “competence” in any legal service shall mean to apply the (i) learning and skill, and (ii) mental, emotional, and physical ability reasonably* necessary for the performance of such service.
- (c) If a lawyer does not have sufficient learning and skill when the legal services are undertaken, the lawyer nonetheless may provide competent representation by (i) associating with or, where appropriate, professionally consulting another lawyer whom the lawyer reasonably believes* to be competent, (ii) acquiring sufficient learning and skill before performance is required, or (iii) referring the matter to another lawyer whom the lawyer reasonably believes* to be competent.
- (d) In an emergency a lawyer may give advice or assistance in a matter in which the lawyer does not have the skill ordinarily required if referral to, or association or consultation with, another lawyer would be impractical. Assistance in an emergency must be limited to that reasonably* necessary in the circumstances.

Comment

[1] The duties set forth in this rule include the duty to keep abreast of the changes in the law and its practice, including the benefits and risks associated with relevant technology, including artificial intelligence.

~~[2]~~ [2] When using technology, including artificial intelligence, a lawyer must independently review, verify, and exercise professional judgment regarding any output generated by the technology that is used in connection with representing a client.

[3] This rule addresses only a lawyer’s responsibility for his or her own professional competence. See rules 5.1 and 5.3 with respect to a lawyer’s disciplinary responsibility for supervising subordinate lawyers and nonlawyers.

~~[3]~~ [4] See rule 1.3 with respect to a lawyer’s duty to act with reasonable* diligence.

Rule 1.4 Communication with Clients
(Redline Comparison of the Proposed Rule to the Current Rule)

- (a) A lawyer shall:
- (1) promptly inform the client of any decision or circumstance with respect to which disclosure or the client's informed consent* is required by these rules or the State Bar Act;
 - (2) reasonably* consult with the client about the means by which to accomplish the client's objectives in the representation;
 - (3) keep the client reasonably* informed about significant developments relating to the representation, including promptly complying with reasonable* requests for information and copies of significant documents when necessary to keep the client so informed; and
 - (4) advise the client about any relevant limitation on the lawyer's conduct when the lawyer knows* that the client expects assistance not permitted by the Rules of Professional Conduct or other law.
- (b) A lawyer shall explain a matter to the extent reasonably* necessary to permit the client to make informed decisions regarding the representation.
- (c) A lawyer may delay transmission of information to a client if the lawyer reasonably believes* that the client would be likely to react in a way that may cause imminent harm to the client or others.
- (d) A lawyer's obligation under this rule to provide information and documents is subject to any applicable protective order, non-disclosure agreement, or limitation under statutory or decisional law.

Comment

[1] A lawyer will not be subject to discipline under paragraph (a)(3) of this rule for failing to communicate insignificant or irrelevant information. (See Bus. & Prof. Code, § 6068, subd. (m).) Whether a particular development is significant will generally depend on the surrounding facts and circumstances. For example, a lawyer's receipt of funds on behalf of a client requires communication with the client pursuant to rule 1.15, paragraphs (d)(1) and (d)(4) and ordinarily is also a significant development requiring communication with the client pursuant to this rule.

[2] A lawyer may comply with paragraph (a)(3) by providing to the client copies of significant documents by electronic or other means. This rule does not prohibit a lawyer from seeking recovery of the lawyer's expense in any subsequent legal proceeding.

[3] Paragraph (c) applies during a representation and does not alter the obligations applicable at termination of a representation. (See rule 1.16(e)(1).)

[4] This rule is not intended to create, augment, diminish, or eliminate any application of the work product rule. The obligation of the lawyer to provide work product to the client shall be governed by relevant statutory and decisional law.

[5] When a lawyer's use of technology, including artificial intelligence, presents a significant risk or materially affects the scope, cost, manner, or decision-making process of representation, the lawyer must communicate sufficient information regarding the use of technology to permit the client to make informed decisions regarding the representation. A lawyer must evaluate their communication obligations throughout the representation based on the facts and circumstances, including the novelty of the technology, risks associated with the use of the technology, scope of the representation, and sophistication of the client.

Rule 1.6 Confidential Information of a Client
(Redline Comparison of the Proposed Rule to the Current Rule)

- (a) A lawyer shall not reveal information protected from disclosure by Business and Professions Code section 6068, subdivision (e)(1) unless the client gives informed consent,* or the disclosure is permitted by paragraph (b) of this rule.
- (b) A lawyer may, but is not required to, reveal information protected by Business and Professions Code section 6068, subdivision (e)(1) to the extent that the lawyer reasonably believes* the disclosure is necessary to prevent a criminal act that the lawyer reasonably believes* is likely to result in death of, or substantial* bodily harm to, an individual, as provided in paragraph (c).
- (c) Before revealing information protected by Business and Professions Code section 6068, subdivision (e)(1) to prevent a criminal act as provided in paragraph (b), a lawyer shall, if reasonable* under the circumstances:
 - (1) make a good faith effort to persuade the client: (i) not to commit or to continue the criminal act; or (ii) to pursue a course of conduct that will prevent the threatened death or substantial* bodily harm; or do both (i) and (ii); and
 - (2) inform the client, at an appropriate time, of the lawyer’s ability or decision to reveal information protected by Business and Professions Code section 6068, subdivision (e)(1) as provided in paragraph (b).
- (d) In revealing information protected by Business and Professions Code section 6068, subdivision (e)(1) as provided in paragraph (b), the lawyer’s disclosure must be no more than is necessary to prevent the criminal act, given the information known* to the lawyer at the time of the disclosure.
- (e) A lawyer who does not reveal information permitted by paragraph (b) does not violate this rule.

Comment

Duty of confidentiality

[1] Paragraph (a) relates to a lawyer’s obligations under Business and Professions Code section 6068, subdivision (e)(1), which provides it is a duty of a lawyer: “To maintain inviolate the confidence, and at every peril to himself or herself to preserve the secrets, of his or her client.” A lawyer’s duty to preserve the confidentiality of client information involves public policies of paramount importance. (*In Re Jordan* (1974) 12 Cal.3d 575, 580 [116 Cal.Rptr. 371].) Preserving the confidentiality of client information contributes to the trust that is the hallmark of the lawyer-client relationship. The client is thereby encouraged to seek legal assistance and to communicate fully and frankly with the lawyer even as to embarrassing or detrimental subjects. The lawyer needs this information to represent the client effectively and, if necessary, to advise the client to refrain from wrongful conduct. Almost without exception, clients come to

lawyers in order to determine their rights and what is, in the complex of laws and regulations, deemed to be legal and correct. Based upon experience, lawyers know* that almost all clients follow the advice given, and the law is upheld. Paragraph (a) thus recognizes a fundamental principle in the lawyer-client relationship, that, in the absence of the client's informed consent,* a lawyer must not reveal information protected by Business and Professions Code section 6068, subdivision (e)(1). (See, e.g., *Commercial Standard Title Co. v. Superior Court* (1979) 92 Cal.App.3d 934, 945 [155 Cal.Rptr.393].)

[2] For purposes of this rule, "reveal" includes exposing confidential information to technological systems, including artificial intelligence tools, where such exposure creates a material risk that the information may be accessed, retained, or used, whether by the technological system or another user of that technological system, in a manner inconsistent with the lawyer's duty of confidentiality.

Lawyer-client confidentiality encompasses the lawyer-client privilege, the work-product doctrine and ethical standards of confidentiality

[23] The principle of lawyer-client confidentiality applies to information a lawyer acquires by virtue of the representation, whatever its source, and encompasses matters communicated in confidence by the client, and therefore protected by the lawyer-client privilege, matters protected by the work product doctrine, and matters protected under ethical standards of confidentiality, all as established in law, rule and policy. (See *In the Matter of Johnson* (Rev. Dept. 2000) 4 Cal. State Bar Ct. Rptr. 179; *Goldstein v. Lees* (1975) 46 Cal.App.3d 614, 621 [120 Cal.Rptr. 253].) The lawyer-client privilege and work-product doctrine apply in judicial and other proceedings in which a lawyer may be called as a witness or be otherwise compelled to produce evidence concerning a client. A lawyer's ethical duty of confidentiality is not so limited in its scope of protection for the lawyer-client relationship of trust and prevents a lawyer from revealing the client's information even when not subjected to such compulsion. Thus, a lawyer may not reveal such information except with the informed consent* of the client or as authorized or required by the State Bar Act, these rules, or other law.

Narrow exception to duty of confidentiality under this rule

[34] Notwithstanding the important public policies promoted by lawyers adhering to the core duty of confidentiality, the overriding value of life permits disclosures otherwise prohibited by Business and Professions Code section 6068, subdivision (e)(1). Paragraph (b) is based on Business and Professions Code section 6068, subdivision (e)(2), which narrowly permits a lawyer to disclose information protected by Business and Professions Code section 6068, subdivision (e)(1) even without client consent. Evidence Code section 956.5, which relates to the evidentiary lawyer-client privilege, sets forth a similar express exception. Although a lawyer is not permitted to reveal information protected by section 6068, subdivision (e)(1) concerning a client's past, completed criminal acts, the policy favoring the preservation of human life that underlies this exception to the duty of confidentiality and the evidentiary privilege permits disclosure to prevent a future or ongoing criminal act.

Lawyer not subject to discipline for revealing information protected by Business and Professions Code section 6068, subdivision (e)(1) as permitted under this rule

[45] Paragraph (b) reflects a balancing between the interests of preserving client confidentiality and of preventing a criminal act that a lawyer reasonably believes* is likely to result in death or substantial* bodily harm to an individual. A lawyer who reveals information protected by Business and Professions Code section 6068, subdivision (e)(1) as permitted under this rule is not subject to discipline.

No duty to reveal information protected by Business and Professions Code section 6068, subdivision (e)(1)

[56] Neither Business and Professions Code section 6068, subdivision (e)(2) nor paragraph (b) imposes an affirmative obligation on a lawyer to reveal information protected by Business and Professions Code section 6068, subdivision (e)(1) in order to prevent harm. A lawyer may decide not to reveal such information. Whether a lawyer chooses to reveal information protected by section 6068, subdivision (e)(1) as permitted under this rule is a matter for the individual lawyer to decide, based on all the facts and circumstances, such as those discussed in Comment [6] of this rule.

Whether to reveal information protected by Business and Professions Code section 6068, subdivision (e) as permitted under paragraph (b)

[67] Disclosure permitted under paragraph (b) is ordinarily a last resort, when no other available action is reasonably* likely to prevent the criminal act. Prior to revealing information protected by Business and Professions Code section 6068, subdivision (e)(1) as permitted by paragraph (b), the lawyer must, if reasonable* under the circumstances, make a good faith effort to persuade the client to take steps to avoid the criminal act or threatened harm. Among the factors to be considered in determining whether to disclose information protected by section 6068, subdivision (e)(1) are the following:

- (1) the amount of time that the lawyer has to make a decision about disclosure;
- (2) whether the client or a third-party has made similar threats before and whether they have ever acted or attempted to act upon them;
- (3) whether the lawyer believes* the lawyer's efforts to persuade the client or a third person* not to engage in the criminal conduct have or have not been successful;
- (4) the extent of adverse effect to the client's rights under the Fifth, Sixth and Fourteenth Amendments of the United States Constitution and analogous rights and privacy rights under Article I of the Constitution of the State of California that may result from disclosure contemplated by the lawyer;
- (5) the extent of other adverse effects to the client that may result from disclosure contemplated by the lawyer; and

- (6) the nature and extent of information that must be disclosed to prevent the criminal act or threatened harm.

A lawyer may also consider whether the prospective harm to the victim or victims is imminent in deciding whether to disclose the information protected by section 6068, subdivision (e)(1). However, the imminence of the harm is not a prerequisite to disclosure and a lawyer may disclose the information protected by section 6068, subdivision (e)(1) without waiting until immediately before the harm is likely to occur.

Whether to counsel client or third person not to commit a criminal act reasonably* likely to result in death or substantial* bodily harm*

[78] Paragraph (c)(1) provides that before a lawyer may reveal information protected by Business and Professions Code section 6068, subdivision (e)(1), the lawyer must, if reasonable* under the circumstances, make a good faith effort to persuade the client not to commit or to continue the criminal act, or to persuade the client to otherwise pursue a course of conduct that will prevent the threatened death or substantial* bodily harm, including persuading the client to take action to prevent a third person* from committing or continuing a criminal act. If necessary, the client may be persuaded to do both. The interests protected by such counseling are the client's interests in limiting disclosure of information protected by section 6068, subdivision (e) and in taking responsible action to deal with situations attributable to the client. If a client, whether in response to the lawyer's counseling or otherwise, takes corrective action—such as by ceasing the client's own criminal act or by dissuading a third person* from committing or continuing a criminal act before harm is caused—the option for permissive disclosure by the lawyer would cease because the threat posed by the criminal act would no longer be present. When the actor is a nonclient or when the act is deliberate or malicious, the lawyer who contemplates making adverse disclosure of protected information may reasonably* conclude that the compelling interests of the lawyer or others in their own personal safety preclude personal contact with the actor. Before counseling an actor who is a nonclient, the lawyer should, if reasonable* under the circumstances, first advise the client of the lawyer's intended course of action. If a client or another person* has already acted but the intended harm has not yet occurred, the lawyer should consider, if reasonable* under the circumstances, efforts to persuade the client or third person* to warn the victim or consider other appropriate action to prevent the harm. Even when the lawyer has concluded that paragraph (b) does not permit the lawyer to reveal information protected by section 6068, subdivision (e)(1), the lawyer nevertheless is permitted to counsel the client as to why it may be in the client's best interest to consent to the attorney's disclosure of that information.

Disclosure of information protected by Business and Professions Code section 6068, subdivision (e)(1) must be no more than is reasonably necessary to prevent the criminal act*

[89] Paragraph (d) requires that disclosure of information protected by Business and Professions Code section 6068, subdivision (e) as permitted by paragraph (b), when made, must be no more extensive than is necessary to prevent the criminal act. Disclosure should allow access to the information to only those persons* who the lawyer reasonably believes* can act

to prevent the harm. Under some circumstances, a lawyer may determine that the best course to pursue is to make an anonymous disclosure to the potential victim or relevant law-enforcement authorities. What particular measures are reasonable* depends on the circumstances known* to the lawyer. Relevant circumstances include the time available, whether the victim might be unaware of the threat, the lawyer's prior course of dealings with the client, and the extent of the adverse effect on the client that may result from the disclosure contemplated by the lawyer.

Informing client pursuant to paragraph (c)(2) of lawyer's ability or decision to reveal information protected by Business and Professions Code section 6068, subdivision (e)(1)

[910] A lawyer is required to keep a client reasonably* informed about significant developments regarding the representation. (See rule 1.4; Bus. & Prof. Code, § 6068, subd. (m).) Paragraph (c)(2), however, recognizes that under certain circumstances, informing a client of the lawyer's ability or decision to reveal information protected by section 6068, subdivision (e)(1) as permitted in paragraph (b) would likely increase the risk of death or substantial* bodily harm, not only to the originally-intended victims of the criminal act, but also to the client or members of the client's family, or to the lawyer or the lawyer's family or associates. Therefore, paragraph (c)(2) requires a lawyer to inform the client of the lawyer's ability or decision to reveal information protected by section 6068, subdivision (e)(1) as permitted in paragraph (b) only if it is reasonable* to do so under the circumstances. Paragraph (c)(2) further recognizes that the appropriate time for the lawyer to inform the client may vary depending upon the circumstances. (See Comment [10] of this rule.) Among the factors to be considered in determining an appropriate time, if any, to inform a client are:

- (1) whether the client is an experienced user of legal services;
- (2) the frequency of the lawyer's contact with the client;
- (3) the nature and length of the professional relationship with the client;
- (4) whether the lawyer and client have discussed the lawyer's duty of confidentiality or any exceptions to that duty;
- (5) the likelihood that the client's matter will involve information within paragraph (b);
- (6) the lawyer's belief,* if applicable, that so informing the client is likely to increase the likelihood that a criminal act likely to result in the death of, or substantial* bodily harm to, an individual; and
- (7) the lawyer's belief,* if applicable, that good faith efforts to persuade a client not to act on a threat have failed.

Avoiding a chilling effect on the lawyer-client relationship

[~~10~~11] The foregoing flexible approach to the lawyer's informing a client of his or her ability or decision to reveal information protected by Business and Professions Code section 6068, subdivision (e)(1) recognizes the concern that informing a client about limits on confidentiality may have a chilling effect on client communication. (See Comment [1].) To avoid that chilling effect, one lawyer may choose to inform the client of the lawyer's ability to reveal information protected by section 6068, subdivision (e)(1) as early as the outset of the representation, while another lawyer may choose to inform a client only at a point when that client has imparted information that comes within paragraph (b), or even choose not to inform a client until such time as the lawyer attempts to counsel the client as contemplated in Comment [7]. In each situation, the lawyer will have satisfied the lawyer's obligation under paragraph (c)(2), and will not be subject to discipline.

Informing client that disclosure has been made; termination of the lawyer-client relationship

[~~11~~12] When a lawyer has revealed information protected by Business and Professions Code section 6068, subdivision (e) as permitted in paragraph (b), in all but extraordinary cases the relationship between lawyer and client that is based on trust and confidence will have deteriorated so as to make the lawyer's representation of the client impossible. Therefore, when the relationship has deteriorated because of the lawyer's disclosure, the lawyer is required to seek to withdraw from the representation, unless the client has given informed consent* to the lawyer's continued representation. The lawyer normally must inform the client of the fact of the lawyer's disclosure. If the lawyer has a compelling interest in not informing the client, such as to protect the lawyer, the lawyer's family or a third person* from the risk of death or substantial* bodily harm, the lawyer must withdraw from the representation. (See rule 1.16.)

Other consequences of the lawyer's disclosure

[~~12~~13] Depending upon the circumstances of a lawyer's disclosure of information protected by Business and Professions Code section 6068, subdivision (e)(1) as permitted by this rule, there may be other important issues that a lawyer must address. For example, a lawyer who is likely to testify as a witness in a matter involving a client must comply with rule 3.7. Similarly, the lawyer must also consider his or her duties of loyalty and competence. (See rules 1.7 and 1.1.)

Other exceptions to confidentiality under California law

[~~13~~14] This rule is not intended to augment, diminish, or preclude any other exceptions to the duty to preserve information protected by Business and Professions Code section 6068, subdivision (e)(1) recognized under California law.

Rule 3.3 Candor Toward the Tribunal*
(Redline Comparison of the Proposed Rule to the Current Rule)

- (a) A lawyer shall not:
- (1) knowingly* make a false statement of fact or law to a tribunal* or fail to correct a false statement of material fact or law previously made to the tribunal* by the lawyer;
 - (2) fail to disclose to the tribunal* legal authority in the controlling jurisdiction known* to the lawyer to be directly adverse to the position of the client and not disclosed by opposing counsel, or knowingly* misquote to a tribunal* the language of a book, statute, decision or other authority; or
 - (3) offer evidence that the lawyer knows* to be false. If a lawyer, the lawyer's client, or a witness called by the lawyer, has offered material evidence, and the lawyer comes to know* of its falsity, the lawyer shall take reasonable* remedial measures, including, if necessary, disclosure to the tribunal,* unless disclosure is prohibited by Business and Professions Code section 6068, subdivision (e) and rule 1.6. A lawyer may refuse to offer evidence, other than the testimony of a defendant in a criminal matter, that the lawyer reasonably believes* is false.
- (b) A lawyer who represents a client in a proceeding before a tribunal* and who knows* that a person* intends to engage, is engaging or has engaged in criminal or fraudulent* conduct related to the proceeding shall take reasonable* remedial measures to the extent permitted by Business and Professions Code section 6068, subdivision (e) and rule 1.6.
- (c) The duties stated in paragraphs (a) and (b) continue to the conclusion of the proceeding.
- (d) In an ex parte proceeding where notice to the opposing party in the proceeding is not required or given and the opposing party is not present, a lawyer shall inform the tribunal* of all material facts known* to the lawyer that will enable the tribunal* to make an informed decision, whether or not the facts are adverse to the position of the client.

Comment

[1] This rule governs the conduct of a lawyer in proceedings of a tribunal,* including ancillary proceedings such as a deposition conducted pursuant to a tribunal's* authority. See rule 1.0.1(m) for the definition of "tribunal."

[2] The prohibition in paragraph (a)(1) against making false statements of law or failing to correct a material misstatement of law includes citing as authority a decision that has been overruled or a statute that has been repealed or declared unconstitutional, or failing to correct such a citation previously made to the tribunal* by the lawyer.

[3] A lawyer’s duty of candor towards the tribunal includes the obligation to verify the accuracy and existence of cited authorities, including ensuring no cited authority is fabricated, misstated, or taken out of context, before submission to a tribunal, including any cited authorities generated or assisted by artificial intelligence or other technological tools.

Legal Argument

[34] Legal authority in the controlling jurisdiction may include legal authority outside the jurisdiction in which the tribunal* sits, such as a federal statute or case that is determinative of an issue in a state court proceeding or a Supreme Court decision that is binding on a lower court.

[45] The duties stated in paragraphs (a) and (b) apply to all lawyers, including defense counsel in criminal cases. If a lawyer knows* that a client intends to testify falsely or wants the lawyer to introduce false evidence, the lawyer should seek to persuade the client that the evidence should not be offered and, if unsuccessful, must refuse to offer the false evidence. If a criminal defendant insists on testifying, and the lawyer knows* that the testimony will be false, the lawyer may offer the testimony in a narrative form if the lawyer made reasonable* efforts to dissuade the client from the unlawful course of conduct and the lawyer has sought permission from the court to withdraw as required by rule 1.16. (See, e.g., *People v. Johnson* (1998) 62 Cal.App.4th 608 [72 Cal.Rptr.2d 805]; *People v. Jennings* (1999) 70 Cal.App.4th 899 [83 Cal.Rptr.2d 33].) The obligations of a lawyer under these rules and the State Bar Act are subordinate to applicable constitutional provisions.

Remedial Measures

[56] Reasonable* remedial measures under paragraphs (a)(3) and (b) refer to measures that are available under these rules and the State Bar Act, and which a reasonable* lawyer would consider appropriate under the circumstances to comply with the lawyer’s duty of candor to the tribunal.* (See, e.g., rules 1.2.1, 1.4(a)(4), 1.16(a), 8.4; Bus. & Prof. Code, §§ 6068, subd. (d), 6128.) Remedial measures also include explaining to the client the lawyer’s obligations under this rule and, where applicable, the reasons for the lawyer’s decision to seek permission from the tribunal* to withdraw, and remonstrating further with the client to take corrective action that would eliminate the need for the lawyer to withdraw. If the client is an organization, the lawyer should also consider the provisions of rule 1.13. Remedial measures do not include disclosure of client confidential information, which the lawyer is required to protect under Business and Professions Code section 6068, subdivision (e) and rule 1.6.

Duration of Obligation

[67] A proceeding has concluded within the meaning of this rule when a final judgment in the proceeding has been affirmed on appeal or the time for review has passed. A prosecutor may have obligations that go beyond the scope of this rule. (See, e.g., rule 3.8(f) and (g).)

Ex Parte Communications

[78] Paragraph (d) does not apply to ex parte communications that are not otherwise prohibited by law or the tribunal.*

Withdrawal

[89] A lawyer's compliance with the duty of candor imposed by this rule does not require that the lawyer withdraw from the representation. The lawyer may, however, be required by rule 1.16 to seek permission of the tribunal* to withdraw if the lawyer's compliance with this rule results in a deterioration of the lawyer-client relationship such that the lawyer can no longer competently and diligently represent the client, or where continued employment will result in a violation of these rules. A lawyer must comply with Business and Professions Code section 6068, subdivision (e) and rule 1.6 with respect to a request to withdraw that is premised on a client's misconduct.

[910] In addition to this rule, lawyers remain bound by Business and Professions Code sections 6068, subdivision (d) and 6106.

**Rule 5.1 Responsibilities of Managerial and Supervisory Lawyers
(Redline Comparison of the Proposed Rule to the Current Rule)**

- (a) A lawyer who individually or together with other lawyers possesses managerial authority in a law firm,* shall make reasonable* efforts to ensure that the firm* has in effect measures giving reasonable* assurance that all lawyers in the firm* comply with these rules and the State Bar Act.
- (b) A lawyer having direct supervisory authority over another lawyer, whether or not a member or employee of the same law firm,* shall make reasonable* efforts to ensure that the other lawyer complies with these rules and the State Bar Act.
- (c) A lawyer shall be responsible for another lawyer’s violation of these rules and the State Bar Act if:
 - (1) the lawyer orders or, with knowledge of the relevant facts and of the specific conduct, ratifies the conduct involved; or
 - (2) the lawyer, individually or together with other lawyers, possesses managerial authority in the law firm* in which the other lawyer practices, or has direct supervisory authority over the other lawyer, whether or not a member or employee of the same law firm,* and knows* of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable* remedial action.

Comment

Paragraph (a) – Duties ~~of~~ Managerial Lawyers To Reasonably Assure Compliance with the Rules*

[1] Paragraph (a) requires lawyers with managerial authority within a law firm* to make reasonable* efforts to establish internal policies and procedures designed, for example, to detect and resolve conflicts of interest, identify dates by which actions must be taken in pending matters, account for client funds and property, ~~and~~ ensure that inexperienced lawyers are properly supervised, and govern the use of artificial intelligence, in accordance with the Rules of Professional Conduct.

[2] Whether particular measures or efforts satisfy the requirements of paragraph (a) might depend upon the law firm’s structure and the nature of its practice, including the size of the law firm,* whether it has more than one office location or practices in more than one jurisdiction, or whether the firm* or its partners* engage in any ancillary business.

[3] A partner,* shareholder or other lawyer in a law firm* who has intermediate managerial responsibilities satisfies paragraph (a) if the law firm* has a designated managing lawyer charged with that responsibility, or a management committee or other body that has appropriate managerial authority and is charged with that responsibility. For example, the managing lawyer of an office of a multi-office law firm* would not necessarily be required to

promulgate firm-wide policies intended to reasonably* assure that the law firm's lawyers comply with the rules or State Bar Act. However, a lawyer remains responsible to take corrective steps if the lawyer knows* or reasonably should know* that the delegated body or person* is not providing or implementing measures as required by this rule.

[4] Paragraph (a) also requires managerial lawyers to make reasonable* efforts to assure that other lawyers in an agency or department comply with these rules and the State Bar Act. This rule contemplates, for example, the creation and implementation of reasonable* guidelines relating to the assignment of cases and the distribution of workload among lawyers in a public sector legal agency or other legal department. (See, e.g., State Bar of California, Guidelines on Indigent Defense Services Delivery Systems (2006).)

Paragraph (b) – Duties of Supervisory Lawyers

[5] Whether a lawyer has direct supervisory authority over another lawyer in particular circumstances is a question of fact.

Paragraph (c) – Responsibility for Another's Lawyer's Violation

[6] The appropriateness of remedial action under paragraph (c)(2) would depend on the nature and seriousness of the misconduct and the nature and immediacy of its harm. A managerial or supervisory lawyer must intervene to prevent avoidable consequences of misconduct if the lawyer knows* that the misconduct occurred.

[7] A supervisory lawyer violates paragraph (b) by failing to make the efforts required under that paragraph, even if the lawyer does not violate paragraph (c) by knowingly* directing or ratifying the conduct, or where feasible, failing to take reasonable* remedial action.

[8] Paragraphs (a), (b), and (c) create independent bases for discipline. This rule does not impose vicarious responsibility on a lawyer for the acts of another lawyer who is in or outside the law firm.* Apart from paragraph (c) of this rule and rule 8.4(a), a lawyer does not have disciplinary liability for the conduct of a partner,* associate, or subordinate lawyer. The question of whether a lawyer can be liable civilly or criminally for another lawyer's conduct is beyond the scope of these rules.

**Rule 5.3 Responsibilities Regarding Nonlawyer Assistants
(Redline Comparison of the Proposed Rule to the Current Rule)**

With respect to a nonlawyer employed or retained by or associated with a lawyer:

- (a) a lawyer who individually or together with other lawyers possesses managerial authority in a law firm,* shall make reasonable* efforts to ensure that the firm* has in effect measures giving reasonable* assurance that the nonlawyer's conduct is compatible with the professional obligations of the lawyer;
- (b) a lawyer having direct supervisory authority over the nonlawyer, whether or not an employee of the same law firm,* shall make reasonable* efforts to ensure that the person's* conduct is compatible with the professional obligations of the lawyer; and
- (c) a lawyer shall be responsible for conduct of such a person* that would be a violation of these rules or the State Bar Act if engaged in by a lawyer if:
 - (1) the lawyer orders or, with knowledge of the relevant facts and of the specific conduct, ratifies the conduct involved; or
 - (2) the lawyer, individually or together with other lawyers, possesses managerial authority in the law firm* in which the person* is employed, or has direct supervisory authority over the person,* whether or not an employee of the same law firm,* and knows* of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable* remedial action.

Comment

Lawyers often utilize nonlawyer personnel, including secretaries, investigators, law student interns, and paraprofessionals. Such assistants, whether employees or independent contractors, act for the lawyer in rendition of the lawyer's professional services. A lawyer must give such assistants appropriate instruction and supervision concerning all ethical aspects of their employment, [including the use of technology in the provision of legal services, such as artificial intelligence](#). The measures employed in instructing and supervising nonlawyers should take account of the fact that they might not have legal training.

Name, Address, Telephone No. & I.D. No.

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF CALIFORNIA 325 West F Street, San Diego, California 92101-6988	
In Re	BANKRUPTCY NO.
Debtor(s)	
	ADVERSARY NO.
Plaintiff(s)	
v.	
Defendant(s)	

DISCLOSURE AND CERTIFICATION ON GENERATIVE ARTIFICIAL INTELLIGENCE USE

Pursuant to General Order No. 210,

Party: _____ and _____

Filing Counsel: _____

make the following disclosure and certification concerning the use of any generative artificial intelligence ("AI") program in preparing the attached paper, styled

For purposes of its General Order, the Court considers generative AI to be that which can create original content such as text or images in response to a user's prompt or request. This includes in particular the creation of a filed paper's *initial content* through such a prompt or request. Later *augmentations* to initial content are likewise subject to the General Order if that is created through a prompt or request using generative AI.

In contrast, spell checkers, predictive text prompts, grammar checkers, paraphrasing tools, text polishers and the like are typically not covered by the General Order.

Disclosure

The following generative AI program(s) was/were used in preparing the attached paper:

Certification

The filer(s) of the attached paper certify that they checked the document for factual and legal accuracy using print reporters, traditional legal databases, or other reliable means outside of AI.

Dated:

Filing Party or Counsel



UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF CALIFORNIA

In re:)
)
FILINGS USING GENERATIVE)
ARTIFICIAL INTELLIGENCE)
)
_____)

**BANKRUPTCY GENERAL
ORDER NO. 210**

Effective January 1, 2026, any pleading, motion, or paper (whether moving, opposing, or in reply) that the filer prepared in any aspect by using a generative artificial intelligence (“AI”) program must be accompanied by an attestation or certification signed by the filer:

- Identifying the AI program used; and
- Certifying that the filer checked the document for factual and legal accuracy using print reporters, traditional legal databases, or other reliable means.

This General Order applies to all filers – whether attorneys or self-represented litigants.

Rule 9011 of the Federal Rules of Bankruptcy Procedure continues to apply to all documents filed with the Court. Furthermore, the Court construes each filing as a certification by the person signing a filed document of compliance with Rule 9011(b).

IT IS SO ORDERED.

Dated: November 18, 2025

CHRISTOPHER B. LATHAM
Chief Judge, U.S. Bankruptcy Court

J. BARRETT MARUM
Judge, U.S. Bankruptcy Court