



The State Bar of California

IS THE USE OF AI A CHOICE? AI IS HERE SPEAKER BIOGRAPHIES

Raquel Brigham Brown, Moderator

Los Angeles, CA

Raquel Brigham Brown is a public member of the Committee on Professional Responsibility and Conduct, appointed by the Trustees of the State Bar of California. She serves on the AI & Cryptocurrency subcommittees, and she contributed to one of the first national guidelines on the use of AI in the legal profession by a state bar. Throughout her career, Brown has been at the forefront of AI/machine learning, ethics, and privacy governance. She is a distinguished advisor, director, and speaker, developing her unique skill set and global experience as a founder, chief operating officer, and advisor working in Africa, Asia, Europe, and the Americas. She is a key member of board and CEO teams, and she has served as an independent and private company director, chair secretary, and executive committee member. Brown is qualified to serve on AI/cyber/crypto, audit, comp/HR, ESG, and nom/gov committees.

Allison Madwatkins, Moderator

San Diego, CA

Allison Madwatkins is an attorney licensed in California and New York, practicing wills, trusts, and estates in San Diego at Broaden Law APC. She is also an adjunct professor at Thomas Jefferson School of Law, where she teaches contracts and professional responsibility. She currently serves on the Committee on Professional Responsibility and Conduct, including as part of the AI Working Group.

Drew Amerson

San Francisco, CA

Drew Amerson is the director of LexLab at UC Law San Francisco. He has been at UC Law San Francisco since 2015. Before joining LexLab, he was a visiting assistant professor, teaching courses in intellectual property and entrepreneurship. He also managed the Startup Legal Garage. Amerson is committed to improving access to justice through legal technology. He established LexLab's internationally acclaimed Justice Technology Accelerator program, and he teaches "Justice Tech: Building a Startup," "Legal Operations for Lawyers," "In-House Counsel Toolkit: Skills & Strategies," and the "Building AI-Enabled Lawyers" bootcamp. He also designed and administers UC Law San Francisco's Law & Artificial Intelligence Certificate professional development program.

His early career included years at Sidley Austin and Taylor & Company, and he clerked in the United States District Court for the District of Minnesota. A pioneer in legal innovation, Amerson founded a start-up in 2011 that created an online community to connect law firms and companies with highly skilled freelance attorneys. He is also an advisor to the Justice Technology Association. Amerson is a graduate of Columbia Law School and has a BA in philosophy from Carleton College.

Samantha J. Chang**Los Angeles, CA**

Samantha J. Chang is founder and principal attorney of Chang Law Group, a Los Angeles–based boutique law firm. Her practice centers on civil litigation and investigative matters in federal and state courts, where she leads cases from early-stage strategy through trial and appeal. Alongside her litigation work, she serves as fractional in-house counsel to technology companies, advising on legal and compliance issues tied to business operations and emerging technologies.

Before founding her firm, Chang was a litigation and trial associate at Latham & Watkins, where she represented clients in complex commercial disputes and white-collar investigations, particularly within the media, entertainment, and technology sectors. She also served as a law clerk to the Honorable Jinsook Ohta, United States District Court for the Southern District of California. Chang earned her BS from Stanford University and her JD from Georgetown Law.

Holly Hancock-Goode**Los Angeles, CA**

Judge Holly Hancock-Goode was elected to the office of the Los Angeles County Superior Court in 2022 after 17 years as a deputy public defender. She served first in the Criminal Division in misdemeanor trials. Currently, Judge Hancock-Goode sits in a restraining order court, where both civil and domestic violence petitions are heard. She received her JD from Southwestern Law School and her BA in rhetoric from the University of Illinois Urbana-Champaign.

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ADDITIONAL RESOURCES

1. Standing Committee on Professional Responsibility and Conduct, The State Bar of California, [Practical Guidance for the Use of Generative Artificial Intelligence in the Practice of Law](#) (2023)
2. [Proposed Amendments to the Rules of Professional Conduct Related to Artificial Intelligence](#) (circulating for public comment with a deadline of May 4, 2026)
3. Heckman, McKenna, Carter Tison, Weaver, [Court Rules AI Conversations Are Not Privileged: What United States v. Heppner Means for You](#) (2026)
4. Maryland State Bar Association, [AI Platforms and Confidentiality: A Closer Look At United States v. Heppner](#) (2026)
5. Judge Scott Schlegel, [Nearly One Thousand Cases Later, Is It Time for Mandatory AI Literacy?](#) (2026)
6. Eran Kahana, [Designed to Cross: Why Nippon Life v. OpenAI Is a Product Liability Case](#) (2026)
7. *In re the Domestic Partnership of Campos & Munoz* (2026) __ Cal.App.5th __
8. *Nolan v. Land of the Free, L.P., et al.* (2025) 114 Cal.App.5th 426
9. Excerpt of AI Court Rules, 2024 NDCA Standing Order Judge Araceli Martinez-Olguin, page 4
10. [Sen. Bill No. 574](#) (2025–2026 Reg. Sess.) (as amended Jan. 5, 2026) Generative artificial intelligence: attorneys and arbitrators

CERTIFIED FOR PUBLICATION
COURT OF APPEAL, FOURTH APPELLATE DISTRICT
DIVISION ONE
STATE OF CALIFORNIA

In re the Domestic Partnership of JOAN PABLO TORRES CAMPOS and LESLIE ANN MUNOZ.	
JOAN PABLO TORRES CAMPOS, Appellant, v. LESLIE ANN MUNOZ, Respondent.	D085584 (Super. Ct. No. 19FL010817C) ORDER MODIFYING OPINION NO CHANGE IN JUDGMENT

THE COURT:

It is ordered that the opinion filed herein on March 5, 2026, be modified as follows:

On page 14, at the end of footnote 3, add the following text:

Standard 10.80(b)(3) of the Standards of Judicial Administration, which became effective September 1, 2025, states in relevant part that any “judicial officer using generative AI for any task within their adjudicative role . . . [s]hould take reasonable steps to verify that generative AI material, including any material prepared on their behalf by others, is accurate, and should take reasonable steps to correct any erroneous or hallucinated output in any material used.” On its face, this standard

appears to apply only when judicial officers or their own staff use generative AI. (See also Cal. Rules of Court, rule 10.430(d)(3) [courts permitting use of generative AI must adopt policies that “[r]equire court staff and judicial officers who create or use generative AI material to take reasonable steps to verify that the material is accurate, and to take reasonable steps to correct any erroneous or hallucinated output in any material used”].) As this case illustrates, it is equally important that judicial officers and court staff who are not themselves using generative AI verify the citations contained in proposed orders submitted to them by counsel.

There is no change in the judgment.

IRION, Acting P.J.

Copies to: All parties

CERTIFIED FOR PUBLICATION
COURT OF APPEAL, FOURTH APPELLATE DISTRICT
DIVISION ONE
STATE OF CALIFORNIA

In re the Domestic Partnership of
JOAN PABLO TORRES CAMPOS
and LESLIE ANN MUNOZ.

JOAN PABLO TORRES CAMPOS,

Appellant,

v.

LESLIE ANN MUNOZ,

Respondent.

D085584

(Super. Ct. No. 19FL010817C)

APPEAL from an order of the Superior Court of San Diego County,
Lizbet Munoz, Commissioner. Affirmed.

Law Offices of David C. Beavans and David C. Beavans for Appellant.
Bonar Law Group and Roxanne Chung Bonar for Respondent.

Joan Pablo Torres Campos (Torres) appeals from a family court order denying his request for shared custody and visitation of a dog. He contends the court committed error by citing and relying on fictitious case authorities in its order. We agree the court so erred, but we conclude Torres forfeited this claim by drafting and submitting the very order he now challenges and failing to object or alert the court that the cited authorities were fake. We

further conclude that Torres has failed to provide an adequate record on appeal for us to evaluate his claim relating to a proposed multi-factor test for determining pet custody and visitation under Family Code section 2605. We therefore affirm the order. We also sanction respondent's counsel Roxanne Chung Bonar for citing and relying on the same fictitious legal authorities in initial filings with this court.

We publish this opinion to emphasize that courts and attorneys alike have a responsibility to protect the legal system against distortion by fabricated law, particularly in this new era of hallucinated citations generated by artificial intelligence (AI) tools. In a system of precedents that is designed to achieve consistency, predictability, and adherence to the rule of law, the judiciary cannot function properly unless judges and lawyers confirm the authenticity of cited authorities and review them to evaluate their holdings and reasoning. When the participants fail to perform this basic function, it compromises these institutional values and diminishes faith in the judicial process.

FACTUAL AND PROCEDURAL BACKGROUND

A. Family Court Proceedings

In July 2022, the family court in San Diego entered an uncontested judgment of dissolution of the parties' domestic partnership. The judgment provided for Torres and Munoz each to keep as their separate property the assets in their own possession and to assume sole responsibility for all debts in their own names. The judgment did not mention anything about pets.

Two years later, a dispute arose over Torres's request for shared custody and visitation of a pet dog named Kyra. Counsel for Torres filed a request for order (RFO) for shared custody and visitation of the dog under Family Code section 2605, along with a supporting declaration.

In response, Munoz was represented pro bono by her cousin, Bonar. On behalf of Munoz, Bonar wrote a letter to Torres’s counsel declining the custody and visitation request. The letter said in relevant part: “We will be relying on legal precedents for this case. We will rely on established case law to support our position: **Marriage of Twigg (1984) 34 Cal.3d 926**, the court held that the emotional well-being and stability of the parties involved are crucial considerations in custody determinations. . . . In addition to Twigg, we also rely on **Marriage of Teegarden (1995) 33 Cal.App.4th 1572**, where the court held the importance of maintaining stability for the dependent parties involved.”¹

Marriage of Twigg (Twigg) is not a real case. The official citation Bonar provided for *Twigg* is a criminal case having nothing to do with pets or custody determinations (*People v. Mozingo* (1983) 34 Cal.3d 926). As cited in the letter, *Teegarden* is also not a real case. There is a real *Teegarden* case with a different official citation, decided in 1986 rather than 1995, but it concerned spousal support rather than pets and did not focus on the emotional well-being and stability of the parties involved (*In re Marriage of Teegarden* (1986) 181 Cal.App.3d 401, 407–410 [trial court erred in denying spousal support to disabled husband who suffered from lupus and was unable to work]).

On Munoz’s behalf, Bonar also filed an opposition to the RFO with a supporting declaration of Munoz and two witness statements. Munoz’s

¹ Bonar’s letter is not included in the record on appeal but Torres referred to it in his opening brief. In our order to show cause why sanctions should not be imposed against Bonar, we directed her to provide us with a copy of the letter and she complied. Because the letter is not part of the record on appeal, we consider it only as part of the relevant background for the sanctions issue, not the merits of the appeal.

declaration was attached to a Judicial Council form with Bonar's name on the caption as her counsel.

Munoz alleged in her declaration that she had custody of Kyra, that Torres had a history of harassing her and damaging her emotional health, that Torres was seeking custody and visitation of Kyra as a form of continuing harassment, and that Kyra was a source of emotional support for her. Munoz's declaration cited the fictional *Twigg* case and stated: "In *Marriage of Twigg* (1984) 34 Cal.3d 926, the court held and emphasized the importance of the emotional well-being and stability of the parties involved in custody determinations. This precedent applies to pet custody, underscoring the need to prioritize the mental health of the primary custodian."

Torres filed a reply declaration disputing statements made in Munoz's declaration. He failed to point out that *Twigg* was not a real case.

The parties stipulated to have a court commissioner act as a temporary judge to hear the matter. The commissioner held an unreported hearing on the matter on September 19, 2024. According to the minute order, Torres and his counsel appeared in person. Munoz and Bonar appeared remotely. Torres and Munoz were both sworn and examined. At the conclusion of the hearing, the court made no visitation orders and directed Torres's counsel to submit a formal order after hearing.

Torres's counsel submitted a proposed Findings and Order After Hearing, which the court approved as conforming to its oral ruling. The order cited the fictional *Twigg* and *Teegarden* cases as follows:

"The Court notes the follow[ing] cases: *Marriage of Twigg* (1984) 34 Cal.3d 926 and *Marriage of Teegarden* (1995) 33 Cal.App.4th 1572 [(*Teegarden*)], in which the Court has to take the well-being and stability of the parties involved when deciding pet visitation and custody. Based on the testimony of Ms. Munoz and her mental state as it relates

to the parties[] relationship, the Court finds it is not in the best interests of the parties[] mental stability for them to continue to interact with each other, and thus denies pet Custody.

“The Court further finds there is not a substantial relationship between Petitioner and the dog, Kyra, based on the lack of visitation in the past year.”

Torres appealed the order. In designating the record on appeal, Torres chose to proceed without a record of the oral proceedings. The record on appeal therefore includes no reporter’s transcript or settled or agreed statement of the September 19, 2024 hearing.

B. Court of Appeal Proceedings

In August 2025, we dismissed the appeal for failure to file an opening brief. Torres filed a motion to vacate the dismissal and reinstate the appeal. Still represented by Bonar, Munoz filed an opposition to the motion. In her opposition, Munoz cited the nonexistent *Twigg* and *Teegarden* cases to argue that the issue on appeal was not “novel” as Torres claimed in his motion. She asserted: “This isn’t new, courts decide these based on what’s best for everyone involved (Marriage of Twigg (1984) 34 Cal.3d 926; In re Marriage of Teegarden (1995) 33 Cal.App.4th 1572).”

We denied the motion to reinstate the appeal. Torres then filed a second motion to reinstate the appeal pointing out for the first time that the *Twigg* and *Teegarden* authorities cited in the court’s order and in Munoz’s opposition to the first motion to reinstate the appeal did not exist and were “invented case law.”

Bonar filed another opposition on behalf of Munoz. The opposition stated: “Appellant’s Claim of Fabricated Case Law is Baseless.” It asserted: “This is a grave accusation, but it is entirely unfounded and reflects

Appellant's own failure to conduct basic legal research. Both cases are valid, published precedents, and Appellant's inability to locate them underscores the incompetence that led to his appeal's dismissal." Bonar's opposition purported to provide additional citation information for *Twigg* and *Teegarden* and elaborated on these two cases as follows:

"A. **Marriage of Twigg (1984) 34 Cal.3d 926**: This is a legitimate California Supreme Court case, reported at 34 Cal.3d 926, 195 Cal.Rptr. 718, 670 P.2d 340, decided on July 5, 1984. The ruling addresses custody determinations in dissolution proceedings, emphasizing the importance of the emotional well-being and stability of the parties involved. In *Twigg*, the Supreme Court held that courts must consider factors like mental health and relational dynamics when making custody decisions, reversing a lower court for failing to adequately weigh these elements. The trial court in this case cited *Twigg* to support its finding that ongoing interaction between the parties would harm Respondent's mental stability due to Appellant's history of harassment. Appellant's claim that this case does not exist is a misrepresentation, likely stemming from inadequate database searches or unfamiliarity with standard legal reporters. Such an error by Appellant's counsel does not invalidate the trial court's reliance on this established precedent.

"B. **Marriage of Teegarden (1995) 33 Cal.App.4th 1572**: While the year and volume citation appears erroneous, it is in fact a typographical mistake on counsel's part. In *Marriage of Teegarden* (1986) 181 Cal.App.3d 401, 226 Cal.Rptr. 417, decided on May 22, 1986, by the Court of Appeal, First Appellate District, Division Three. In *Teegarden*, the court reversed a denial of spousal support, holding that the trial court abused its discretion by denying a continuance due to the husband's illness (lupus) and failing to properly consider evidence of his disability and need for support. The ruling stressed the importance of stability, emotional

well-being, and a fair evidentiary record in family law disputes. The trial court here cited Teegarden (under the mistaken 1995 reference) to reinforce its emphasis on the parties' mental stability and the need to protect Respondent from further distress. **Appellant's assertion that no such case or parties exist is incorrect;** a simple search for 'Teegarden marriage California' reveals the 1986 decision involving Anne and Byron Teegarden. This misrepresentation not only fails to prove misconduct but exposes Appellant's counsel's deficient preparation, which mirrors the neglect that caused the default."

The opposition went on to assert: "Appellant's accusation of professional misconduct is thus not only meritless but borders on frivolous. Respondent's counsel relied on established precedents, and a minor citation error[] does not constitute fabrication or a breach of duty under California Business and Professions Code 6068(d) or California Rules of Professional Conduct, rule 3.3."

The new information Bonar provided about *Twigg* in Munoz's opposition, i.e., the parallel reporter citations ("195 Cal.Rptr. 718, 670 P.2d 340") and the date of decision ("decided on July 5, 1984"), was also fictitious. Neither of these parallel citations is to a *Twigg* case and no California case by that name was decided on July 5, 1984. Moreover, the parallel reporter citations do not correspond to the "34 Cal.3d 926" citation Bonar provided for *Twigg*.

We granted Torres's second motion to vacate the dismissal and reinstate the appeal. In our order, we also directed Bonar to provide us with a copy of the *Twigg* decision taken from an official reporter and copies of any brief filed in superior court that cited *Twigg* or *Teegarden*.

In response, Bonar admitted for the first time that the *Twigg* case did not exist. She claimed the *Twigg* citation "entered the record from two

sources”: (1) her client’s declaration in opposition to the RFO petition; and (2) the trial court’s order denying the RFO. Bonar asserted she could “not recall whether the [*Twigg* or *Teegarden*] case[s] were ever argued” at the hearing in the family court. She admitted she had failed to verify the *Twigg* citation before citing it in this court. According to Bonar, she “mistakenly assumed that, because these materials were part of the Superior Court’s official record, the citations had already been vetted and could be relied upon as accurate.”

Bonar did not submit any declaration of her own, but she submitted one from her client Munoz. Munoz explained that the *Twigg* case was discussed in a Reddit article a paralegal friend had sent her, and Munoz did not realize the case was fictitious. The Reddit article was attached as an exhibit to Munoz’s declaration. It was authored by “Sassafras Patterdale,” who was identified as “a blogger, podcaster, and animal rescuer, who writes about divorce, custody, and the messy, beautiful lives we weave.” The article was about pet custody battles. It cited “Marriage of Twigg (1984) 34 Cal.3d 926” as a “watershed” California Supreme Court case holding “that custody determinations must consider the emotional well, being [*sic*] and stability of the parties.”

The Reddit article did not include the parallel reporter citations and date of decision for *Twigg* that were included in Bonar’s opposition to the second motion to reinstate the appeal. Neither Bonar’s response to our order nor Munoz’s declaration explained where this additional fictitious information came from.

We issued an order to show cause why sanctions should not be imposed against Bonar for citing and relying on fictitious authority in her oppositions to the motions to reinstate the appeal and providing additional fictitious citations for the *Twigg* case from the California Reporter and Pacific Reporter

and a fictitious date of decision in her opposition to the second motion to reinstate this appeal.

In her response to the order to show cause, Bonar argued she should not be sanctioned because she did not act with any intent to deceive and the error caused no prejudice. She asserted that “the reference to Marriage of Twigg came from an article shared with me by my cousin, Leslie Ann Munoz, . . . during a family dinner discussion. . . . The article was read in front of family members and I genuinely believed it when it was presented.” She asserted that “[t]he same citation later appeared in the [FOAH] drafted by [Torres]’s counsel at the trial court’s direction.” Bonar explained, “I genuinely thought I had to defend the trial court’s order as written, including its citations, and was mistaken in not verifying them independently.” She also asserted that she “did not persist in defending the authority once its nonexistence was confirmed.”

Although our order to show cause explicitly referred to the *additional* fictitious citations for the *Twigg* case and the fictitious date of decision contained in Bonar’s opposition to the *second* motion to reinstate this appeal, her response still did not explain where this information came from. At oral argument, Bonar claimed she could not remember where this additional fictitious citation information came from. She acknowledged she did not have a paid subscription to a legal research service at the time, and she was using other online resources including AI for this purpose. She also conceded she may have obtained fictitious information about *Twigg* and *Teegarden* using AI tools.

DISCUSSION

We resolve both the merits of the appeal and the sanctions issue in this opinion. We address each separately.

I

On the merits, Torres first argues the family court’s order must be reversed because of its reliance on fictional cases cited by Bonar and her client Munoz. We agree the court erred by citing and relying in material part on fictional cases in its written order. We conclude, however, that Torres forfeited this claim by drafting and submitting the very order containing these fabricated citations and doing so without calling the court’s attention to the error or asserting any objection to its reliance on them.

Family Code section 2605 gives a court discretion to make orders concerning the care and ownership of household pets in a proceeding for marital dissolution or legal separation of the parties. We review such orders for abuse of discretion. (Cf. *In re Marriage of Burgess* (1996) 13 Cal.4th 25, 32 [child custody and visitation orders reviewed for abuse of discretion].)

“Discretion is compatible only with decisions ‘controlled by sound principles of law’” (*People v. Bolton* (1979) 23 Cal.3d 208, 216.) “‘[A]ll exercises of legal discretion must be grounded in reasoned judgment and guided by legal principles and policies appropriate to the particular matter at issue.’” (*People v. Superior Court (Alvarez)* (1997) 14 Cal.4th 968, 977.) “An order that implicitly or explicitly rests on an erroneous reading of the law necessarily is an abuse of discretion.” (*Williams v. Superior Court* (2017) 3 Cal.5th 531, 540.)

We have no difficulty concluding that it is an abuse of discretion for a court to rely in material part on fictional case authorities in rendering a decision or making an order. Reliance on fake cases is fundamentally

incompatible with an informed exercise of discretion controlled by genuine principles of law. It seriously undermines the integrity of the outcome and erodes public confidence in our judicial system. It can also hinder meaningful appellate review. (See, e.g., *Shahid v. Esaam* (2025) 376 Ga.App. 145, 150 [918 S.E.2d 198, 202–203] [citation of fake cases rendered trial court’s written order defective on its face and required reversal because it prevented meaningful appellate review].) Although we appreciate that trial courts must often rely on the parties to prepare written orders, it is imperative for both the court and the parties to verify that the citations in all orders are genuine and truly stand for the propositions cited. This is especially vital with the increasing incidence of hallucinated case citations generated by AI tools. (See *Noland v. Land of the Free, L.P.* (2025) 114 Cal.App.5th 426, 443 (*Noland*).)

The family court therefore erred by citing and relying solely on fictional cases in its final order. This is not to say that the factors the court relied on were legally improper or that it could not have reached the same result applying proper legal reasoning grounded in genuine law. We hold only that the path the court took to reach its result constituted an abuse of discretion because it relied in material part on the holdings of nonexistent legal authorities purportedly emphasizing the importance of the parties’ well-being and stability in determining pet custody, which may have influenced the weight the court gave to these factors.

In the highly unusual circumstances of this case, however, we conclude that Torres forfeited this claim of error.² Under the doctrine of forfeiture, “a

² “Although ‘waiver’ and ‘forfeiture’ are often used interchangeably to describe a party’s failure to raise an issue in the trial court, the two terms should be differentiated.” (*Vascos Excavation Group LLC v. Gold* (2022) 87 Cal.App.5th 842, 856.) Forfeiture is the failure to make the timely assertion

reviewing court ordinarily will not consider a challenge to a ruling if an objection could have been made but was not made in the trial court.” (*In re S.B.* (2004) 32 Cal.4th 1287, 1293.) “The purpose of this rule is to encourage parties to bring errors to the attention of the trial court, so that they may be corrected.” (*Ibid.*) “The rule is designed to advance efficiency and deter gamesmanship.” (*Keener v. Jeld-Wen, Inc.* (2009) 46 Cal.4th 247, 264 (*Keener*).)

Under this doctrine, “a party loses the right to appeal an issue caused by affirmative conduct or by failing to take proper steps at trial to avoid or correct the error.” (*Telles Transport, Inc. v. Workers’ Comp. Appeals Bd.* (2001) 92 Cal.App.4th 1159, 1167; accord *Baxter v. State Teachers’ Retirement System* (2017) 18 Cal.App.5th 340, 378.)

Torres forfeited his claim of error both by his affirmative conduct and his inaction. Although Munoz and Bonar were responsible for improperly citing these fictitious authorities in the first place, Torres’s own counsel affirmatively drafted and submitted the proposed order with these citations that was ultimately signed by the family court. And even though his own counsel drafted the order, Torres failed to object to the court’s reliance on these citations or call the court’s attention to the issue. The forfeiture rule applies to a party’s failure to object to the language of a proposed order when it had an opportunity to do so. (*City of San Marcos v. Coast Waste Management* (1996) 47 Cal.App.4th 320, 328 [“By repeatedly failing to object to the language of the proposed written order, [appellant] effectively waived any objection to it”]; see also *People ex rel. Herrera v. Stender* (2012) 212

of a right, whereas waiver is the intentional relinquishment or abandonment of a known right. (*Ibid.*) Forfeiture is the correct legal term to describe the loss of the right to raise an issue on appeal due to the failure to assert it in the trial court. (*Id.* at pp. 856–857.)

Cal.App.4th 614, 644–645 [appellant forfeited challenge to language of court notice by failing to challenge it or seek modification in trial court]; *Porterville Citizens for Responsible Hillside Development v. City of Porterville* (2007) 157 Cal.App.4th 885, 912 [party’s failure to bring deficiencies in tentative decision to trial court’s attention forfeits right to raise such defects on appeal].)

“The requirement of an objection is premised upon the idea that a party should not sit on his or her hands, but instead must speak up and provide the court with an opportunity to address the alleged error at a time when it might be fixed.” (*Keener, supra*, 46 Cal.4th at p. 266.) Torres had ample opportunity to object to the court’s reliance on these fictitious authorities before the court signed the order that his own counsel drafted citing and relying on them. We are also confident the error would have been avoided if Torres had made a timely objection.

We deem it particularly significant that Torres’s counsel herself had a duty to verify the citations she included in the proposed order. An attorney submitting any document to a court has an obligation to verify the citations contained in it. “Simply stated, no brief, pleading, motion, or any other paper filed in any court should contain *any* citations . . . that the attorney responsible for submitting the pleading has not personally read and verified.” (*Noland, supra*, 114 Cal.App.5th at p. 431.) It is particularly important for an attorney to verify the citations contained in any proposed order submitted for signature by the court. Notwithstanding Bonar’s own misconduct in citing these nonexistent authorities, which we address later in this opinion, it was Torres’s counsel who ultimately prepared and submitted the proposed order without verifying the citations contained in it or alerting the court. “ ‘Counsel should not forget that they are officers of the court, and while it is

their duty to protect and defend the interests of their clients, the obligation is equally imperative to aid the court in avoiding error and in determining the cause in accordance with justice and the established rules of practice.’ ”

(*Perry v. Kia Motors America, Inc.* (2023) 91 Cal.App.5th 1088, 1096.)

Accordingly, we conclude that Torres has forfeited this claim. We reach the same conclusion regarding Torres’s related claim that Bonar’s professional misconduct in citing the fake authorities requires reversal. This claim could have been raised and any prejudice cured in the trial court if Torres’s counsel had just attempted to verify the cited cases. Although we have discretion to overlook the forfeiture, we decline to do so because it would effectively excuse Torres’s own counsel’s breach of her duty to the court in submitting the proposed order without verifying the citations. (Cf. *People v. Potts* (2019) 6 Cal.5th 1012, 1036 [declining to exercise discretion to excuse forfeiture of prosecutorial misconduct claim that “could have been easily remedied by a timely objection and an admonition”].)³

II

Torres next argues that Family Code section 2605 should be clarified to adopt a multi-factor test for determining custody and ownership of a household pet. We reject this argument because Torres has failed to provide a reporter’s transcript or settled or agreed statement of the September 19, 2024 hearing on the matter.

“[I]t is a fundamental principle of appellate procedure that a trial court judgment [or order] is ordinarily presumed to be correct and the burden is on

³ To address the emergence of AI-generated fake citations, we recommend that the Judicial Council or other appropriate committees consider adopting guidelines or rules for judges and attorneys on verification of citations, particularly those in orders drafted by the parties and submitted to the court for signature.

an appellant to demonstrate, on the basis of the record presented to the appellate court, that the trial court committed an error that justifies reversal of the judgment [or order]. [Citations.] ‘This is not only a general principle of appellate practice but an ingredient of the constitutional doctrine of reversible error.’ [Citations.] . . . ‘ “[I]f the record is inadequate for meaningful review, the appellant defaults and the decision of the trial court should be affirmed.” ’ [Citation.] ‘Consequently, [the appellant] has the burden of providing an adequate record. [Citation.] Failure to provide an adequate record on an issue requires that the issue be resolved against [the appellant].’ ” (*Jameson v. Desta* (2018) 5 Cal.5th 594, 608–609 (*Jameson*).)

“A proper record includes a reporter’s transcript or a settled statement of any hearing leading to the order being challenged on appeal.” (*Elena S. v. Kroutik* (2016) 247 Cal.App.4th 570, 574.) “In numerous situations, appellate courts have refused to reach the merits of an appellant’s claims because no reporter’s transcript of a pertinent proceeding or a suitable substitute was provided.” (*Foust v. San Jose Construction Co., Inc.* (2011) 198 Cal.App.4th 181, 186.) The “lack of a verbatim record of such proceedings will frequently be fatal to a litigant’s ability to have his or her claims of trial court error resolved on the merits by an appellate court.” (*Jameson, supra*, 5 Cal.5th at p. 608.)

In this case, the family court heard live testimony at the hearing of September 19, 2024. The minute order states that both parties were sworn and examined at the hearing. Yet the appellate record does not include a reporter’s transcript or settled or agreed statement of the hearing. Torres has therefore failed to provide an adequate record on appeal. “The absence of a record concerning what actually occurred at the hearing precludes a determination that the court abused its discretion. [Citations.] As the party

challenging a discretionary ruling, [Torres] had an affirmative obligation to provide an adequate record so that we could assess whether the court abused its discretion.” (*Wagner v. Wagner* (2008) 162 Cal.App.4th 249, 259.)

We cannot evaluate the Family Code section 2605 issue raised by Torres without a record of the oral proceedings. Without an adequate record, we cannot assess whether Torres preserved the argument regarding his proposed multi-factor test for determining pet custody, whether the trial court committed any error even if this was the appropriate test, or whether any such error would have been prejudicial. If Torres argued a different legal standard in the family court or failed to present any evidence regarding the factors he now contends the court should have considered, then his argument on appeal could be forfeited or any error invited. Alternatively, if Torres raised the argument and presented evidence to support it, a proper record of the oral proceedings could reflect that the family court took these factors into consideration and committed no error even under Torres’s theory. The mere fact that the court’s final order does not mention all these factors does not necessarily mean it did not consider them. A trial court is “not required to mention every arguably pertinent item of evidence before it, let alone explain in minute detail its view of each item.” (*Yield Dynamics, Inc. v. TEA Systems Corp.* (2007) 154 Cal.App.4th 547, 565; *Ibid.* [claim that trial court disregarded evidence was not supported by court’s “failure to refer [to it] in its statement of decision”].) And even assuming any error, a record of the hearing could establish that it was harmless based on the totality of the evidence and the family court’s factual findings that it was not in the parties’ best interests to continue to interact with each other and there was no substantial relationship between Torres and the dog.

Torres also suggests that when a reporter’s transcript is unavailable, providing an agreed or settled statement as an alternative record of the oral proceedings is merely optional. As we have explained, however, an appellant’s obligation to provide an adequate record on appeal is not optional. “It is the duty of an appellant to provide an adequate record to the court establishing error. Failure to provide an adequate record on an issue requires that the issue be resolved against appellant.’” (*Hotels Nevada, LLC v. L.A. Pacific Center, Inc.* (2012) 203 Cal.App.4th 336, 348.) “By failing to provide an adequate record, appellant cannot meet his burden to show error and we must resolve any challenge to the order against him.” (*Ibid.*) We therefore affirm the family court’s order.

III

We next consider whether to impose sanctions against Bonar for citing and relying on fictitious legal authorities in her oppositions to the motions to reinstate this appeal.

Business and Professions Code section 6068, subdivision (d), states it is the duty of an attorney “[t]o employ . . . 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.” California Rules of Professional Conduct, rule 3.3(a)(1) and (2), prohibit an attorney from “knowingly mak[ing] a false statement of 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” or “knowingly misquot[ing] to a tribunal the language of a book, statute, decision or other authority.” A person’s knowledge may be inferred from the circumstances. (Cal. Rules Prof. Conduct, rule 1.0.1(f).)

We may impose sanctions against appellate counsel for committing any unreasonable violation of the California Rules of Court. (Cal. Rules of Court,

rule 8.276(a)(4).) Relying on fictitious legal authority is sanctionable conduct because it constitutes an unreasonable violation of the rules requiring that each point be supported by actual legal authority (*id.*, rule 8.204(a)(1)) and prohibiting citation of unpublished authorities (*id.*, rule 8.1115(a)). (*Shayan v. Shakib* (2025) 116 Cal.App.5th 619, 624–625 (*Shayan*); *Schlichter v. Kennedy* (2025) 116 Cal.App.5th 24, 31–34 (*Schlichter*); *People v. Alvarez* (2025) 114 Cal.App.5th 1115, 1118–1120 (*Alvarez*); *Noland, supra*, 114 Cal.App.5th at pp. 443–447.)

Bonar admits that she cited fictitious authority to the court, including the fictional *Teegarden* case apparently generated by AI and the nonexistent *Twigg* case discussed in the Reddit article that was authored by a non-attorney blogger. She also admits she did not verify this authority. For an attorney to cite and rely on a fictional case obtained from a Reddit article or an AI prompt without verifying and reading the case itself is an unreasonable violation of the Rules of Court. “[I]t is a fundamental duty of attorneys to *read* the legal authorities they cite in appellate briefs or any other court filings to determine that the authorities stand for the propositions for which they are cited.” (*Noland, supra*, 114 Cal.App.5th at p. 445.) “[T]he rules of this court impose on attorneys the obligation to assure that filings they sign do not falsely represent the holdings of cases.” (*Shayan, supra*, 116 Cal.App.5th at p. 624.)

Making matters worse, even after counsel for Torres pointed out that *Twigg* was an invented case in his second motion to reinstate the appeal, Bonar doubled down. She continued to insist it was a “valid, published precedent[]” and a “legitimate California Supreme Court case, reported at 34 Cal.3d 926, 195 Cal.Rptr. 718, 670 P.2d 340, decided on July 5, 1984.” Until Bonar filed this opposition, no one had previously supplied these additional

fake citations to the unofficial California and Pacific Reporters or the bogus date of decision, none of which came from the Reddit article or was included in the family court’s order or Munoz’s original declaration. This additional citation information was just as phony as the original citation. Yet Bonar in the same document accused *opposing* counsel of “incompetence” and “failure to conduct basic legal research” and “inadequate database searches or unfamiliarity with standard legal reporters.”

As we have emphasized, “ ‘ “[h]onesty in dealing with the courts is of paramount importance, and misleading a judge is, regardless of motives, a serious offense.” ’ ” (*Alvarez, supra*, 114 Cal.App.5th at p. 1119.) Bonar’s conduct falls far short of her duty of candor with the court under the California Rules of Professional Conduct and constitutes an unreasonable violation of the Rules of Court. Because Bonar’s conduct “involves an inherent risk” of citing inaccurate and spurious law, and she persisted in this conduct even after being alerted to the fake authorities, the record “supports an inference that [she] knowingly and unreasonably violated the rules.” (*Shayan, supra*, 116 Cal.App.5th at p. 625 [citing *Alvarez, supra*, 114 Cal.App.5th at pp. 1119–1120].)

In *Alvarez*, we imposed sanctions of \$1,500 against counsel for citation of fabricated authority. (*Alvarez, supra*, 114 Cal.App.5th at p. 1120.) Division Two of our court recently imposed sanctions of \$1,750 for citation of fabricated authority. (*Schlichter, supra*, 116 Cal.App.5th at p. 34.) We view Bonar’s conduct as significantly more serious for two reasons. First, Bonar persisted in and aggravated the misconduct by providing additional fictitious citation information for *Twigg* and insisting it was “a legitimate California Supreme Court case” even after opposing counsel pointed out that *Twigg* was a fictitious case and even though she knew it came from an unreliable and

unverified Reddit article. Second, Bonar still has not been completely forthcoming with this court because she has not explained how she came up with the additional fictitious citation information she provided for *Twigg* that did *not* come from the Reddit article, other than to concede at oral argument that it “may have” come from her use of AI tools. We will therefore impose sanctions in the amount of \$5,000.

DISPOSITION

The order is affirmed. Respondent’s counsel Roxanne Chung Bonar is ordered to pay \$5,000 in sanctions payable to the clerk of this court no later than 30 days after the remittitur issues. As required by Business and Professions Code section 6086.7, subdivision (a)(3), the clerk of this court is directed to forward a copy of this opinion to the State Bar of California upon issuance of the remittitur. This disposition serves as notice to counsel that the imposition of sanctions will be reported to the State Bar of California. (*Id.*, § 6086.7, subd. (b).) Bonar is also ordered to personally report the sanctions to the State Bar of California. (*Id.*, § 6068, subd. (o)(3).) The parties shall bear their own costs on appeal.

BUCHANAN, J.

WE CONCUR:

IRION, Acting P. J.

DO, J.

Filed 9/12/25

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

SYLVIA NOLAND,

Plaintiff and Appellant,

v.

LAND OF THE FREE, L.P., et al.,

Defendants and Respondents.

B331918

(Los Angeles County
Super. Ct. No. BC716737)

APPEAL from a judgment of the Superior Court of
Los Angeles County, Stephen I. Goorvitch, Judge. Affirmed.

Mostafavi Law Group and Amir Mostafavi for Plaintiff and
Appellant.

Yadegari & Associates and Michael Yadegari for
Defendants and Respondents.

This appeal is, in most respects, unremarkable. Plaintiff filed a complaint alleging a variety of employment-related claims, and the trial court granted defendants’ motion for summary judgment, finding no triable issues as to any of those claims. Plaintiff challenges the grant of summary judgment on several grounds, none of which raises any novel questions of law or requires us to apply settled law in a unique factual context. In short, this is in most respects a straightforward appeal that, under normal circumstances, would not warrant publication.

What sets this appeal apart—and the reason we have elected to publish this opinion—is that nearly all of the legal quotations in plaintiff’s opening brief, and many of the quotations in plaintiff’s reply brief, are fabricated. That is, the quotes plaintiff attributes to published cases do not appear in those cases or anywhere else. Further, many of the cases plaintiff cites do not discuss the topics for which they are cited, and a few of the cases do not exist at all. These fabricated legal authorities were created by generative artificial intelligence (AI) tools that plaintiff’s counsel used to draft his appellate briefs. The AI tools created fake legal authority—sometimes referred to as AI “hallucinations”—that were undetected by plaintiff’s counsel because he did not read the cases the AI tools cited.

Although the generation of fake legal authority by AI sources has been widely commented on by federal and out-of-state courts and reported by many media sources, no California court has addressed this issue. We therefore publish this opinion as a warning. Simply stated, no brief, pleading, motion, or any other paper filed in any court should contain *any* citations—whether provided by generative AI or any other source—that the attorney responsible for submitting the pleading has not

personally read and verified. Because plaintiff's counsel's conduct in this case violated a basic duty counsel owed to his client and the court, we impose a monetary sanction on counsel, direct him to serve a copy of this opinion on his client, and direct the clerk of the court to serve a copy of this opinion on the State Bar.

FACTUAL AND PROCEDURAL BACKGROUND

I. Complaint.

Sylvia Noland (Noland) filed the present action in August 2018, and filed the operative second amended complaint (complaint) in August 2019. The complaint alleges as follows:

Defendants Jose Luis Nazar and Land of the Free, L.P. (collectively, defendants) own an office building located at 640 S. San Vicente Boulevard (the San Vicente property) and an event space located at 2400 Laurel Canyon Boulevard in Los Angeles (the Laurel Canyon property). In January 2018, defendants hired plaintiff to work as their leasing agent and sales representative. In that capacity, plaintiff showed the properties to potential lessees, prepared deal memos, and collected deposits and signatures on leases and contracts.

Defendants agreed to pay plaintiff for administrative work, plus a 6 percent commission for each event she booked at the Laurel Canyon property and a 2 percent commission for each tenant she secured for the San Vicente property. Defendants further agreed to pay plaintiff a \$3,500 monthly draw against her earnings and commissions. However, defendants never paid plaintiff \$1,000 per month for her administrative work, and in 2018 defendants told plaintiff they would no longer pay her a monthly draw. Further, defendants failed to pay plaintiff a

\$60,000 commission she was owed for securing a lease worth \$3.5 million over a 10-year term. Defendants also failed to pay plaintiff minimum wage or overtime, to maintain proper time records, and to provide plaintiff itemized wage statements.

In about June 2018, plaintiff learned that defendants did not have the necessary permits to lease office space at the San Vicente property to medical providers. Plaintiff “refused to work under intolerable working conditions that required [her to] secure lease agreements in blatant violation of the law and act unethically towards clients,” and she “was therefore left with no reasonable alternative but to resign and was constructively terminated.”

Plaintiff’s complaint asserted 25 causes of action, including violations of California’s wage and hour laws (1st–5th and 14th–22nd causes of action), retaliation (6th cause of action), constructive and wrongful termination (7th and 23rd causes of action), breach of contract (8th cause of action), quantum meruit (11th cause of action), violation of Business and Professions Code section 17200 (12th cause of action), penalties under the Private Attorneys General Act (PAGA; Lab. Code, § 1298) (13th cause of action), misclassification of employee as independent contractor (24th cause of action), and intentional infliction of emotional distress (25th cause of action).¹

¹ The trial court sustained demurrers to the ninth, tenth, and eighteenth causes of action, and thus we do not discuss them.

II. Defendants' first motion for summary judgment.

Defendants filed a motion for summary judgment in September 2022, noticing a hearing for December 1, 2022. Plaintiff moved to strike the motion as untimely. The trial court (Hon. David Sotelo) denied the summary judgment motion on the ground that it was not filed sufficiently in advance of the hearing date.

III. Defendants' request to continue trial and second motion for summary judgment.

A. Request to continue trial.

In January 2023, defendants filed an ex parte application to continue the trial from January to May 2023. Defendants' counsel stated that he had recently been in an automobile accident that limited his mobility and required multiple doctors' visits. Accordingly, "It would be very difficult for Defendant[s]' counsel to appear in trial at this time while he is in recovery."

Plaintiff responded that she was amenable to continuing the trial as long as the statutory five-year deadline for bringing the case to trial was tolled. At a January 2023 hearing, the parties stipulated to extending the five-year period through the end of December 2023, and the trial court continued the trial to May 2023. That date was later vacated, and trial was set for June 2023.

B. Second motion for summary judgment.

Defendants refiled their motion for summary judgment in January 2023. The motion was essentially identical to that filed in September 2022, urging that there were no triable issues of material fact as to any of plaintiff's causes of action.

Plaintiff responded by filing a motion for sanctions. Plaintiff asserted that sanctions were appropriate because (1) defendants had sought a trial continuance for the purpose of refiling their summary judgment motion, (2) defendants' second motion for summary judgment did not assert new or different facts or legal issues, and it therefore violated Code of Civil Procedure² section 437, subdivision (f)(2), and (3) the date on which the motion for summary judgment was set to be heard was fewer than 30 days prior to the date set for trial.

On May 25, 2023, the trial court denied the motion for sanctions and continued the hearing to allow plaintiff to file a substantive opposition to the summary judgment motion. The court's order explained as follows:

"This case originally was assigned to [Judge] David Sotelo Defendants previously filed a motion for summary judgment on September 29, 2022, and noticed the hearing for December 1, 2022, in advance of a trial date of January 17, 2023. Judge Sotelo denied the motion for lack of statutory notice without addressing the merits. Following Judge Sotelo's retirement, the case was reassigned

"Now, Defendants again move for summary judgment or, in the alternative, summary adjudication. Plaintiff did not file an opposition, but instead objected under . . . section 437c(f)(2), arguing that this is a successive motion for summary judgment. . . . The Court overrules the objection for three independent reasons.

² All subsequent undesignated statutory references are to the Code of Civil Procedure.

“First, the Court interprets section 437c(f)(2) as prohibiting successive motions for summary judgment only when there has been a prior ruling on the merits. As discussed, Judge Sotelo denied the motion on procedural grounds without resolving the merits. Therefore, section 437c(f)(2) does not prohibit Defendants from filing a second motion for summary judgment.

“Second, . . . [a] trial court may not refuse to hear a motion for summary judgment filed and served sufficiently in advance of trial. [Citation.] Defendants had a right to a decision on the merits, given that they filed their motion 110 days before trial.

“Finally, in the alternative, the Court exercises its discretion and elects to consider Defendants’ motion for summary judgment on the merits. Notwithstanding section 437c(f)(2), the Court has inherent authority to consider a second motion for summary judgment, provided there is good cause to do so. [Citation.] The Court does so for the reasons stated. Moreover, the issues raised in Defendants’ motion should be decided in advance of trial. It would not promote the interests of judicial economy to select the jury and permit Plaintiff to conduct her case-in-chief before ruling on these issues on a motion for non-suit.”

Plaintiff thereafter filed a substantive opposition to defendants’ motion for summary judgment, urging that there were triable issues of fact as to each cause of action. The court held a hearing on the motion and, after taking the motion under submission, granted summary judgment for defendants. Among other things, the court found the evidence was undisputed that (1) plaintiff was an independent contractor, not an employee, and thus the wage and hour laws did not apply to her, (2) defendants did not owe plaintiff a commission because the tenant plaintiff

said she secured ultimately did not execute a lease with defendants, (3) plaintiff had not demonstrated that she was subject to any adverse employment actions that could form the basis for a retaliation action, and (4) plaintiff did not demonstrate triable issues as to her intentional infliction of emotional distress claim.

On July 25, 2023, plaintiff filed a notice of appeal from the order granting summary judgment.³

³ An order granting summary judgment is not an appealable order. (E.g, *Champlin/GEI Wind Holdings, LLC v. Avery* (2023) 92 Cal.App.5th 218, 223; *Levy v. Skywalker Sound* (2003) 108 Cal.App.4th 753, 761, fn. 7.) Thus, in October 2023, this court directed plaintiff to provide the court with an appealable judgment or to explain why the appeal should not be dismissed. Plaintiff responded in a letter brief that no judgment had been entered, but the appeal should not be dismissed because the order granting summary judgment was a final order that resolved all pending issues between the parties. This court deferred the appealability question to the panel that would decide the appeal on the merits.

Although more than 18 months have passed since this court advised plaintiff of the need to obtain a judgment, plaintiff's counsel has not obtained one. Accordingly, we would be well within our discretion to dismiss the appeal. (See *Blauser v. Dubin* (2024) 106 Cal.App.5th 918, 920–923 [dismissing appeal from minute order granting motion for nonsuit].) Nonetheless, in the interests of justice and to avoid delay, we construe the order granting summary judgment as incorporating an appealable judgment, and the notice of appeal as appealing from such judgment. (See *Blauser*, at p. 922 & fn. 4; *Levy v. Skywalker Sound*, *supra*, 108 Cal.App.4th at p. 761, fn. 7.)

DISCUSSION

I. Plaintiff's counsel's reliance on fabricated legal authority.

We begin by noting that nearly all of the quotations in plaintiff's opening brief, and many of the quotations in plaintiff's reply brief, have been fabricated. That is, as noted above, although most of the cases to which the quotes are attributed exist, the quotes do not. Further, many of the cases plaintiff cites do not support the propositions for which they are cited or discuss other matters entirely, and a few of the cases do not exist at all. To give just a few examples:

Plaintiff asserts: "In *Schimmel v. Levin* (2011) 195 Cal.App.4th 81, the court discussed the legislative purpose behind Section 437c(f)(2), highlighting that it was enacted to prevent abuse of the summary judgment procedure by disallowing multiple motions on the same issues." In fact, *Schimmel* does not contain a single reference to either summary judgment or section 437c. Appellant's opening brief also purports to quote *Schimmel* as follows: "In *Schimmel v. Levin* (2011) 195 Cal.App.4th 81, 86–87, the court held: 'Section 437c(f)(2) embodies a legislative judgment that a party should not be allowed to bring multiple motions for summary judgment based on the same issues without demonstrating newly discovered facts or circumstances or a change in the law. This policy applies even when the prior motion was denied on procedural grounds.' " The quoted language does not appear in *Schimmel*—or in any other case of which we are aware.

Plaintiff also asserts: "In *Regency Health Services, Inc. v. Superior Court* (1998) 64 Cal.App.4th 1496, 1504, the court emphasized: 'A continuance should not be granted when it is

sought to facilitate procedural maneuvers rather than to promote justice.’ ” *Regency* does not address the granting of a continuance, and the quoted language does not appear anywhere in the opinion.

Plaintiff further asserts: “The court in *Peake v. Underwood*, 227 Cal.App.4th 428, 448 (2014), emphasized that filing a second dispositive motion without new facts or law is frivolous and subject to sanctions.” *Peake* does not address the filing of a second dispositive motion, and the only sanctions at issue in that case were for filing a frivolous pleading. (*Id.* at pp. 432–450.)

Plaintiff additionally asserts: “As in *Goldstine v. Liberty Mut. Ins. Co.*, 2020 WL 6216738 (W.D. Wash. 2020), where sanctions were imposed for similar baseless claims of personal hardship to delay proceedings, Mr. Yadegari’s actions warranted sanctions under California Code of Civil Procedure § 128.5 for making false statements to obtain an improper advantage.” *Goldstine* appears to be a fabricated case.

And, plaintiff asserts: “The California Court of Appeal in *Heckert v. MacDonald*, 208 Cal.App.3d 832, 837 (1989), emphasized that sanctions should be imposed where a party uses procedural rules to gain an unfair advantage by engaging in ‘frivolous litigation tactics.’ ” The words “frivolous,” “unfair,” and “tactics” do not appear in *Heckert*, which concerns the appellants’ claim that the trial court erred by refusing to order their real estate broker to pay their attorney fees as damages.

In total, appellant’s opening brief contains 23 case quotations, 21 of which are fabrications. Appellant’s reply brief contains many more fabricated quotations. And, both briefs are

peppered with inaccurate citations that do not support the propositions for which they are cited.

The extensive reliance on nonexistent legal authority would justify striking appellant’s opening brief or dismissing the appeal. (See, e.g., *In re Marriage of Deal* (2022) 80 Cal.App.5th 71, 77–81 [dismissing frivolous appeal]; *Huang v. Hanks* (2018) 23 Cal.App.5th 179, 182 [“ ‘appellate courts possess the . . . inherent power to summarily dismiss any action or appeal which . . . is based upon . . . frivolous grounds’ ”].) Nonetheless, because nothing indicates that plaintiff was aware that her counsel had fabricated legal authority, and defendants addressed plaintiff’s contentions on the merits, we will do the same. (See *People v. Wende* (1979) 25 Cal.3d 436, 443 [affirming on the merits rather than dismissing appeal as frivolous: “Once the record has been reviewed thoroughly, little appears to be gained by dismissing the appeal rather than deciding it on its merits”].)⁴

II. Plaintiff’s substantive arguments lack merit.

A. The trial court did not abuse its discretion by considering defendants’ second motion for summary judgment on the merits.

Section 437c, subdivision (f)(2), provides: “A party shall not move for summary judgment based on issues asserted in a prior motion for summary adjudication and denied by the court unless that party establishes, to the satisfaction of the court, newly discovered facts or circumstances or a change of law supporting the issues reasserted in the summary judgment motion.”

⁴ We will, however, impose sanctions on plaintiff’s counsel for filing a frivolous brief, as we discuss in part III of the Discussion.

Plaintiff contends that because defendants' second motion for summary judgment did not assert newly discovered facts or a change of law, the trial court lacked discretion under section 437c, subdivision (f)(2) to consider it. The trial court's authority to consider defendants' renewed motion for summary judgment is a question of law, which we review de novo. (*Marshall v. County of San Diego* (2015) 238 Cal.App.4th 1095, 1105 (*Marshall*); *People v. Lujan* (2012) 211 Cal.App.4th 1499, 1507 [whether a trial court has inherent authority to take an action is reviewed de novo].)

Plaintiff's contention is directly contrary to our Supreme Court's decision in *Le Francois v. Goel* (2005) 35 Cal.4th 1094 (*Le Francois*). There, the high court held that while section 437c, subdivision (f)(2) "prohibit[s] a party from making renewed motions not based on new facts or law," it does not restrict a trial court's inherent authority in any manner. (*Le Francois*, at pp. 1096–1097.) Indeed, the court said, an interpretation of section 437c, subdivision (f)(2) that limited the trial court's authority to reconsider its own rulings would raise "difficult constitutional questions"—namely, whether the statute "'emasculate[s] the judiciary's core power to decide controversies between parties.'" (*Le Francois*, at pp. 1104–1105.)

The *Le Francois* court explained that while a trial court is not required to rule on a second motion for summary judgment, courts "cannot prevent a party from communicating the view to a court that it should reconsider a prior ruling." (*Le Francois*, *supra*, 35 Cal.4th at p. 1108.) Further, "it should not matter whether the 'judge has an unprovoked flash of understanding in the middle of the night' [citation] or acts in response to a party's suggestion. If a court believes one of its prior interim orders was

erroneous, it should be able to correct that error no matter how it came to acquire that belief.” (*Ibid.*) Thus, the court said, section 437c does “not limit a *court’s* ability to reconsider its previous interim orders on its own motion, as long as it gives the parties notice that it may do so and a reasonable opportunity to litigate the question.”⁵ (*Le Francois*, at p. 1097; see also *id.* at pp. 1108–1109 [“To be fair to the parties, if the court is seriously concerned that one of its prior interim rulings might have been erroneous, and thus that it might want to reconsider that ruling on its own motion . . . it should inform the parties of this concern, solicit briefing, and hold a hearing”]; *Marshall, supra*, 238 Cal.App.4th at pp. 1104–1107 [trial court had inherent authority to entertain successive motions for summary judgment or summary adjudication]; *Minick v. City of Petaluma* (2016) 3 Cal.App.5th 15, 34 [“Trial courts always have discretion to revisit interim orders in service of the paramount goal of fair and accurate decisionmaking”].)

Le Francois is dispositive of plaintiff’s contention that the trial court lacked discretion to consider the renewed motion for summary judgment. While the trial court was not *required* to rule on defendants’ motion, it had discretion to exercise its inherent power to reconsider the prior order denying summary judgment and, having done so, to grant the motion. Plaintiff’s contention to the contrary is wholly without merit.

⁵ Because the trial court in *Le Francois* had not warned the parties it might change its previous ruling or allowed the parties to be heard on the issue, the Supreme Court remanded the matter “for the court and parties to follow proper procedure.” (*Le Francois, supra*, 35 Cal.4th at p. 1109 & fn. 6.)

B. The trial court did not abuse its discretion by denying plaintiff's motion for sanctions.

Below, plaintiff sought sanctions under sections 128.5 and 128.7 on the grounds that (1) defendants were prohibited under section 437c, subdivision (f)(2) from filing a second motion for summary judgment on the same grounds, and (2) defendants' counsel's claim that he had been in an automobile accident "was false, unsubstantiated, and was made in bad faith only to obtain [a] continuance to the trial date, so Defendants could file their second MSJ." In support, plaintiff asserted: "If [defendants' attorney] Mr. Yadegari's health condition resulting from the car accident indeed impaired his ability to prepare and appear for trial, it should also have prevented him [from preparing] for the [s]econd MSJ. . . . What is at issue here is whether Mr. Yadegari alleged his bodily injuries to continue the trial so he could re-use the [f]irst MSJ? The answer must be affirmative" The trial court rejected plaintiff's contention that sanctions were warranted, finding that there was good cause for defendants to renew their summary judgment motion, and the record did "not support Plaintiff's counsel's argument that Defendants' counsel misrepresented having been in an accident in order to obtain a continuance under false pretenses."

Plaintiff contends that the trial court erred by denying the motion for sanctions. We review a sanctions order for an abuse of discretion. (*McCluskey v. Henry* (2020) 56 Cal.App.5th 1197, 1205.) Under that standard, we "presume the trial court's order is correct and do not substitute our judgment for that of the trial court." (*Ibid.*) Further, we will uphold all orders based on express or implied findings supported by substantial evidence.

(*Hanna v. Mercedes-Benz USA, LLC* (2019) 36 Cal.App.5th 493, 513; *Frei v. Davey* (2004) 124 Cal.App.4th 1506, 1512.)

The trial court did not abuse its discretion by denying plaintiff's motion for sanctions. In support of defendants' application to continue trial, attorney Michael Yadegari declared under penalty of perjury that he "was recently in an accident where I was run over by a Sports Utility Vehicle ('SUV') while I was riding a scooter. This event has limited my mobility and I have to go to multiple doctors for my injury. It would be very difficult for me . . . to appear in trial at this time while I am in recovery." Plaintiff's sanctions motion provided no evidence that defendants' counsel had not been in an accident, but merely suggested the trial court should *infer* that was the case because counsel had been able to file a second motion for summary judgment. But the filing of the second motion for summary judgment did not require the inference plaintiff suggests. As plaintiff herself admits, the second summary judgment motion was "virtually identical" to the first, and thus the trial court was not required to infer from its filing that counsel's injuries were fabricated. Moreover, attending a trial in person requires a physical stamina that preparing a motion does not. And, in any event, the trial court was well within its discretion in crediting defendants' counsel's sworn testimony. (See, e.g., *Santa Clara County Correctional Peace Officers' Assn., Inc. v. County of Santa Clara* (2014) 224 Cal.App.4th 1016, 1027 [when reviewing a " 'judgment based on affidavits or declarations,' " a reviewing court " 'defer[s] to [the trial court's] determination of credibility of the witnesses' "].) The trial court thus did not err by denying the motion for sanctions.

C. Plaintiff has not demonstrated error with regard to her PAGA and employment claims.

Plaintiff contends the trial court erred by “fail[ing] to recognize disputed material facts in plaintiff’s PAGA and employment claims.” However, plaintiff does not identify any evidence in the record to support her claim. The contention, thus, is forfeited. (E.g., *Coziahr v. Otay Water Dist.* (2024) 103 Cal.App.5th 785, 799 (*Coziahr*) [“Points must be supported by reasoned argument, authority, and record citations, or may be deemed forfeited”]; *Badie v. Bank of America* (1998) 67 Cal.App.4th 779, 784–785 [“When an appellant fails to raise a point, or asserts it but fails to support it with reasoned argument and citations to authority, we treat the point as waived”].)

D. The trial court did not err by denying plaintiff’s request to reopen discovery.

At the May 25, 2023 hearing on defendants’ motion for summary judgment, plaintiff’s counsel asked the court to continue the hearing date and to reopen discovery. The court granted the motion to continue and allowed plaintiff to file an opposition on the merits, but it denied the request to reopen discovery. The court explained: “[T]he Court denies the request to reopen discovery for multiple independent reasons. Plaintiff’s counsel represented at the case management conference that discovery should remain closed. [Citation.] Plaintiff’s counsel’s request was not made in writing with proper notice to Defendants’ counsel. Plaintiff’s counsel does not articulate what ‘facts essential to justify opposition may exist but cannot, for reasons stated, be presented,’ as required by . . . section 437c(h). This case was filed four years and nine months ago, and

Plaintiff's counsel has had ample opportunity to conduct discovery. The record reflects no good cause for Plaintiff's counsel not having conducted the depositions of those who provided declarations in support of the motion. Indeed, their identities and significance to the case would have been clear at the outset, even assuming they were not identified in discovery. Finally, the schedule does not permit time to reopen discovery, given the age of the case, the impending five-year deadline, and the difficulty of setting trials later this year given congestion of the Court's calendar and the holidays."

Plaintiff contends the trial court erred by denying her request to reopen discovery in order to oppose defendants' motion for summary judgment. Plaintiff cites no legal authority in support of this contention, and thus she has forfeited it. (*Coziahr, supra*, 103 Cal.App.5th at p. 799.)

E. The trial court did not abuse its discretion by “fail[ing] to review plaintiff’s opposition papers before issuing its tentative ruling.”

Plaintiff asserts that the order granting summary judgment must be reversed because the trial court “failed to review” her opposition to the summary judgment motion. In support, plaintiff points to the trial court’s statements at the May 25, 2023 hearing that plaintiff “did not oppose the motion on the merits,” and at the June 26, 2023 hearing that it was “a bit confused why [an opposition] was not filed in the first place.” Plaintiff suggests that these statements “strongly impl[y] the court overlooked or ignored the opposition papers filed by the plaintiff, a clear procedural error.”

Plaintiff’s contention is entirely without merit. “‘It is presumed that official duty has been regularly performed’

(Evid. Code, § 664),” and in the absence of contrary evidence, we must assume that the trial court followed the law. (*People v. Campo* (1987) 193 Cal.App.3d 1423, 1432.) No such evidence appears here. To the contrary, plaintiff’s counsel conceded in the trial court (and it is apparent from the record) that a substantive opposition to defendants’ motion for summary judgment had not been filed before the May 25, 2023 hearing. Indeed, it was *because* no opposition had been filed that the summary judgment hearing was continued a month, to June 26, 2023. And, at the June 26, 2023 hearing, the court stated that it allowed plaintiff to file an opposition on the merits, but “[t]he opposition was not persuasive to me.” The trial court could not have made that statement had it not reviewed plaintiff’s opposition. We perceive no abuse of discretion.

For all the foregoing reasons, the trial court did not err by granting summary judgment for defendants. We therefore will affirm the judgment.

III. Sanctions for pursuit of a frivolous appeal.

Prior to oral argument in this case, on our own motion we issued an order to show cause (OSC) why this court should not sanction plaintiff’s counsel, Amir Mostafavi, for filing appellate briefs replete with fabricated quotes and citations. The OSC noted that nearly all of the quotations in appellant’s opening brief, as well as many in the reply brief, were fabricated, and it warned that sanctions might include both an award of attorney fees and costs to defendants and an award of sanctions payable to the clerk of this court.

Attorney Mostafavi filed a written response. He acknowledged that he relied on AI “to support citation of legal issues” and that the fabricated quotes were AI-generated. He

further asserted that he had not been aware that generative AI frequently fabricates or hallucinates legal sources and, thus, he did not “manually verify [the quotations] against more reliable sources.” Mostafavi accepted responsibility for the fabrications and said he had since taken measures to educate himself so that he does not repeat such errors in the future. He asserted, however, that “[t]he majority of citations are accurate and support the propositions that were being advanced”; the appeal is not frivolous; and in spite of fabricated quotations, the brief “stands on meritorious arguments that are fully supported by the record.” Mostafavi therefore urges that “[s]hould the Court determine that some corrective action is warranted,” the appropriate remedy “is correction of the briefs rather than monetary sanctions” because counsel’s “citation irregularities,” although “regrettable,” “do not rise to the level requiring punitive measures given the isolated nature of the problems relative to the briefs’ overall representation of the reversible errors made by the trial court based on the cited record and not necessarily in complete reliance on the cited authorities.”

At oral argument, attorney Mostafavi explained that he wrote initial drafts of the briefs, “enhanced” the briefs with ChatGPT, and then ran the “enhanced” briefs through other AI platforms to check for errors. Counsel admitted that he did not read the “enhanced” briefs before he filed them.

For the reasons that follow, we decline to permit the filing of revised briefs and conclude that an award of sanctions against attorney Mostafavi is appropriate.

A. Legal principles.

The Code of Civil Procedure permits an appellate court to impose sanctions for filing a frivolous appeal. (§ 907 [“When it

appears to the reviewing court that the appeal was frivolous or taken solely for delay, it may add to the costs on appeal such damages as may be just”]; § 128.7 [attorney may be sanctioned for submitting pleading for which the attorney does not have a belief “formed after an inquiry reasonable under the circumstances” that the “legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law”].) The Rules of Court similarly permit the court to sanction a party or attorney for filing a frivolous appeal or motion, as well as for including in the record matters not reasonably material to the appeal or “[c]ommitting any other unreasonable violation of these rules.” (Cal. Rules of Court,⁶ rule 8.276(a)(4); see also *Huschke v. Slater* (2008) 168 Cal.App.4th 1153, 1155–1156.)

An appeal is frivolous if it is prosecuted for an improper motive or indisputably has no merit. “To determine whether an appeal is frivolous, we apply both a subjective standard, examining the motives of appellant and its counsel, and an objective standard, analyzing the merits of the appeal. (*In re Marriage of Flaherty* (1982) 31 Cal.3d 637, 649–650.) A finding of frivolousness may be based on either standard by itself, but the two tests are ordinarily used together, with one sometimes providing evidence relevant to the other.” (*Malek Media Group, LLC v. AXQG Corp.* (2020) 58 Cal.App.5th 817, 834 (*Malek*).) An appeal may be objectively frivolous if “appellant’s arguments rest on negligible legal foundation.” (*Id.* at pp. 834–835, quoting *Kurokawa v. Blum* (1988) 199 Cal.App.3d 976, 995–996); see also

⁶ All subsequent rule references are to the Rules of Court.

Estate of Kempton (2023) 91 Cal.App.5th 189, 206 [quoting *Malek*].)

Even if an appeal is not frivolous, this court has authority under rule 8.276 to sanction a party who unreasonably violates the Rules of Court. (See, e.g., *Bryan v. Bank of America* (2001) 86 Cal.App.4th 185, 194 [“[e]ven if an appeal is neither frivolous nor filed solely for delay, we have independent authority under rule 26(a) of the California Rules of Court [now, rule 8.276] to sanction a party who “has been guilty of any . . . unreasonable infraction of the rules . . . as the circumstances of the case and the discouragement of like conduct in the future may require” ’ ”]; *Jones v. Superior Court* (1994) 26 Cal.App.4th 92, 96 [same].) The Rules of Court require parties to support each point in a brief “if possible, by citation of authority.” (Rule 8.204(a)(1)(B).) Thus, courts have, in appropriate cases, sanctioned attorneys for including improper material in appellate briefs or failing to support assertions of law with legal authority. (See, e.g., *Evans v. Centerstone Development Co.* (2005) 134 Cal.App.4th 151, 166 [imposing sanctions for filing appellate briefs that “are cornucopias of” violations of rules of appellate procedure]; *Alicia T. v. County of Los Angeles* (1990) 222 Cal.App.3d 869, 884–885 [sanctioning attorney for citing unpublished opinion and asserting facts not supported by the record]; *Schulz v. Wulfing* (1967) 251 Cal.App.2d 776, 778–779 [sanctioning attorney for filing appellate brief containing “but two references to” the appellate record].) Such sanctions are appropriate to enforce court rules and “to discourage similar conduct in the future.” (*Evans*, at p. 168.)

B. Counsel’s reliance on fabricated legal authority renders this appeal frivolous and violative of the California Rules of Court.

Appellant’s counsel has acknowledged that his briefs are replete with fabricated legal authority, which he admits resulted from his reliance on generative AI sources such as ChatGPT, Claude, Gemini, and Grok. Counsel says that he was not previously aware of the problem of AI “hallucinations,” but he has educated himself about the issue since receiving the OSC.

In the last two years, many courts have confronted briefs populated with fraudulent legal citations resulting from attorneys’ reliance on generative AI. One court noted: “The issue of AI programs populating and citing to fake or nonexistent legal authority, what has become known as AI ‘hallucinations,’ is an issue for courts that is becoming far too common.” (*Powhatan County School Board v. Skinger* (E.D. Va., June 2, 2025, No. 3:24cv874) 2025 WL 1559593, at *9 (*Powhatan*).) Another court referenced a case citation that “has all the markings of a hallucinated case created by generative artificial intelligence (AI) tools such as ChatGPT and Google Bard that have been widely discussed by courts grappling with fictitious legal citations and reported by national news outlets.” (*United States v. Hayes* (E.D. Cal. 2025) 763 F.Supp.3d 1054, 1065 (*Hayes*).) And yet another noted a plaintiff’s “false citations” that “appear to be hallmarks of an artificial intelligence (‘AI’) tool,” observing that “[i]t is now well known that AI tools ‘hallucinate’ fake cases.” (*Schoene v. Oregon Dept. of Human Services* (D. Or., July 18, 2025, No. 3:23-cv-742-SI) 2025 WL 2021654 (*Schoene*), at *7; see also *Hall v. Academy Charter School* (E.D.N.Y. Aug. 7, 2025, No. 2:24-cv-08630-JMW) 2025 WL 2256653, at *4 [“The appearance of

hallucinated citations in briefs generated from AI is no longer in its nascent stage. Regrettably, the number and regularity with which courts have been faced with hallucinations in court filings continues to rise”].)

One recent article suggests that the problem of AI hallucinations is getting worse, not better, noting that OpenAI’s newest models hallucinated “30–50% of the time, according to company tests.” (Murray, *Why AI Hallucinations Are Worse Than Ever*, Forbes.com (May 6, 2025) <<https://www.forbes.com/sites/conormurray/2025/05/06/why-ai-halluncinations-are-worse-than-ever/>> [as of Sept. 12, 2025], archived at <<https://perma.cc/Q8NU-AEZ9>>.) The article explained that many AI models “are designed to maximize the chance of giving an answer, meaning the bot will be more likely to give an incorrect response than admit it doesn’t know something.” (*Ibid.*) A district court recently noted that this means AI hallucinations are “more likely to occur when there are little to no existing authorities available that clearly satisfy the user’s request” (*In re Richburg* (Bankr. D.S.C., Aug. 27, 2025, No. AP 25-80037-EG) 2025 WL 2470473, at *5, fn. 11)—such as, for example, when a lawyer asks a generative AI tool to supply a citation for an unsupported principle of law. And, because AI responses generally are “grammatically correct and . . . presented as fact” (Murray, *supra*), fabrications are not readily apparent. (See *Malone-Bey v. Lauderdale County School Board* (S.D. Miss., July 25, 2025, No. 3:25-cv-380-KHJ-MTP) 2025 WL 2098352, at *4 [“[H]allucinated cases look like real cases. They are identified by a case name, a citation to a reporter, the name of a district or appellate court, and the year of the decision. [Citation.] But, they are not real cases. These hallucinated cases are instead

inaccurate depictions of information from AI models that suffer from incomplete, biased, or otherwise flawed training data”].)

Many courts confronted with AI-generated authorities have concluded that filing briefs containing fabricated legal authority is sanctionable. (See, e.g., *Johnson v. Dunn* (N.D. Ala., July 23, 2025, No. 2:21-cv-1701-AMM) 2025 WL 2086116, at *1 [publicly reprimanding counsel for including fabricated citations in briefs, disqualifying counsel from further participation in the case, and referring counsel to the state bar]; *Powhatan, supra*, 2025 WL 1559593, at *10 [“The pervasive misrepresentations of the law in [defendant’s] filings cannot be tolerated. . . . It causes an enormous waste of judicial resources to try to find cited cases that do not exist”]; *Garner v. Kadince, Inc.* (Utah Ct. App. 2025) 571 P.3d 812, 816 [sanctioning counsel for filing appellate briefs containing fabricated legal authority]; *Versant Funding LLC v. Teras Breakbulk Ocean Navigation Enterprises, LLC* (S.D. Fla., May 20, 2025, No. 17-cv-81140) 2025 WL 1440351, at *3 (*Versant*) [noting court’s “inherent authority to sanction the misuse of AI when it affects the Court’s docket, case disposition, and ruling”]; *Lacey v. State Farm General Insurance Co.* (C.D. Cal., May 5, 2025, No. CV 24-5205 FMO (MAAx)) 2025 WL 1363069, at *1, fn. omitted [sanctioning counsel for “submitt[ing] briefs to the Special Master that contained bogus AI-generated research”]; *Benjamin v. Costco Wholesale Corporation* (E.D.N.Y. 2025) 779 F.Supp.3d 341, 347 [“Across the country, courts have issued a panoply of sanctions against attorneys who submitted fake cases”]; *Kruse v. Karlen* (Mo. Ct. App. 2024) 692 S.W.3d 43, 52 [“Filing an appellate brief with bogus citations in this Court for any reason cannot be countenanced and represents a flagrant violation of the duties of candor Appellant owes to this Court”];

Lee v. R&R Home Care, Inc. (E.D. La., Aug. 28, 2025, No. CV 24-836) 2025 WL 2481375, at *4 [sanctioning counsel for filing a brief containing a fabricated quotation; “The submission of any false authority undermines the Court’s confidence in counsel’s work and forces the Court to expend significant resources addressing the misconduct”]; *In re Richburg, supra*, 2025 WL 2470473, at *1 [sanctioning counsel for filing a pleading citing “fake caselaw ‘hallucinated’ by AI”].)

We agree with the cases cited above that relying on fabricated legal authority is sanctionable. As a district judge recently held when presented with nonexistent precedent generated by ChatGPT: “A fake opinion is not ‘existing law’ and citation to a fake opinion does not provide a non-frivolous ground for extending, modifying, or reversing existing law, or for establishing new law. An attempt to persuade a court or oppose an adversary by relying on fake opinions is an abuse of the adversary system.” (*Mata v. Avianca, Inc.* (S.D.N.Y. 2023) 678 F.Supp.3d 443, 461, fn. omitted; see also *Park v. Kim* (2d Cir. 2024) 91 F.4th 610, 615 [quoting *Mata*].)

To state the obvious, it is a fundamental duty of attorneys to *read* the legal authorities they cite in appellate briefs or any other court filings to determine that the authorities stand for the propositions for which they are cited. Plainly, counsel did not read the cases he cited before filing his appellate briefs: Had he read them, he would have discovered, as we did, that the cases did not contain the language he purported to quote, did not support the propositions for which they were cited, or did not exist. (See *Benjamin v. Costco Wholesale Corporation, supra*, 779 F.Supp.3d at p. 343 [“an attorney who submits fake cases clearly has not *read* those nonexistent cases, which is a violation

of [the federal equivalent of § 128.7]”]; *Willis v. U.S. Bank National Association as Trustee, Igloo Series Trust* (N.D. Tex., May 15, 2025, No. 3:25-cv-516-BN) 2025 WL 1408897, at *2 [same].) Counsel thus fundamentally abdicated his responsibility to the court and to his client. (See *Kleveland v. Siegel & Wolensky, LLP* (2013) 215 Cal.App.4th 534, 559 [“ ‘It is critical to both the bench and the bar that we be able to rely on the honesty of counsel. The term “officer of the court,” with all the assumptions of honor and integrity that append to it, must not be allowed to lose its significance’ ”].)

Counsel acknowledges that his reliance on generative AI to prepare appellate briefs was “inexcusable,” but he urges that he should not be sanctioned because he was not aware that AI can fabricate legal authority and did not intend to deceive the court. Although we take counsel at his word—and although there is nothing inherently wrong with an attorney appropriately using AI in a law practice—before filing any court document, an attorney must “carefully check every case citation, fact, and argument to make sure that they are correct and proper. Attorneys cannot delegate that role to AI, computers, robots, or any other form of technology. Just as a competent attorney would very carefully check the veracity and accuracy of all case citations in any pleading, motion, response, reply, or other paper prepared by a law clerk, intern, or other attorney before it is filed, the same holds true when attorneys utilize AI or any other form of technology.” (See *Versant, supra*, 2025 WL 1440351, at *4.)

We note, moreover, that the problem of AI hallucinations has been discussed extensively in cases and the popular press for several years. (See, e.g., Mulvaney, *Judge Sanctions Lawyers*

Who Filed Fake ChatGPT Legal Research, Wall. St. J. (June 22, 2023) <<https://www.tinyurl.com/mup8cn6d>> [as of Sept. 12, 2025], archived at <<https://perma.cc/H3HG-VAQ7>>; Weiser, *Here's What Happens When Your Lawyer Uses ChatGPT*, N.Y. Times (May 27, 2023) <<https://tinyurl.com/yxhza24w>> [as of Sept. 12, 2025], archived at <<https://perma.cc/H355-YHGC>>; *Schoene, supra*, 2025 WL 1755839, at *7 [“It is now well known that AI tools ‘hallucinate’ fake cases”]; *Powhatan, supra*, 2025 WL 1559593, at *9; *Hayes, supra*, 763 F.Supp.3d at p. 1065.) Thus, even a superficial review of the literature would have alerted counsel to this issue. Further, the State Bar of California released “Practical Guidance for the Use of Generative Artificial Intelligence in the Practice of Law” nearly two years ago, in November 2023. Citing specific California Rules of Professional Conduct, that guidance notes that generative AI outputs may “include information that is false, inaccurate, or biased,” and thus a lawyer who uses these outputs as a “starting point” must “critically review, validate, and correct both the input and the output of generative AI” to, among other things, “detect[] and eliminat[e] . . . false AI-generated results.” (<<https://tinyurl.com/4p59uyup>> [as of Sept. 12, 2025], archived at <<https://perma.cc/KG9Q-7YQD>>.)⁷

⁷ Additionally, the notes to Rule 1.1 of the California Rules of Professional Conduct expressly provide that “[t]he 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.” (See Editors’ Note 1, Cal. Rules Prof. Conduct, foll. rule 1.1.) We therefore do not agree that counsel’s failure to educate himself about the limitations of

Counsel also asserts that sanctions are not appropriate because the brief's errors are "isolated" and "[t]he substantive legal authorities remain sound regardless of citation format irregularities." In other words, counsel suggests, his conduct is not sanctionable because *some* of his assertions are supported by accurate legal citations, and other assertions, although misattributed, find support in cases he did not cite. These contentions lack merit. Plainly, counsel's errors are not "isolated." As noted above, nearly *all* of the case quotations in appellant's opening brief and many more from appellant's reply brief are fabricated, and many of the cited cases do not stand for the propositions for which they are cited. These inaccuracies permeate plaintiff's opening and reply briefs. Moreover, "it is not this court's function to serve as [appellant's] backup appellate counsel." (*Mansell v. Board of Administration* (1994) 30 Cal.App.4th 539, 546.) It is counsel's job—*not* this court's—to identify legal authority to support appellant's contentions. The existence of (uncited) cases in support of plaintiff's legal contentions does not excuse the fraudulent case cites.⁸

In short, we conclude that this appeal is frivolous because it "rest[s] on negligible legal foundation" (*Malek, supra*, 58 Cal.App.5th at pp. 834–835) and is peppered with fabricated legal citations. The appeal also unreasonably violates the Rules

the legal tools he relied on makes the imposition of sanctions inappropriate.

⁸ Nor is it correct that plaintiff's "substantive legal arguments [are] sound" notwithstanding the fabricated citations. To the contrary, as we have discussed, plaintiff's appellate contentions are wholly without merit.

of Court because it does not support each point with citations to real (as opposed to fabricated) legal authority. (See Rule 8.204(a)(1)(B).)

C. An award of sanctions is appropriate in this case.

Sanctions may be awarded to the respondent to compensate for the costs of responding to a frivolous appeal, or to the clerk of the court for conduct that unnecessarily burdens the court and the taxpayers. As one court has explained, “ ‘Respondent[s] . . . are not the only parties damaged when an appellant pursues a frivolous claim. Other appellate parties, many of whom wait years for a resolution of bona fide disputes, are prejudiced by the useless diversion of this court’s attention. [Citation.] In the same vein, the appellate system and the taxpayers of this state are damaged by what amounts to a waste of this court’s time and resources. [Citations.] Accordingly, an appropriate measure of sanctions should also compensate the government for its expense in processing, reviewing and deciding a frivolous appeal.’ (*Finnie v. Town of Tiburon* (1988) 199 Cal.App.3d 1, 17.)” (*Kleveland v. Siegel & Wolensky, LLP, supra*, 215 Cal.App.4th at p. 559; see also *Huschke v. Slater, supra*, 168 Cal.App.4th at p. 1161 [quoting *Finnie*]; accord *Foust v. San Jose Construction Co., Inc.* (2011) 198 Cal.App.4th 181, 189–190; *In re Marriage of Gong & Kwong* (2008) 163 Cal.App.4th 510, 519–520.)

Attorney Mostafavi’s fabricated citations and erroneous statements of law have required this court to spend excessive time on this otherwise straightforward appeal to attempt to track down fabricated legal authority and then to research the issues presented without plaintiff’s assistance. We therefore conclude that an award of sanctions payable to the court is appropriate.

In 2013, another appellate court noted that appellate sanctions for frivolous appeals recently had ranged from \$6,000 to \$12,500, “generally, but not exclusively, based on the estimated cost to the court of processing a frivolous appeal.” (*Kleveland, supra*, 215 Cal.App.4th at p. 560, citing *Kim v. Westmoore Partners, Inc.* (2011) 201 Cal.App.4th 267, 294.) The costs of processing a frivolous appeal have undoubtedly increased in the intervening 12 years. Nonetheless, because counsel has represented that his conduct was unintentional, and because he has expressed remorse for his actions, we impose a conservative sanction of \$10,000. Such sanction shall be payable to the clerk of this court within 30 days of the filing of the remittitur. (See *Workman v. Colichman* (2019) 33 Cal.App.5th 1039, 1064–1065 [imposing sanctions of \$8,500]; *Kim*, at p. 294 [imposing sanction of \$10,000]; *DeRose v. Heurlin* (2002) 100 Cal.App.4th 158, 182 [imposing sanction of \$6,000].)⁹ We also direct counsel to serve a copy of this opinion on his client, and direct the clerk of the court to serve a copy of this opinion on the State Bar.

We decline to order sanctions payable to opposing counsel. While we have no doubt that such sanctions would be appropriate in some cases, in the present case respondents did not alert the court to the fabricated citations and appear to have become aware of the issue only when the court issued its order to show cause. Further, although respondents have requested that appellant be ordered to pay “all [respondents’] attorney’s fees and

⁹ This opinion constitutes a written statement of our reasons for imposing sanctions. (*Workman v. Colichman, supra*, 33 Cal.App.5th at p. 1065; *In re Marriage of Flaherty, supra*, 31 Cal.3d at p. 654.)

costs incurred in connection with this appeal,” they have not submitted a declaration attesting to what those fees and costs are.

We conclude by noting that “hallucination” is a particularly apt word to describe the darker consequences of AI. AI hallucinates facts and law to an attorney, who takes them as real and repeats them to a court. This court detected (and rejected) these particular hallucinations. But there are many instances—hopefully not in a judicial setting—where hallucinations are circulated, believed, and become “fact” and “law” in some minds. We all must guard against those instances. As a federal district court recently noted: “There is no room in our court system for the submission of fake, hallucinated case citations, facts, or law. And it is entirely preventable by competent counsel who do their jobs properly and competently.” (*Versant, supra*, 2025 WL 1440351, at *7.)

DISPOSITION

The judgment is affirmed. Attorney Amir Mostafavi is directed to pay \$10,000 in sanctions, payable to the clerk of this court, no later than 30 days after the remittitur is filed. The clerk is directed to deposit this sum into the court's general fund.

Pursuant to Business and Professions Code section 6086.7, subdivision (a)(3), the clerk of the court is ordered to forward a copy of this opinion to the State Bar upon return of the remittitur. Mostafavi is ordered, within 15 days of the issuance of the remittitur, to provide a copy of this opinion to his client and to file a certification in this court that he has done so.

Respondents are awarded their appellate costs.

CERTIFIED FOR PUBLICATION

EDMON, P. J.

We concur:

EGERTON, J.

KLATCHKO, J.*

* Judge of the Superior Court of Riverside County, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

2024 CALIFORNIA COURT ORDER 0903 (C.O. 0903)

COURT RULES

NOTICE: Rules and related materials supplied by the courts are included in this database. Because all changes may not have been supplied, the court clerk should be consulted to determine current rules. Stricken material is indicated by ~~Text~~.

CA ORDER 0903

C.O. 0903

COURT RULES

Effective: DATED: November 22, 2023 to DATED: November 22, 2023

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

Standing Order for Civil Cases Before District Judge Araceli Martínez-Olguín

DATED: November 22, 2023

<< CA R USDCTND AI Order >>

Standing Order for Civil Cases Before District Judge Araceli Martínez-Olguín

Parties shall comply with the Federal Rules of Civil or Criminal Procedure, the Northern District of California's Local Rules and General Orders, and this Standing Order, all of which are available at <http://www.cand.uscourts.gov>. A party's failure to comply with any of the rules or orders may be grounds for monetary sanctions, dismissal, entry of judgment, or other appropriate sanctions.

A. Communication With the Court. Counsel shall not attempt to contact Judge Martínez-Olguín or her chambers staff by telephone, email, or any other ex parte means, but may contact her Courtroom Deputy, Alexis Solorzano, at amocrd@cand.uscourts.gov, regarding scheduling or other appropriate matters. Before contacting the Courtroom Deputy, counsel must ensure that their inquiry is not otherwise addressed by any Federal or Local Rule or any General or Standing Order of this Court.

B. Scheduling. Parties should notice motions (other than discovery motions) pursuant to the Civil Local Rules. Parties need not reserve a hearing date, but should confirm the Court's availability at <https://www.cand.uscourts.gov/judges/martinez-olguin-araceli-am/>. For scheduling questions, please contact Judge Martínez-Olguín's Courtroom Deputy, Alexis Solorzano, at amocrd@cand.uscourts.gov. Noticed days may be reset as the Court's calendar requires, with order of call to be determined by the Court. Absent exceptional circumstances, motions noticed for hearing with less than four weeks between the close of briefing and the hearing may be automatically re-noticed by the Court. Any motion noticed for hearing on a closed hearing date will automatically be re-set by the Court. Parties are reminded that their motions and case may be resolved more quickly by consenting to proceed before a Magistrate Judge.

Civil motions are heard in person in Courtroom 10, 450 Golden Gate Avenue, San Francisco, California on Thursdays at 2:00 p.m.

Civil case management and status conferences are held in person in Courtroom 10, 450 Golden Gate Avenue, San Francisco, California on Thursdays at 10:00 a.m.

Pretrial conferences are held in person in Courtroom 10, 450 Golden Gate Avenue, San Francisco, California on Thursdays at 11:00 a.m.

2. *Sequence.* Unless otherwise ordered by the Court, briefing on Daubert motions shall trail the filing of a motion for summary judgment and commence with the filing of the non-moving party's opposition to summary judgment as set forth below. A party that anticipates filing a Daubert motion must include a suggested briefing schedule in any proposed scheduling order that tracks the following sequence:

- The initial moving party's motion for summary judgment.
- Plaintiff's opposition to motion for summary judgment and Daubert motion(s).
- Defendant's reply in support of motion for summary judgment, Daubert motion(s), and opposition(s) to Plaintiff's Daubert motion(s).
- Plaintiff's reply in support of Daubert motion(s), opposition to Defendant's Daubert motion(s).
- Defendant's reply in support of Daubert motion(s).

H. Pleadings and Docketing.

1. *Amended Pleadings.* If a party files an amended pleading, they shall concurrently file a redlined or highlighted version comparing the amended pleading to the prior operative pleading. Any amended pleading authorized by the Court must be filed as a stand-alone entry on the docket.

2. *Documents Filed on ECF.* All exhibits to motions and/or discovery dispute joint statements should be separately filed on ECF. For example, if the motion is Docket No. 30, and the declaration with 10 exhibits is Docket No. 31, Exhibit A would be filed as Docket No. 31–1, Exhibit B would be Docket No. 31–2, and so on. Electronically filed documents must be text-searchable PDFs whenever possible.

3. *Formatting Considerations.* Use of footnotes in court filings shall be limited to providing brief points of clarification or cross-references. Argument in footnotes will not be considered by the Court. Footnotes must comply with the formatting requirements, including font size and spacing, set forth in the Civil Local Rules. The Court may strike any filing that includes excessive or improper footnotes. String citations without any analysis or descriptive parentheticals contained in any court filing will be disregarded. Pincites to any materials in the record shall be as particular as possible. Parties may not incorporate by reference prior arguments submitted in the case. This practice creates substantial administrative burdens and may be construed as circumventing page limits. The Court may strike any filing that improperly incorporates material by reference.

4. *Artificial Intelligence (AI).* Counsel is responsible for providing the Court with complete and accurate representations in any submission (including filings, demonstratives, evidence, or oral argument), consistent with Federal Rule of Civil Procedure 11, the California Rules of Professional Conduct, and any other applicable legal or ethical guidance. Use of ChatGPT or other such tools is not prohibited, but counsel must at all times personally confirm for themselves the accuracy of any content generated by these tools. At all times, counsel—and specifically designated lead trial counsel—bears responsibility for any submission made by the party that the attorney represents. Any submission containing AI-generated content must include a certification that lead trial counsel has personally verified the content's accuracy. Failure to include this certification or comply with this verification requirement will be grounds for sanctions. Counsel is responsible for maintaining records of all prompts or inquiries submitted to any generative AI tools in the event those records become relevant at any point.

5. *Pronouns and Honorifics.* If they so choose, litigants and lawyers may indicate their pronouns (e.g., she/her, he/him, they/their) and honorifics (e.g., Mr., Ms., Mx., Dr.) by adding the information in the name block or signature line of the pleadings.

6. *Chambers Copies.* Except for administrative motions or stipulations, chambers copies of any filing must be provided within **three (3) days** of filing. Chambers copies should be double-sided (when possible) and three-hole punched along the left side of the page, and should bear the ECF filing “stamp” (case number, docket number, date, and ECF page number) along the top of

K. Class Action Settlements. Any motion for preliminary or final approval of a class action settlement must address the respective guidelines in the Northern District of California's Procedural Guidance for Class Action Settlements, available at <https://www.cand.uscourts.gov/forms/procedural-guidance-for-class-action-settlements/>, in the order the guidelines are presented on the website.

As reflected in the Guidance, the Court will require a post-distribution accounting within 21 days after the final distribution of settlement funds. In addition to the information contained in the Guidance, the post-distribution accounting must discuss any significant or recurring concerns communicated by class members to the settlement administrator or counsel since final approval, any other issues in settlement administration since final approval, and how any concerns or issues were resolved.

L. Parties Unrepresented by an Attorney. Parties representing themselves, without the assistance of a lawyer, should visit the webpage entitled "Representing Yourself" available on the Court's website at <https://cand.uscourts.gov/pro-se-litigants/>. The page discusses the Court's Legal Help Center which provides free assistance for unrepresented parties over the phone. Parties can make an appointment by calling (415) 782-8982 or emailing fedpro@sfbar.org.

M. Failure to Oppose. The failure of a party to file a memorandum of points and authorities in opposition to any motion shall constitute consent to the granting of the motion.

IT IS SO ORDERED.

Dated: November 22, 2023

ARACELI MARTÍNEZ-OLGUÍN United States District Judge
CA ORDER 24-0903

End of Document

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AMENDED IN SENATE JANUARY 5, 2026

AMENDED IN SENATE MARCH 24, 2025

SENATE BILL

No. 574

Introduced by Senator Umberg

February 20, 2025

An act to add Section 65913.4.2 to the Government Code, relating to land use; to add Section 6068.1 to the Business and Professions Code, and to amend Section 128.7 of, and to add Section 1282.1 to, the Code of Civil Procedure, relating to artificial intelligence.

LEGISLATIVE COUNSEL'S DIGEST

SB 574, as amended, Umberg. ~~Streamlined housing approvals.~~ *Generative artificial intelligence: attorneys and arbitrators.*

Existing law, the State Bar Act, provides for the licensure and regulation of attorneys by the State Bar of California, a public corporation. The act requires an attorney to strictly maintain client confidences and to preserve client secrets at their own peril.

This bill would obligate an attorney who uses generative artificial intelligence to practice law to ensure that confidential personal identifying, or other nonpublic information, is not entered into a public generative artificial intelligence system. The bill would also require an attorney to ensure that reasonable steps are taken to verify the accuracy of generative artificial intelligence material and to correct any erroneous or hallucinated output in any material used by the attorney.

Existing law requires every pleading, petition, written notice of motion, or other similar paper to be signed by the attorney of record, or if a party is unrepresented, by the party, thereby certifying to the best of the person's knowledge, information, and belief that it is not

being presented primarily for an improper purpose and that the claims, defenses, and legal and factual contentions are warranted, as specified.

This bill would prohibit a brief, pleading, motion, or any other paper filed in any court from containing any citations that the attorney responsible for submitting the pleading has not personally read and verified, including any citation provided by generative artificial intelligence.

Existing law, the California Arbitration Act, provides a statutory framework for the enforcement of contractual arbitration under California law. The act establishes that a written agreement to submit a present or future controversy to arbitration is valid, enforceable, and irrevocable, except as specified. The act defines a neutral arbitrator as one who is selected jointly by the parties or by the parties' arbitrators, or is appointed by the court if the parties or their arbitrators cannot jointly select an arbitrator. The act requires a person selected to serve as a neutral arbitrator to disclose all matters that could cause a person aware of the facts to reasonably entertain a doubt as to the proposed neutral arbitrator's impartiality.

This bill would prohibit an arbitrator from delegating any part of their decision-making process to any generative artificial intelligence tool. The bill would prohibit an arbitrator from relying on information generated by generative artificial intelligence outside the record without making appropriate disclosures to the parties beforehand. The bill would require an arbitrator to assume responsibility for all aspects of an award, regardless of any use of generative artificial intelligence tools to assist with the decision-making process.

~~The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA does not apply to the approval of ministerial projects.~~

~~Existing law, the Planning and Zoning Law, authorizes a development proponent to submit an application for a multifamily housing development that is subject to a streamlined, ministerial approval process, as provided, and not subject to a conditional use permit, if the development satisfies specified objective planning standards.~~

~~This bill would authorize a development proponent to submit an application for a housing development that is subject to a streamlined,~~

~~ministerial approval process if the development is for single-family housing in which each unit is 1,600 square feet or less and the development is consistent with objective planning and design standards. By establishing a streamlined, ministerial approval process for certain housing developments, this bill would expand the exemption for the ministerial approval of projects under CEQA. By expanding the duties of local agencies, this bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes-no~~.
State-mandated local program: ~~yes-no~~.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 6068.1 is added to the Business and
- 2 Professions Code, to read:
- 3 6068.1. (a) It is the duty of an attorney using generative
- 4 artificial intelligence to practice law to ensure all the following:
- 5 (1) Confidential, personal identifying, or other nonpublic
- 6 information is not entered into a public generative artificial
- 7 intelligence system.
- 8 (2) The use of generative artificial intelligence does not
- 9 unlawfully discriminate against or disparately impact individuals
- 10 or communities based on age, ancestry, color, ethnicity, gender,
- 11 gender expression, gender identity, genetic information, marital
- 12 status, medical condition, military or veteran status, national
- 13 origin, physical or mental disability, political affiliation, race,
- 14 religion, sex, sexual orientation, socioeconomic status, and any
- 15 other classification protected by federal or state law.
- 16 (3) Reasonable steps are taken to do all of the following:
- 17 (A) Verify the accuracy of generative artificial intelligence
- 18 material, including any material prepared on their behalf by others.
- 19 (B) Correct any erroneous or hallucinated output in any
- 20 material used by the attorney.
- 21 (C) Remove any biased, offensive, or harmful content in any
- 22 generative artificial intelligence material used, including any
- 23 material prepared on their behalf by others.

1 (4) *The attorney considers whether to disclose the use of*
2 *generative artificial intelligence if it is used to create content*
3 *provided to the public.*

4 (b) *For purposes of this section:*

5 (1) *“Generative artificial intelligence” means an artificial*
6 *intelligence system that can generate derived synthetic content,*
7 *including text, images, video, and audio that emulates the structure*
8 *and characteristics of the system’s training data.*

9 (2) *“Personal identifying information” includes all the*
10 *following:*

11 (A) *Driver’s license numbers.*

12 (B) *Dates of birth.*

13 (C) *Social Security numbers.*

14 (D) *National Crime Information and Criminal Identification*
15 *and Information numbers.*

16 (E) *Addresses and phone numbers of parties, victims, witnesses,*
17 *and court personnel.*

18 (F) *Medical or psychiatric information.*

19 (G) *Financial information.*

20 (H) *Account numbers.*

21 (I) *Any other content sealed by court order or deemed*
22 *confidential by court rule or statute.*

23 SEC. 2. *Section 128.7 of the Code of Civil Procedure is*
24 *amended to read:*

25 128.7. (a) Every pleading, petition, written notice of motion,
26 or other similar paper shall be signed by at least one attorney of
27 record in the attorney’s individual name, or, if the party is not
28 represented by an attorney, shall be signed by the party. Each paper
29 shall state the signer’s address and telephone number, if any.
30 Except when otherwise provided by law, pleadings need not be
31 verified or accompanied by affidavit. An unsigned paper shall be
32 stricken unless omission of the signature is corrected promptly
33 after being called to the attention of the attorney or party.

34 (b) (1) By presenting to the court, whether by signing, filing,
35 submitting, or later advocating, a pleading, petition, written notice
36 of motion, or other similar paper, an attorney or unrepresented
37 party is certifying that to the best of the person’s knowledge,
38 information, and belief, formed after an inquiry reasonable under
39 the circumstances, all of the following conditions are met:

40 (1)

1 (A) It is not being presented primarily for an improper purpose,
2 such as to harass or to cause unnecessary delay or needless increase
3 in the cost of litigation.

4 ~~(2)~~

5 (B) The claims, defenses, and other legal contentions therein
6 are warranted by existing law or by a nonfrivolous argument for
7 the extension, modification, or reversal of existing law or the
8 establishment of new law.

9 ~~(3)~~

10 (C) The allegations and other factual contentions have
11 evidentiary support or, if specifically so identified, are likely to
12 have evidentiary support after a reasonable opportunity for further
13 investigation or discovery.

14 ~~(4)~~

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

18 (2) (A) *A brief, pleading, motion, or any other paper filed in*
19 *any court shall not contain any citations that the attorney*
20 *responsible for submitting the pleading has not personally read*
21 *and verified, including any citation provided by generative*
22 *artificial intelligence.*

23 (B) *For purposes of this paragraph, “generative artificial*
24 *intelligence” means an artificial intelligence system that can*
25 *generate derived synthetic content, including text, images, video,*
26 *and audio that emulates the structure and characteristics of the*
27 *system’s training data.*

28 (c) If, after notice and a reasonable opportunity to respond, the
29 court determines that subdivision (b) has been violated, the court
30 may, subject to the conditions stated below, impose an appropriate
31 sanction upon the attorneys, law firms, or parties that have violated
32 subdivision (b) or are responsible for the violation. In determining
33 what sanctions, if any, should be ordered, the court shall consider
34 whether a party seeking sanctions has exercised due diligence.

35 (1) A motion for sanctions under this section shall be made
36 separately from other motions or requests and shall describe the
37 specific conduct alleged to violate subdivision (b). Notice of motion
38 shall be served as provided in Section 1010, but shall not be filed
39 with or presented to the court unless, within 21 days after service
40 of the motion, or any other period as the court may prescribe, the

1 challenged paper, claim, defense, contention, allegation, or denial
2 is not withdrawn or appropriately corrected. If warranted, the court
3 may award to the party prevailing on the motion the reasonable
4 expenses and attorney's fees incurred in presenting or opposing
5 the motion. Absent exceptional circumstances, a law firm shall be
6 held jointly responsible for violations committed by its partners,
7 associates, and employees.

8 (2) On its own motion, the court may enter an order describing
9 the specific conduct that appears to violate subdivision (b) and
10 directing an attorney, law firm, or party to show cause why it has
11 not violated subdivision (b), unless, within 21 days of service of
12 the order to show cause, the challenged paper, claim, defense,
13 contention, allegation, or denial is withdrawn or appropriately
14 corrected.

15 (d) A sanction imposed for violation of subdivision (b) shall be
16 limited to what is sufficient to deter repetition of this conduct or
17 comparable conduct by others similarly situated. Subject to the
18 limitations in paragraphs (1) and (2), the sanction may consist of,
19 or include, directives of a nonmonetary nature, an order to pay a
20 penalty into court, or, if imposed on motion and warranted for
21 effective deterrence, an order directing payment to the movant of
22 some or all of the reasonable attorney's fees and other expenses
23 incurred as a direct result of the violation.

24 (1) Monetary sanctions may not be awarded against a
25 represented party for a violation of paragraph (2) of subdivision
26 (b).

27 (2) Monetary sanctions may not be awarded on the court's
28 motion unless the court issues its order to show cause before a
29 voluntary dismissal or settlement of the claims made by or against
30 the party that is, or whose attorneys are, to be sanctioned.

31 (e) When imposing sanctions, the court shall describe the
32 conduct determined to constitute a violation of this section and
33 explain the basis for the sanction imposed.

34 (f) In addition to any award pursuant to this section for conduct
35 described in subdivision (b), the court may assess punitive damages
36 against the plaintiff upon a determination by the court that the
37 plaintiff's action was an action maintained by a person convicted
38 of a felony against the person's victim, or the victim's heirs,
39 relatives, estate, or personal representative, for injuries arising
40 from the acts for which the person was convicted of a felony, and

1 that the plaintiff is guilty of fraud, oppression, or malice in
2 maintaining the action.

3 (g) This section shall not apply to disclosures and discovery
4 requests, responses, objections, and motions.

5 (h) A motion for sanctions brought by a party or a party's
6 attorney primarily for an improper purpose, such as to harass or
7 to cause unnecessary delay or needless increase in the cost of
8 litigation, shall itself be subject to a motion for sanctions. It is the
9 intent of the Legislature that courts shall vigorously use its
10 sanctions authority to deter that improper conduct or comparable
11 conduct by others similarly situated.

12 (i) This section shall apply to a complaint or petition filed on
13 or after January 1, 1995, and any other pleading, written notice of
14 motion, or other similar paper filed in that matter.

15 *SEC. 3. Section 1282.1 is added to the Code of Civil Procedure,*
16 *to read:*

17 *1282.1. (a) (1) An arbitrator shall not delegate any part of*
18 *their decision-making process to any generative artificial*
19 *intelligence tool.*

20 *(2) The use of generative artificial intelligence tools by*
21 *arbitrators shall not replace their independent analysis of the facts,*
22 *the law, and the evidence.*

23 *(3) An arbitrator shall not relinquish their decision-making*
24 *powers to generative artificial intelligence and shall avoid*
25 *delegating any tasks to generative artificial intelligence tools if*
26 *such use could influence procedural or substantive decisions.*

27 *(b) (1) An arbitrator shall not rely on information generated*
28 *by generative artificial intelligence outside the record without*
29 *making appropriate disclosures to the parties beforehand and, as*
30 *far as practical, allowing the parties to comment on its use.*

31 *(2) If a generative artificial intelligence tool cannot cite sources*
32 *that can be independently verified, an arbitrator shall not assume*
33 *that such sources exist or are characterized accurately.*

34 *(c) An arbitrator shall assume responsibility for all aspects of*
35 *an award, regardless of any use of generative artificial intelligence*
36 *tools to assist with the decision-making process.*

37 *(d) For purposes of this section, "generative artificial*
38 *intelligence" means an artificial intelligence system that can*
39 *generate derived synthetic content, including text, images, video,*

1 *and audio that emulates the structure and characteristics of the*
2 *system's training data.*

3 ~~SECTION 1. Section 65913.4.2 is added to the Government~~
4 ~~Code, to read:~~

5 ~~65913.4.2. A development proponent may submit an application~~
6 ~~for a housing development that is subject to a streamlined,~~
7 ~~ministerial approval process if the development is for single-family~~
8 ~~housing in which each unit is 1,600 square feet or less and the~~
9 ~~development is consistent with objective planning and design~~
10 ~~standards.~~

11 ~~SEC. 2. No reimbursement is required by this act pursuant to~~
12 ~~Section 6 of Article XIII B of the California Constitution because~~
13 ~~a local agency or school district has the authority to levy service~~
14 ~~charges, fees, or assessments sufficient to pay for the program or~~
15 ~~level of service mandated by this act, within the meaning of Section~~
16 ~~17556 of the Government Code.~~