

Checking For AI Errors Is Now A Two-Way Street

By **Tamara Barago** (June 9, 2026)

Nearly every day it seems there is a new report of an attorney who submitted a brief to a court that, upon review, contained false citations or quotations generated by an artificial intelligence tool.

In addition to reminding attorneys of the importance of checking their own court submissions for AI errors, these cases also demonstrate why opposing counsel's submissions must be vetted as well. In the age of AI, there is no room to assume that the authority upon which your opposing counsel relies is cited properly, supports the stated proposition or even exists.



Tamara Barago

A letter submitted to the U.S. Bankruptcy Court for the Southern District of New York by Sullivan & Cromwell LLP on April 18 serves as one example. The letter stated that, although the firm "maintains comprehensive policies and training requirements governing the use of AI tools in legal work," those policies "were not followed in connection with the preparation of" an emergency motion in the case.[1]

The letter went on to detail various citation errors in the motion — and other past submissions — and noted that the firm would submit a corrected version of the motion.[2]

The letter also noted that opposing counsel, Boies Schiller Flexner LLP, had notified Sullivan & Cromwell of the errors in their motion, which led the firm to conduct the thorough review and prepare the filing submitted to the court.[3] In this case, once alerted, counsel appropriately took action, notified the court and rectified the errors.

This and other recent cases demonstrate the importance of checking an opponent's court submissions — and the potential detriment in failing to do so.

Diligence Rewarded

Multiple courts have awarded attorney fees payable to counsel who identified AI-generated errors in opposing counsel's submissions.

For example, in *Williams v. Honl*, the respondent in an appeal identified multiple AI-generated errors, or hallucinations, in the appellant's opening brief.[4] This led the appellant to move to file an amended opening brief and the court to issue a show cause order.[5]

According to an April 22 opinion, the Oregon Court of Appeals allowed the appellant to submit an amended brief under certain conditions — i.e., it would need to include a special certification if submitted by the same attorney. But the court also ordered the appellant's attorneys to pay the respondents just over \$8,000 for attorney fees incurred responding to both the offending brief and the court's show cause order.[6] The court noted that the respondent's request for fees was "supported by a detailed billing statement." [7]

Similarly, in *Montes v. Suns Legacy Partners LLC*, the defendant's responsive filings in an employment case in the U.S. District Court for the District of Arizona identified numerous fabricated citations in various plaintiff court submissions — for example, the initial

complaint, a response to a motion to dismiss and a procedural motion.[8]

While the plaintiff filed multiple errata notices with the court, the defendant ultimately filed a motion for sanctions under Rule 11 of the Federal Rules of Civil Procedure because the plaintiff's attorneys' "explanations for the fictitious citations and quotations were 'implausible,'" and the plaintiff "did not 'withdraw or appropriately correct the full set of issues identified'" by the defendant.[9]

On March 31, the court held that sanctions were appropriate because the plaintiff's attorneys "resorted to a blame game" — for example, claiming that a law clerk had mistakenly filed an earlier version of the brief — and never addressed their own obligations under Rule 11. Specifically, the court noted, filing attorneys need to read the cases they cite, make arguments supported by legitimate authority and review the work of subordinates before filing.[10]

The court ordered the plaintiff's attorneys and their law firms to pay the defendant's reasonable attorney fees for work spent identifying the fabricated citations and briefing its motion for sanctions under Rule 11.[11]

As another example, in *Support Community Inc. v. MPH International Inc.*, a case in the U.S. District Court for the Northern District of California, the plaintiff's attorney notified the defendant's attorney of certain citation defects in the defendant's summary judgment motion, which the defendant's attorney then sought to withdraw.[12]

The plaintiff's attorney opposed, and in an October 2025 opinion, the court awarded the plaintiff's attorney reasonable attorney fees and costs for work addressing the citation errors after they filed their summary judgment opposition.[13] The court then went further: It said that while the defendant could withdraw the offending motion and "re-file the motion with all hallucinated cases and citations excised," it "shall not replace those citations with new authority or argument." [14]

And finally, one recent case in the U.S. District Court for the Southern District of New York shows that filing counsel may not always notify the court and seek to rectify errors brought to their attention by opposing counsel. Attorneys who notice errors in the submissions of others may then need to alert the court.

In *Flycatcher Corp. Ltd. v. Affable Ave. LLC*, counsel for one co-defendant — Top Experience Company LLC — contacted counsel for Affable detailing numerous false citations in a motion to dismiss brief filed by Affable and asking Affable's counsel to correct the brief.[15] When Affable's counsel failed to take any action, Top's counsel submitted a letter to the court.[16]

After show cause orders, further AI-generated submissions by Affable's counsel and a hearing during which, per the court, Affable's counsel "chose to give many answers, only a few of which were true," the court entered default judgment against Affable on Feb. 5.[17] The court also granted Top's counsel's request for leave to seek attorney fees.[18]

Diligence Missed

By contrast, weighing in on citation errors that the court or others have already noted may not support an award of attorney fees.

In *Jimenez-Fogarty v. Fogarty*, the plaintiff's responses to motions to dismiss filed by two different sets of defendants in the Southern District of New York each "cited to numerous

nonexistent cases." [19] The court issued a show cause order after the joint reply brief from two defendants noted the errors. Only then did counsel for a third defendant file a brief that supported sanctioning the plaintiff's attorney and seeking attorney fees and costs from the plaintiff. [20]

In April, the court denied the request for fees because there was no evidence counsel for the third defendant "expended any particular amount of hours to address the fabricated citations" and the third defendant's "reply papers did not even note the existence of" the hallucinated cases. [21]

Similarly, in 2025 in *Noland v. Land of the Free LP*, the California Court of Appeal's Second Appellate District imposed what it referred to as "a conservative sanction of \$10,000" on the plaintiff's counsel for filing briefs containing numerous fabricated quotations and "inaccurate citations that do not support the propositions for which they are cited." [22] The sanction was to be payable to the court, not to opposing counsel, because the opposing attorneys "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." [23]

The court went on to suggest an additional missed opportunity, noting that the "extensive reliance on nonexistent legal authority would justify striking appellant's opening brief or dismissing the appeal." [24] However, because the defendants addressed the plaintiff's contentions on the merits, the court followed suit. [25]

Under Model Rule of Professional Conduct 1.3 (and various state analogues), attorneys have a duty to be diligent in representing their clients. One way to do so is to check the authorities cited by opposing counsel. The goal is to ensure that arguments made to a court are neither refuted nor tainted by false authority — i.e., everyone should be addressing legitimate law.

Courts also may take note if attorneys fail to identify and address errors in the filings of opposing counsel. For example, on March 30, in *Dec v. Mullin*, when discussing nonexistent case cites and "an imaginary quotation" in the appellant's opening brief, the U.S. Court of Appeals for the Seventh Circuit stated: "That opposing counsel also failed to catch these errors and bring them to our attention also gives us pause, albeit to a lesser degree." [26]

As the court noted, "Violations, whether AI-related or not, result in confusion and time wasted. The court must track down the false citations, seek explanations from counsel, and evaluate the magnitude of the violations. This generates unnecessary work on a case within a case." [27]

Recommendations

These cases highlight the need to check the legitimacy and relevance of the authorities upon which your opponent relies. This is especially important as AI use proliferates; AI tools can be helpful in various aspects of legal practice but require clear guardrails and analytical review of outputs.

With that in mind, here are some recommendations for counsel to consider.

Check and verify.

A first step when reviewing the submissions of opposing counsel is to check the cited sources. This includes not just cases but also, for example, statutes, published articles and

even expert reports. If a case doesn't appear in Westlaw or Lexis, that's a good indication it might not exist, but consider also checking the docket to be sure.

Finding the source doesn't end the inquiry, however. Attorneys must also check if the case was cited properly, for example, with the right jurisdiction and court.

Look deeper — read the original source. Does the specific part or quotation cited exist? Is the legal reasoning in the submission you are analyzing actually supported by the cited source?

While courts are still catching nonexistent citations in attorney submissions, often the source exists, but the specific quotation used does not. Or the source does not stand for the proposition it purportedly supports — e.g., an opinion cited to show that the applicable standard of review is abuse of discretion actually applies *de novo* review. These too can be AI-generated fabrications.

Document and inform.

If potential AI-generated errors are identified, the next step is to document them.

There are two choices here. One option is to identify all suspected AI hallucinations when filing a response to the pleading or brief at issue. Another option is to first contact filing counsel, advise them of the fabrications and ask them to make corrections — e.g., by notifying the court and withdrawing the offending document.

If filing counsel fails to take remedial action, inform the court of the errors before the court spends time and resources seeking to find and verify citations and quotations that don't exist. Either way, offering a detailed listing or table of the suspected errors creates a clear record.

And, of course, false or misleading citations and quotations should not be addressed as if legitimate.

Consider seeking sanctions and fees.

Attorneys who identify false citations or quotations in the submissions of opposing counsel could move to strike the offending submission and/or seek attorney fees or other sanctions. As shown in the cases discussed above, significant time spent reviewing and identifying fabricated or misconstrued authorities and notifying counsel, or the court, about the errors may lead to a judicial determination that attorney fees for the time spent on this exercise are appropriate.

Counsel seeking attorney fees should be prepared to present a clear accounting of time spent both on responding to the improperly supported brief and, specifically, in checking and addressing the false or misleading citations and quotations. Courts may deny a request for fees if it is unsupported or unreasonable.

Check your own work, too.

Finally, and critically, all counsel should check that the sources cited in their own court submissions are existent, accurate and relevant.

Conclusion

While courts currently are disciplining attorneys who do not identify mistakes made by their use of generative AI, AI proponents claim increasing use will improve the accuracy of AI products and argue for greater use of those products. As AI use becomes more embedded in the legal profession, it bears watching how courts' treatment of AI-related mistakes may adjust to those developments.

Tamara Fishman Barago is a partner and co-manager of the corporate discovery team at Hollingsworth LLP.

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[1] In re: Prince Global Holdings Ltd. et al., No. 26-10769, Doc. 25 (U.S. Bankruptcy Ct., S.D.N.Y. Apr. 18, 2026).

[2] Id.

[3] Id.

[4] Williams v. Honl, 348 Or. App. 505, 507 (Ore. Ct. App. 2026).

[5] Id.

[6] Id. at 507, 510.

[7] Id. at 512.

[8] Montes v. Suns Legacy Partners LLC, No. CV-25-01295, 2026 WL 879001, at *10-12 (D. Ariz. Mar. 31, 2026).

[9] Id. at *14.

[10] Id. at *15.

[11] Id. at *20.

[12] Support Cmty. Inc. v. MPH Int'l Inc., Def.'s Admin. Mot. to Withdraw Mot. for Summary Judgment [Dkt #63] Pursuant to Civil Local Rule 7-11, Doc. No. 82, No. 4:23-cv-04911-JSW (N.D. Cal. Aug. 13, 2025).

[13] Support Cmty. Inc. v. MPH Int'l Inc., No. 4:23-cv-04911-JSW, 2025 WL 4110869, at *2 (N.D. Cal. Oct. 6, 2025).

[14] Id.

[15] Flycatcher Corp. Ltd. v. Affable Ave. LLC et al., No. 24 Civ. 9429, 2026 WL 306683, at *1-2 (S.D.N.Y. Feb. 5, 2026).

[16] Id. at *3.

[17] Id. at *12-14.

[18] Id. at *14.

[19] Jimenez-Fogarty v. Fogarty et al., No. 24 Civ. 8705, 2026 WL 1154029, at *1 (S.D.N.Y. Apr. 29, 2026).

[20] Id. at *3.

[21] Id. at *10.

[22] Noland v. Land of the Free LP et al., 114 Cal. App. 5th 426, 436, 448 (Cal. Ct. App. 2d Dist. 2025).

[23] Id. at 448.

[24] Id. at 436.

[25] Id.

[26] Dec v. Mullin, 171 F.4th 940, 946-47 (7th Cir. 2026).

[27] Id. at 948.