

Verify, Guide, Train: Lessons From Emerging Attorney AI-Misuse Caselaw

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Technology is transforming the practice of law at a dizzying pace. In just the last five years, the legal profession has experienced two seismic technological shifts. First, COVID rewired how courts and lawyers operate by making virtual hearings, depositions and meetings the routine almost overnight. Collaborating with colleagues took on a new form.

Now, those changes have been rapidly eclipsed by the explosion of new, generative AI-powered tools that are beginning to touch virtually every aspect of daily legal practice. Since the launch of ChatGPT in November 2022, AI usage in the legal profession has skyrocketed. Recent reports show that “AI tools in the legal industry have quickly become mainstream with 79% of legal professionals using AI” in 2025 up from just 19% in 2023. See “Understanding the Legal AI Landscape: Trends & Tools,” A.B.A. (Apr. 04, 2025) (citing 2025 Clio Legal Trends Report. AI is showing significant potential for efficiency and quality gains across a vast array of legal workflows. And the early reviews are positive. A solid



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majority of legal professionals surveyed last year believe that AI will be a “force for good” and that it “will have a high or transformational impact on their work within the next five years,” with the potential to save lawyers hundreds of hours per year. See Marjorie Richter, “How AI is transforming the legal profession,” *Thomas Reuters* (Aug. 18, 2025). While its promise is undeniable, so too are its risks.

By now, lawyers know that “courts are now regularly evaluating the conduct of lawyers who improperly use AI in submission to judges,” including “issuing case-terminating sanctions.” See *Lacey v. State Farm General Insurance*, 2025 WL 1363069, at *3–5 (C.D.

Cal. May 5, 2025). The emerging caselaw on AI-related attorney misuse—including monetary penalties, bar referrals, pro hac vice revocations, striking filings, disallowing relief and case-dispositive sanctions—offers some early guidance for effectively limiting risk and potential liability. This growing body of AI-misuse caselaw sends an unmistakable message to the profession: the window for passive, wait-and-see approaches has closed. This article distills the lessons courts are already teaching—sometimes painfully—and translates them into three principles every firm should be implementing. Ultimately, the exciting promise of increasingly capable AI tools comes with significant new dangers that require careful, prudent, and proactive practice management to navigate. Three actionable principles emerge: verify any AI-generated work; set clear AI-use guidelines; and conduct regularly updated trainings.

Trust, but Verify

Lawyers have always been bound by their ethical and rule-based obligations to ensure the legal citations they rely on in court filings are accurate and correct. But cases around the country show that lawyers have been lulled by AI—perhaps by AI’s confidence and speed in delivering results—into the misimpression that AI always provides accurate results. Caselaw shows that the opposite is true. Courts around the country have sanctioned parties and their counsel for citing “hallucinated” cases and quotes in court filings. These hallucinations appear when AI tools generate made up answers that sound plausible but have no basis in fact or reality. Lawyers are citing AI hallucinated citations so often that courts have observed that it is “well-known in the legal community

that AI resources generate fake cases.” See *Moore v. City of Del City*, 2025 WL 3471341, at *2 (10th Cir. Dec. 3, 2025). And research shows that these hallucinations are not created only by general purpose AI chatbots like ChatGPT, Gemini or Claude. Rather, a Stanford University study found in March 2025 that even legal-specific AI research tools designed by legal research platforms hallucinated between 17% and 33% of the time. See *Russell v. Mells*, 426 So. 3d 913, 919, n.3 (Fla. 2d DCA 2025) (“According to one study, Gen AI programs for legal research hallucinate legal authorities between 17% and 33% of the time.”) (citing Varun Magesh et al., *Hallucination-Free? Assessing the Reliability of Leading AI Legal Research Tools*, 22 J. Empirical Legal Stud. 216, 216 (2025)). That fact should stop every attorney in their tracks: even AI tools purpose-built for legal research—not general consumer chatbots, but products from leading legal research platforms—hallucinate between 17% and 33% of the time. That means that in roughly one out of every three to six queries, the tool may generate a citation, quote, or legal proposition with no basis in reality. Courts have noticed. This is why courts are favorably citing President Ronald Reagan’s popularized adage of “trust, but verify” nearly 40 years later. The maxim remains relevant in the age of AI. See *Mattox v. Product Innovations Research*, 2025 WL 3012828, at *1 (E.D. Okla. Oct. 22, 2025) (quoting President Ronald Reagan, White House Press Conference (Dec. 16, 1987)).

The recent history of sanctionable AI usage makes clear that the burden is now—as it always has been—on lawyers to ensure that they comply with their professional obligations. Courts have made clear that “as attorneys

transition to the world of AI, the duty to check their sources and make a reasonable inquiry into existing law remains unchanged.” See *Wadsworth*, 348 F.R.D. at 493. The reason is simple: “justice is built on language” and while AI “can produce words,” it cannot take “responsibility” for what it writes—rather, “that remains the sacred duty of *the lawyer* who signs the page.” Legal authorities, including the ABA, have concluded that in “judicial proceedings, duties to the tribunal require lawyers” to “review these outputs” *before* submitting them to a court, including checking citations to authority and correcting errors of fact and law. See A.B.A. Comm. On Ethics & Pro. Resp., Formal Op. 512 (2024) (emphasis added). See also *Russell*, 426 So. 3d at 920 (“When a lawyer cites imaginary legal authorities to our court as if they were law, we are compelled to refer that lawyer to the bar because of the professional rules of conduct.”). Many courts have responded to AI hallucinated citations by issuing standing orders requiring attorneys to certify that AI-generated content has been verified, or to disclose AI use in filings. See, e.g., *In re Disclosure of Use of Generative Artificial Intelligence by Attorneys and Self-represented Litigants*, Fla. 11th Cir. Admin. Order No. 26-04 (Jan. 15, 2026) (ordering parties to include an AI certification on any pleading, motion, memo, response, proposed order or other court record).

Thus, while *trust* in colleagues and co-counsel will always remain a staple of effective teamwork, the cost of blind reliance on AI can be career-defining. Our professional obligations have not changed. What has changed is the ease and speed with which those obligations can be violated and the consistency with which

courts are sanctioning lawyers that violate them. Lawyers must—now more than ever—ensure that their legal work is properly reviewed and *verified* with the exercise of thoughtful and deliberate oversight.

Establish Clear AI-Use Guidelines

One way to promote proper oversight for AI-assisted work is by creating firm-wide guidelines and protocols that govern the use of AI technology. Given the robust caselaw on AI sanctions, firms without written AI policies and procedures are effectively operating without a seatbelt. Firms of all sizes should have clear AI-use protocols that: ensure that legal professionals are verifying AI outputs (e.g., facts, citations, etc.); mandate disclosure of AI use to partners or supervising attorneys; implement safeguards to prevent confidential, privileged, or sensitive data from being input into non-closed, public generative AI models; implement privacy, cybersecurity, and cross-border data compliance checks; and require periodic certifications/attestations by legal professionals to ensure they are properly using AI. Having clear, mandatory, and actionable systems will help promote the safe and proper use of this technology. But static policies are not enough. To be effective, these guidelines must be regularly monitored and enforced. Substantial reputational and monetary risks will remain unchecked until safeguards for responsible AI usage are integrated into daily practice.

Lacey illustrates the dangers of failing to implement and observe these critical safeguards. There, a large law firm that was sanctioned “failed to check the validity of the research sent to them,” which then “found its way into the original brief.” When the court

contacted them with concerns, the lawyers did not take responsibility and ensure proper source vetting, but simply re-submitted a “revised brief—still containing a half-dozen AI errors” and, importantly did not disclose to the court the improper use of AI. “Instead, the email transmitting the new brief merely suggested an inadvertent production error, not improper reliance on technology.” The court’s “translation” of this debacle was simple and clear: “they had the information and the chance to fix the problem, but didn’t take it.” *Lacey* is a case study in compounding failures. The firm did not catch the hallucinated citations at first. When the court flagged the problem and handed them an opportunity to fix it, they submitted a revised brief—still containing a half-dozen AI errors—and said nothing about the AI’s role. Future litigants should take that advice and have measures in place to promptly disclose and remediate these issues as they arise.

Implement Robust Firmwide Training and Regularly Update Protocols

Finally, updating training materials on a regular basis will be crucial moving forward. The ABA has recognized that generative AI tools are inherently “a rapidly moving target” because “their precise features and utility to law practice are quickly changing ... in ways that may be difficult or impossible to anticipate.” See A.B.A. Comm. On Ethics & Pro. Resp., Formal Op. 512 (2024). Thus, maintaining competency in this rapidly changing environment is not only helpful to more capably represent clients, but

also to comply with lawyers’ ethical duties (in most jurisdictions) to “keep abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology.” See Leah Teague, “Modernizing Legal Education Through Leadership Development Programs,” 58 Wake Forest L. Rev. 943, 945 (2023) (observing that “maintaining technological competency is necessary to providing proper legal counsel”) (citing Model Rules of Pro. Conduct r. 1.1 cmt. 8 (A.B.A. 2026)). The ABA has stated that “this is not a static undertaking” because “technological competence presupposes that lawyers remain vigilant about the tools’ benefits and risks.” As a result, training attorneys and their business support professionals as the technology evolves will require regular updates and revisions to the protocols as new developments and best practices emerge.

Conclusion

The caselaw on attorney AI misuse is no longer emerging—it has arrived. Courts are sanctioning lawyers, referring attorneys to bar authorities, and striking filings. Firms that prioritize outlined here—verify, guide, train—will be best positioned to harness AI’s benefits while protecting against its (increasingly) well-documented risks.

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