

UNVERIFIED AI OUTPUT IN CALIFORNIA LEGAL PRACTICE

The Cost of Unverified AI Output

In each of the three matters below, authority that did not exist reached a court filing. What followed attached to the lawyer who signed it, to the firm that filed it, and to the license itself. Nothing attached to the tool.

Noland v. Land of the Free, L.P.

114 Cal.App.5th 426, No. B331918
California Court of Appeal, Second Appellate
District, Division Three
Certified for publication,
September 12, 2025

THE OUTPUT Counsel wrote the initial drafts himself, then "enhanced" them with ChatGPT and ran the enhanced briefs through other AI platforms to check for errors; the opinion names ChatGPT, Claude, Gemini and Grok among the sources he relied on. Of the 23 case quotations in the opening brief, 21 were fabrications, with many more in the reply. He admitted he did not read the enhanced briefs before filing them.

THE FINDING No filing "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." California's first published opinion on the question.

\$10,000 against counsel personally, payable to the clerk of the court, with the opinion forwarded to the State Bar. The appellate costs fell on his client. The Supreme Court imposed discipline on May 27, 2026, effective June 26: a one-year suspension stayed, one year of probation, no actual suspension, the Multistate Professional Responsibility Examination, and under the stipulation ethics school and AI coursework.

Quinteros v. Harbor Distributing, LLC

No. A174202
California Court of Appeal, First Appellate
District, Division Two
Certified for publication,
June 11, 2026

THE OUTPUT An opposition brief citing two cases that do not exist and containing, in the trial court's count, "no fewer than eight fabricated quotations from five different cases." It had been drafted by an outside contract attorney, who denied using any generative AI tool. The trial court found his written testimony "entirely lacking in credibility."

THE FINDING Sanctions affirmed; review and depublishation denied in September 2026. The trial court held the firm "not absolved of responsibility merely because [it] outsourced preparation of the brief to [the contract attorney]" and those who signed it to "bear ultimate responsibility for the accuracy and reliability of the brief." Quoting *People v. Alvarez*, the Court of Appeal added that attorneys "cannot delegate this responsibility to any form of technology."

\$6,000, imposed jointly and severally on the firm and three of its attorneys. The contract attorney who drafted the brief was not sanctioned. The firm had to serve the order on its client, on the presiding judge in its related Los Angeles case, and on any San Francisco judge before whom its attorneys appear in an action pending or filed there within a year. The safe harbor was forfeited by not raising it below.

The State Bar of California

Office of Chief Trial Counsel
Charges and stipulated discipline, 2026

THE OUTPUT Three further California attorneys before the State Bar over citations that did not exist or did not support the propositions advanced. One is alleged to have certified a citation he had not verified and to have violated a federal standing order requiring disclosure of generative AI use; another to have used an AI drafting tool without partner knowledge, verifying several of its citations but not all.

THE RESPONSE Charges against two of them were filed in March and April 2026, and the State Bar Court has decided neither. The third stipulated on April 6, 2026. She did not admit using AI, attributing the miscited cases to handwritten notes from another matter, with no documentation for that account.

A one-year stayed suspension with one year of probation, ten hours of continuing legal education focused on technology, and a 30-day actual suspension, served from August 7 to September 8, 2026.

Sources. *Noland v. Land of the Free, L.P.* (2025) 114 Cal.App.5th 426, No. B331918 (Cal. Ct. App., 2d Dist., Div. 3, Sept. 12, 2025). *Quinteros v. Harbor Distributing, LLC*, No. A174202 (Cal. Ct. App., 1st Dist., Div. 2, June 11, 2026). Both certified for publication. State Bar discipline as recorded on the State Bar's licensee register, cases 26-O-30120, 26-O-30271, 26-O-30333 and 26-O-30340.

CALIFORNIA

Which authority governs which AI question

A California attorney using AI answers to four sources of authority at once, issued by different bodies and enforced by different people. The first two reach the attorney, the third reaches the filing, the fourth reaches the client. What separates them in practice is when each one bites.

LAYER	AUTHORITY	INSTRUMENTS	WHAT IT GOVERNS, AND WHOM IT REACHES
LAYER ONE Statute From Jan 1, 2027	The California Legislature. Senate Bill 574, Chapter 858, Statutes of 2026, approved September 30, 2026.	Business and Professions Code section 6068.1 and Code of Civil Procedure sections 180 and 1282.1, added; Business and Professions Code section 6173 and Code of Civil Procedure section 128.7, amended. Operative January 1, 2027.	Every California attorney who uses generative AI, and arbitrators under section 1282.1. The duties sit in the State Bar Act, enforceable by discipline. An attorney may not delegate the practice of law to it. Confidential, personal identifying and other nonpublic information may not be entered into a system unless access to what the attorney inputs is restricted to the attorney and those the attorney authorizes under confidentiality obligations. Reasonable steps are required to verify outputs, including all case and statutory citations, and to correct hallucinated output in any material used. Use must be disclosed to the court for all documents submitted, a duty whose scope is not yet settled.
LAYER TWO Professional conduct Now	The State Bar of California, through COPRAC, under the California Supreme Court.	Practical Guidance for the Use of Generative Artificial Intelligence in the Practice of Law, 2026 revision, approved May 14, 2026 and replacing the 2023 version; COPRAC's all- licensee email of March 19, 2026 on hallucinations; Rules of Professional Conduct 1.1, 1.4, 1.5, 1.6, 3.3 and 5.1 to 5.3; Business and Professions Code sections 6068 and 6147 to 6148.	Competence, confidentiality, communication, candor, supervision and fees. As a general matter, a lawyer must not input a client's confidential information into a generative AI solution "that may present material risks to confidentiality or security, absent informed client consent . . . as to the underlying risks." The duty to review, verify and correct AI output runs to all work used in providing legal services, not only to filings. Managerial lawyers should set clear AI policies and train on them. Hourly billing must reflect time actually spent; the 2026 revision points to flat fees that build AI time savings into competitive rates.
LAYER THREE The courts Now, and Jan 1, 2027	The Legislature as to procedure, the Judicial Council, and individual courts and judges.	Code of Civil Procedure section 128.7(b)(2), from January 1, 2027; Federal Rule of Civil Procedure 11, unamended for AI; California Rules of Court rule 10.430 and Standard of Judicial Administration 10.80, effective September 1, 2025; individual court and judge orders, which vary.	The filing, and the attorney who signs it. From January 1, 2027 no paper filed in any California court may contain a citation the responsible attorney has not personally verified, whatever its source, enforced through section 128.7. Rule 10.430 binds the courts rather than attorneys; it required every court permitting staff or judicial-officer AI use to adopt an AI policy by December 15, 2025, and does not require that policy to be published.
LAYER FOUR The client Staggered to 2027	The Civil Rights Council, the Legislature, and the California Privacy Protection Agency.	Civil Rights Council regulations on automated decision systems under the Fair Employment and Housing Act, effective October 1, 2025; the CCPA regulations on automated decision-making technology, from January 1, 2027; SB 947, operative July 1, 2027.	Not the attorney, but the businesses the attorney advises, on different dates. The FEHA regulations apply now to California employers with five or more employees, reach the vendors acting as their agents, and add automated decision system data to the employment records that must be kept for four years. The CCPA rules reach only businesses covered by the CCPA, and only for a closed list of significant decisions, from January 1, 2027. SB 947 bars reliance on an automated system alone to discipline or terminate, and requires human corroboration against the underlying data where an employer relies on it primarily. Those rules do not reach hiring, and the Act is not operative until July 1, 2027.

Three questions, in order

- What goes into the system.** Rule 1.6 and section 6068.1 both reach the input, and neither is an absolute bar. The questions are whether the tool presents material risks, whether access to what you put in is restricted to those under confidentiality obligations, and whether the client has consented.
- What comes out, before it is signed.** Verification is owed on any material the attorney uses, and it reaches work the lawyer drafted and then asked AI to improve. From January 1, 2027 section 128.7(b)(2) puts it on every citation in a filed paper, whatever its source.
- Who else in the firm is using it.** The 2026 guidance asks managerial lawyers to set clear AI policies and train on them. *Quinteros* affirmed sanctions against a firm that outsourced the brief and signed it anyway.

Instruments and authorities as of October 21, 2026. Amendments to the comments of rules 1.1, 1.4, 1.6, 3.3, 5.1 and 5.3 have been through public comment but are not in force: the rules carry no AI-specific comment, and any change takes effect only on approval by the California Supreme Court. This document is professional education, not advice on California law.

AGL California Endorsement. The Solari Institute issues AI Governance in Law: United States with the California Endorsement, approved by the State Bar of California as a Single Activity Provider, provider number 21051, for 9.25 hours of California MCLE credit, including 1.50 hours of Legal Ethics and 0.75 hours of Prevention and Detection Competence. Self-study, online. solariacademy.thinkific.com/products/courses/agl-ca · institute@solariadvisory.com