

BY TRISHA RICH

Fake Cases, Real Consequences:

What *Noland v. Land of the Free* Means for Generative AI Use

If you thought the saga of the *Avianca* “ChatGPT lawyers” was a 2023 curiosity, California just reminded us that AI hallucinations and misattributions are very much a continuing problem.

In *Noland v. Land of the Free, L.P.*, the California Court of Appeal affirmed summary judgment against the plaintiff in what should have been a relatively standard wage-and-hour dispute. But the opinion did something else: It became the state’s first published appellate decision addressing the misuse of generative AI in court filings. The court found that the appellant’s briefs were “replete” with fabricated quotations and citations generated by an AI tool, sanctioned counsel \$10,000, and ordered the lawyer to provide a copy of the opinion to the state bar and the affected client.

That would be significant enough on its own, but the court went further. When the prevailing party sought its own fees for having to respond to the frivolous appeal, the court declined to award such fees, pointing out that defense counsel had failed to alert the court to the obviously bogus authorities and appeared not to have noticed them until after the court issued an order to show cause.

In other words: In the age of generative AI, a lawyer’s duties may not stop at their own briefs. Courts are starting to expect that competent lawyers can spot the other side’s hallucinations, too.

How We Got Here: From *Avianca* to *Noland*

The modern genre of AI-sanctions opinions starts with *Mata v. Avianca, Inc.*, a 2023 decision from the Southern District of New York. There, plaintiffs’ counsel filed a brief citing six cases that simply did not exist. The opinions were generated by ChatGPT, but counsel never checked them against an actual research database. The court sanctioned the lawyers under Rule 11, ordered a \$5,000 fine, and required them to notify the judges whose names had been used on the fake opinions.

If *Avianca* was the warning shot, later cases have been the cannon fire. A 2025

Washington Post analysis found dozens of incidents in which lawyers or parties have submitted filings with AI-fabricated authorities. A researcher, Damien Charlotin, keeps an ongoing database of legal decisions in cases where generative AI hallucinated content; as of the end of November 2025, he had tracked 620 such incidents (the database is at damiencharlotin.com/hallucinations/).

In the 2025 *Noland* case, the court found that 21 of 23 quotations attributed in published decisions were fabricated or materially inaccurate. The lawyer relied on a public AI tool to generate case law and quotations, then dropped them into



the brief without verifying them in any legal reporter or database.

The *Noland* court held that:

- Relying on nonexistent authority violates duties of candor and competence;
- An appeal built on fake cases is frivolous under the California Rules of Court; and
- Monetary sanctions, bar referral, and client notification were appropriate remedial measures.

But the part that should make every



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litigator sit up a little straighter is this: In denying defense counsel's request for fees, the court noted that the defense had not brought the fabricated citations to the court's attention and did not appear to have noticed them at all.

Commentators interpret *Noland* as an early signal that, going forward, spotting AI hallucinations or misattributions in an opponent's filings will become part of the expected standard of professional competence.

Practical Ethics: Five Rules for Using AI in Litigation

What does this mean for the practicing lawyers who are trying to use AI responsibly?

1. Treat AI like an untrusted intern.

Generative AI can help with first drafts, brainstorming, and issue-spotting, but it is not a legal research platform. If you would never cite a case based solely on a brand-new summer associate or intern's memory of "something they saw once," you should not cite anything that comes from ChatGPT, Gemini, or any other model without independently pulling and reading the authority.

2. Never cite what you haven't read in a legal database.

As *Noland* and *Avianca* both emphasize, attorneys' obligations of competence and candor require that you personally verify every case, statute, and quotation in a brief. That means checking the authority in a reliable reporter or research system before you file—not after opposing counsel (or the judge) flags a problem. This is also consistent with your already existing duties under Federal Rule of Civil Procedure 11 or Illinois Code of Civil Procedure 137.

3. Build "AI hygiene" into your workflows.

At the firm or practice-group level, adopt written expecta-

tions about when and how lawyers may use generative AI: what tools are allowed, what information may be entered, and what verification steps are mandatory before anything touches a court filing or other client work product. Many courts have adopted standing orders requiring disclosure of AI use; you don't want your first conversation about this to be when a judge asks from the bench.

4. Be candid when something goes wrong.

A recurring theme in the sanctions opinions is not just the original mistake, but the lawyer's failure to promptly own and correct it. If you discover that a citation is wrong—whether it came from AI, a colleague, or your own typo—you have duties to the court and your client to fix it quickly and transparently. Judges are far more forgiving of the lawyer who self-reports than the one who doubles down.

5. Read the other side's cases with a skeptical eye.

After *Noland*, it is no longer safe to assume that fabricated authority is "their problem." If an opposing brief cites a case that doesn't look quite right, pull it. If it doesn't exist, or if the quote is nowhere to be found, you should say so—promptly and clearly. Courts are starting to view vigilance against AI hallucinations and misattributions as everybody's job, not just the job of the lawyer who typed the prompt and filed the brief.

Generative AI is not going away, and courts are no longer treating AI hallucinations and misattributions as novelties. *Noland* is a reminder that our traditional ethics rules—competence, candor, supervision, and diligence—apply with full force in this new environment. The tools may be new, but the duty is old: Know what you are filing, tell the truth about it, and do not let someone else's hallucinations or misattributions become your problem. ■



Over 150 attorneys and members of the domestic violence prevention community came together to hear leading voices and advocates address the urgent issue of domestic violence through dialogue and education.

Pictured from left: Circuit Court of Cook County Judge Megan Goldish; Circuit Court of Cook County Judge Daniel Naranjo; Former Mayor of Chicago and Ambassador Rahm Emanuel; CBA Domestic Violence Committee Co-Chair Alexandra Greenberg; Circuit Court of Cook County Domestic Violence Division Presiding Judge Judith C. Rice; Robert Fioretti, WINGS President; WINGS CEO, Rebecca Dahr; CBA President Judge Nichole C. Patton; CBA Immediate Past President John C. Sciacotta; and CBA 2nd Vice President Kathryn C. Liss.