

WSBA NWSidebar
Posted: March 2, 2026

Parade of Horribles: Federal Court in Oregon Surveys Sanctions for AI Fake Citations

By Mark J. Fucile
Fucile & Reising LLP

The Medford Division of the U.S. District Court for Oregon recently imposed a sobering list of sanctions against both the attorneys and their client responsible for multiple instances of AI-generated fake citations and quotes in summary judgment briefing. The Court noted that both the conduct and the remedies imposed were extreme. Sometimes extreme examples, however, offer the best teaching tools for everyone else because they summarize their lessons in one place.

Couvrette v. Wisnovsky, 2025 WL 4109655 (D. Or. Dec. 12, 2025) (unpublished) involved an intrafamily dispute over a winery. Across three separate briefs on cross-motions for summary judgment over a five-month period, the plaintiffs' briefing included 15 AI-generated fake case citations and eight fabricated quotations. When the non-existent cases came to light, counsel did not explain themselves. Instead, they simply offered to file a notice of errata if the defendants pursued a motion for sanctions. Further, during the subsequent litigation over sanctions, it came to light that one of the clients may have played a role in generating the fake citations and quotations with an unidentified AI tool. The Court found that the lawyers took no steps to verify the citations using a

conventional citator. It also noted the “total lack of remorse” by the plaintiffs’ lead lawyer.

Citing both Federal Rule of Civil Procedure 11 (governing lawyer certifications for court filings) and Oregon RPC 3.3 (addressing the duty of candor to courts), the Court then unloaded. It first struck the errant briefs without leave to refile them. Because the evidence suggested client participation (describing the plaintiff involved as a “serial self-represented litigator”), the Court also dismissed the plaintiffs’ claims with prejudice. It then fined the lead lawyer \$15,500 using a per fake citation/quotation formula developed recently by the Oregon Court of Appeals in another unhappy instance of AI “hallucinations” (*Ringo v. Colquhoun Design Studio, LLC*, 345 Or. App. 301, __ P.3d __ (2025)) and also awarded the defendants attorney fees on both the summary judgment and sanctions briefing. The Court concluded by directing the clerk to send a copy of the decision to the Oregon State Bar.

The WSBA recently released a comprehensive advisory opinion—202505—addressing, among other topics, competent use of AI tools in law practice and the associated duty of candor to courts. As the federal court in Oregon pointed out, there have now been enough “hallucination” cases to have a website devoted to recording them. The duty of competent representation

includes understanding both the benefits—*and the risks*—of the technology used in law practice. Given what is an increasingly known risk of “hallucinated” citations, the federal court in Oregon also stressed an obvious solution: checking citations using a reliable service to ensure their accuracy. Another recent Oregon case illustrates that sanctions are not necessarily inevitable if a law firm is forthright with the court. In *Green Building Initiative, Inc. v. Peacock*, 350 F.R.D. 289 (D. Or. 2025) (order to show cause), 2025 WL 3198411 (D. Or. Nov. 12, 2025) (unpublished) (resolving order to show cause), a law firm that had inadvertently included two AI-generated fake citations in a brief promptly acknowledged the problem and voluntarily took remedial actions that satisfied the court.

As *Couvrette* underscores, however, a law firm that doesn’t take reasonable precautions when using an AI tool and then doesn’t “fess up” if problems surface is risking a “parade of horrors.”

ABOUT THE AUTHOR

Mark J. Fucile of Fucile & Reising LLP advises lawyers, law firms and legal departments throughout the Northwest on professional responsibility and risk management. Mark has chaired both the WSBA Committee on Professional Ethics and its predecessor, the WSBA Rules of Professional Conduct Committee. Mark has served on the Oregon State Bar Legal Ethics Committee and is a member of the Idaho State Bar Section on Professionalism & Ethics. Mark writes the Ethics Focus column for the Multnomah (Portland) Bar’s

Multnomah Lawyer, the Ethics & the Law column for the WSBA *Bar News* and is a regular contributor on legal ethics to the WSBA *NWSidebar* blog. Mark is a contributing author and the editor-in-chief for the WSBA *Legal Ethics Deskbook* and was a contributing author and principal editor for the OSB *Ethical Oregon Lawyer* and the WSBA *Law of Lawyering in Washington*. Before co-founding Fucile & Reising LLP in 2005, Mark was a partner and in-house ethics counsel for a large Northwest regional firm. He also taught legal ethics for over a decade as an adjunct for the University of Oregon School of Law. Mark is admitted in Oregon, Washington, Idaho, Alaska and the District of Columbia. He is a graduate of the UCLA School of Law. Mark's telephone and email are 503.860.2163 and Mark@frllp.com.