

IN THE COURT OF APPEALS OF THE
STATE OF OREGON

R. M.,
Petitioner-Respondent,
v.

MICHAEL MOHR,
Respondent-Appellant.

Lincoln County Circuit Court
25PO05416; A188092

Marcia L. Buckley, Judge.

Submitted April 7, 2026.

Michael Mohr filed the brief *pro se*.

No appearance for petitioner-respondent.

Before Tookey, Presiding Judge, Kamins, Judge, and
Jacquot, Judge.

TOOKEY, P. J.

Affirmed; additionally, respondent is directed to pay
\$250 to the Appellate Court Services Division of the Oregon
Judicial Department.

TOOKEY, P. J.

In this civil action, respondent appeals an order continuing a restraining order under the Family Abuse Prevention Act (FAPA) after a contested hearing.¹ Respondent is a self-represented party, and petitioner has not filed an answering brief. As explained below, we affirm the trial court's order.

**ARTIFICIAL INTELLIGENCE AND THE USE OF
FABRICATED CASES**

We first address artificial intelligence and the use of fabricated cases by parties appearing before the Oregon Court of Appeals. The use of artificial intelligence by parties in a manner that results in fabricated cases being cited by parties has become, at times, a hindrance to this court's core mission of fully considering the merits of each case, providing a thorough and prompt review of issues raised by each case, and resolving cases for parties.

When parties use artificial intelligence that generates fabricated legal authorities, and when they then set forth arguments based on those fabricated authorities, we cannot properly consider the issues presented by cases. This is so because we are faced with the task of recognizing and identifying fabricated authorities and then responding to the use of those authorities. In this process, our court's resources are diverted to, among other things, preparing show cause orders, considering whether to allow the amendment and refiling of briefing, and determining whether to impose financial sanctions, and, if so, the amount of those sanctions. As a result, we are diverted from giving timely decisions to parties regarding the merits of their disputes.

Here, respondent's opening brief contained citations to three fabricated cases. We issued an order to show cause why respondent's brief should not be stricken and why sanctions should not be imposed in the amount of \$1,500, or \$500 for each fabricated authority. *See Ringo v. Colquhoun Design Studio, LLC*, 345 Or App 301, 306, 582 P3d 695

¹ In *I. T. v. Solis*, 303 Or App 297, 298 n 1, 462 P3d 767 (2020), we stated in a footnote, "In civil restraining order cases, we ordinarily refer to the parties by their designation in the trial court."

(2025) (sanctioning party in the amount of “\$500 for each fabricated citation and \$1,000 for each false quotation or substantive statement of law”).

Respondent filed a response in which he admitted that these fabrications were the result of his reliance on artificial intelligence. Respondent apologized for including these citations in his brief and accepted full responsibility.

We continue to emphasize the strain that the inclusion of fabricated authorities puts on our judicial system in that “[t]he time taken to address [a party’s] reliance on fabricated authority would have been far better utilized addressing other matters.” *Powell v. Employment Dept.*, 347 Or App 55, 60, 586 P3d 1257 (2026); *see also Williams v. Honl*, 348 Or App 505, 513, 591 P3d 278 (2026) (“A [party]’s decision to rely on generative artificial intelligence without adequate safeguards thus impedes the administration of justice in a concrete way.”); *Doiban v. OLCC*, 347 Or App 742, 749, 587 P3d 435 (2026) (stating that petitioner’s inclusion of fabricated authority “has cost the court and respondent’s counsel substantial time and expense, pulling them and us away from other work in our justice system”); *Ringo*, 345 Or App at 304 (“Every hour spent addressing false citations and statements of law is an hour diverted from those matters in which attorneys have supported their arguments with precedent that exists,” and “[e]very single time a [party] relies on false authority, the court will need to take the time to address the situation to, at a minimum, ensure that the public retains confidence that the courts are not relying on fabricated law.”).

Although we move forward with respondent’s opening brief on the merits, we disregard the fabricated authorities and any support for his arguments those authorities purport to provide.

Given all the circumstances, including respondent’s acknowledgement of the errors and their severity, as well as respondent’s limited financial resources, the court deems it appropriate to sanction respondent in the reduced amount of \$250. *See Order Imposing Sanctions*, Entered June 4, 2026, *Cameron and Newell*, (A188980), (“Given all of the circumstances, including respondent’s acknowledgement of the

errors and their severity, the court deems it appropriate to sanction respondent in the reduced amount of \$250.”); Order Imposing Sanctions, Entered June 16, 2026, *Washington v. Stack Metallurgical Company and SAIF Corporation*, (A188660), (“Given all of the circumstances, including petitioner’s acknowledgement (albeit a belated one) of the errors and their severity—and especially in light of petitioner’s limited financial resources—the court deems it appropriate to sanction petitioner in the reduced amount of \$500.”).

MERITS DISCUSSION

Respondent raises five assignments of error. First, respondent argues that “[t]he trial court abandoned neutrality by engaging in judicial advocacy, leading petitioner’s testimony, and showing partiality toward her.” Second, respondent argues that “[t]he trial court improperly shifted the burden of proof onto respondent.” Third, respondent argues that “[t]he trial court failed to include promised exceptions in the final order, contrary to its own representation on the record, and imposed an unreasonable 1,000-foot restriction.” Fourth, respondent argues that “[t]he trial court erred by issuing the Final FAPA Restraining Order without making written findings of fact or legal conclusions.” Fifth, respondent argues that “[t]he trial court erred in issuing a restraining order where petitioner failed to prove either ‘abuse’ or imminent danger of further abuse as required by statute.”

Having considered the briefing and the pertinent parts of the record identified by respondent, we conclude that the trial court did not err. In reaching that conclusion, we note that we have limited our review to claims of error that are properly presented in the opening brief. It is respondent’s duty to identify the specific rulings that he challenges on appeal, to demonstrate that the claims of error were adequately preserved in the trial court, and to provide a cogent argument that conforms to the applicable standard of review and that is supported by legal authority and citations to the record.²

² See, e.g., ORAP 5.45(3) (“Each assignment of error must identify precisely the legal, procedural, factual, or other ruling that is being challenged.”); ORAP 5.45(4)(a) (“The court may decline to consider any assignment of error that requires the court to search the record to find the error or to determine if the error properly was raised and preserved.”); ORAP 5.45(5) (standard-of-review requirements).

Although we recognize the challenges inherent in representing oneself *pro se* in an appellate court and we may allow for technical deficiencies up to a point, we cannot step out of our role as neutral arbiter to “make or develop a party’s argument.” *Beall Transport Equipment Co. v. Southern Pacific*, 186 Or App 696, 700 n 2, 64 P3d 1193, *adh’d to as clarified on recons*, 187 Or App 472, 68 P3d 259 (2003); *see also Briggs v. Lamvik*, 242 Or App 132, 142 n 9, 255 P3d 518 (2011) (stating similar).

We have considered each of respondent’s arguments, and we conclude that the trial court did not err in the ways that respondent contends. As an initial matter, we conclude that respondent did not make the arguments regarding his first two assignments of error below before the trial court. Thus, these arguments are not preserved, and we do not exercise our discretion to review them for plain error. ORAP 5.45(1); *Ailes v. Portland Meadows, Inc.*, 312 Or 376, 382 n 6, 823 P2d 956 (1991).

Regarding respondent’s third assignment of error, following a hearing to continue a FAPA order, “[t]he court may cancel or change any order issued under ORS 107.718 ***.” ORS 107.716(3)(b). “[T]he continuation or cancellation of a FAPA order falls within the trial court’s statutory authority.” *K. R. M. v. Baker*, 321 Or App 313, 317, 515 P3d 905 (2022) (holding that ORS 107.716(b)(3) allows the trial court to continue the FAPA order despite the parties’ settlement agreement). To the extent the FAPA order differed from what the trial court articulated during the hearing, judges “may change [their] mind concerning the proper disposition between the time of a hearing and [their] final action which takes place when [they sign] the order disposing of the matter.” *State v. Swain*, 267 Or 527, 531, 517 P2d 684 (1974). “Generally, when a written judgment and oral ruling conflict, the trial court’s decision is governed by the signed order, regardless of the evidence of the judge’s contrary intent.” *Wright v. Lutzi*, 326 Or App 29, 33, 530 P3d 517 (2023). Accordingly, the trial court did not err.

Respondent’s fourth assignment of error concerns ORCP 62 A. “Whenever any party appearing in a civil action tried by the court so demands prior to the commencement of

the trial, the court shall make special findings of fact, and shall state separately its conclusions of law thereon.” ORCP 62 A. However, respondent did not make any such request until after the completion of the hearing. The trial court did not err in denying respondent’s motion as untimely. *See* ORCP 62 A (“In the absence of such a demand for special findings, the court may make either general or special findings.”).

Finally, in his fifth assignment of error, respondent assigns error to the trial court’s continuation of the FAPA order. Respondent contends, “The trial court erred in issuing a restraining order where petitioner failed to prove either ‘abuse’ or imminent danger of further abuse as required by statute.”

“[W]e are bound by the trial court’s factual findings if they are supported by any evidence in the record, and in the absence of express factual findings, we presume that the court made findings consistent with its ultimate judgment. We review the trial court’s legal conclusions for legal error.” *M. Z. v. Horning*, 348 Or App 78, 79, 590 P3d 550 (2025) (internal citation omitted). Following a contested hearing, a trial court may continue a FAPA order if the court finds:

“(A) Abuse has occurred within the period specified in ORS 107.710 (1);

“(B) The petitioner reasonably fears for the petitioner’s physical safety; and

“(C) The respondent represents a credible threat to the physical safety of the petitioner or the petitioner’s child.”

ORS 107.716(3)(a); *see M. M. B. v. Rivera*, 340 Or App 614, 616, 572 P3d 315 (2025) (“[A]lthough a finding of an ‘imminent danger of further abuse’ is a requirement to obtain an initial FAPA order, the standard for continuing a FAPA order does not contain such a requirement.”). “Abuse *** is defined as intentionally, knowingly or recklessly placing another in fear of imminent bodily injury,” and “[f]ear is judged by an objective standard and involves considering the totality of the circumstances.” *M. Z.*, 348 Or App at 83 (internal citations and quotations marks omitted).

We conclude that the record, in particular petitioner’s testimonial evidence regarding respondent’s actions within the specific period, support the trial court’s determination that respondent’s actions met the statutory requirements, that petitioner could reasonably fear for her physical safety, and that respondent represented a credible threat to the physical safety of the petitioner. Specifically, petitioner’s testimonial evidence supported the conclusion that respondent forcefully hugged petitioner against her will and attempted to pull her out of her vehicle window on May 25, 2025, which was an act of abuse occurring within 180 days of when petitioner filed her petition for the FAPA order on June 6, 2025, as required by statute. Petitioner and respondent offered competing testimony as to whether the hug was a forceful or consensual encounter. “[W]e generally defer to the trial court for its assessment of credibility.” *A. J. T. v. Croft*, 311 Or App 574, 577, 492 P3d 778 (2021). Although the trial court did not expressly state that it found petitioner’s testimony credible over respondent’s, based on the trial court’s decision to continue the FAPA restraining order, we can presume that was how the trial court considered the credibility of the parties. *See M. A. B. v. Buell*, 366 Or 553, 565, 466 P3d 949 (2020) (explaining that “[w]hen a trial court does not make express findings of fact, we will presume that the facts were decided in a manner consistent with the [trial court’s] ultimate conclusion as long as there is evidence in the record to support those implicit findings,” and “[t]hat includes accepting reasonable inferences and reasonable credibility choices that the trial court could have made” (internal quotation marks omitted)). From our review of the record, we understand that the trial court was not persuaded by respondent and ultimately concluded that petitioner reasonably feared for her physical safety and that respondent represented a credible threat to her physical safety. We conclude there is legally sufficient evidence in the record supporting the trial court’s determinations, and those determinations support the trial court’s continuation of the FAPA restraining order.

Affirmed; additionally, respondent is directed to pay \$250 to the Appellate Court Services Division of the Oregon Judicial Department.