

CERTIFIED FOR PUBLICATION
APPELLATE DIVISION
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE

SOUTHLAND HOMES & REAL ESTATE
AND INVESTMENT, LLC, as Trustee, etc.,

Plaintiff and Respondent,

v.

BINH THANH LAM,

Defendant and Appellant.

30-2026-01569207

(Super. Ct. No. 30-2025-01511277)

ORDER MODIFYING OPINION

It is ordered that the opinion filed August 4, 2026, be modified as follows:

On page 1, the caption, delete the caption: “OPINION,” and replace with: “ORDER.”

On page 9, delete the first full sentence and replace with: “The payment of sanctions shall be made within 30 days.”

On page 9, the first full paragraph, delete the first sentence and replace with: “We direct the clerk of this court to serve a copy of this order on the State Bar. (Bus. & Prof. Code, §§ 6068, subd. (o)(3), 6086.7, subd. (a)(3).)”

/s/

Kimberly A. Knill
Presiding Judge

WE CONCUR:

/s/

Megan L. Wagner
Judge

/s/

Vibhav Mittal
Judge

CERTIFIED FOR PUBLICATION
APPELLATE DIVISION
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE

SOUTHLAND HOMES & REAL
ESTATE AND INVESTMENT, LLC,
as Trustee, etc.,

Plaintiff and Respondent,

v.

BINH THANH LAM,

Defendant and Appellant.

30-2026-01569207

(Super. Ct. No. 30-2025-
01511277)

OPINION

THE COURT:

Courts are encountering an increasingly familiar problem: legal filings supported by authorities existing only in the fertile imagination of generative artificial intelligence (AI). Today we join the chorus reminding attorneys while generative AI may be a useful tool, it is no substitute for human intellect and professional judgment. The duty to verify the law before presenting it to a court is woven into the profession itself, and while technology may evolve at breathtaking speed, the ethical obligations of lawyers cannot bend to the speed of progress. A lawyer's duties cannot be delegated to a machine capable of confidently inventing what it cannot legitimately find. Because we determine counsel violated the Business and

Professions Code, State Bar Rules of Professional Conduct, and California Rules of Court, we impose sanctions.

On May 15, 2026, the Law Office of Vincent W. Davis & Associates and attorneys Vincent W. Davis and Zach Mejia, filed a petition for writ of supersedeas and supporting pleadings (petition) on behalf of the defendant and appellant in this unlawful detainer appeal. Davis was listed as counsel of record on the front page of the petition with his State Bar number and contact information. Mejia signed the petition.¹ The petition's table of authorities listed four suspicious cases that appeared to have been fabricated² by generative AI: *Dowds v. Basehore* (2018) 26 Cal.App.5th 265, *In re Gruntz* (9th Cir. 2000) 202 F.3d 1030, *In re Rubalcaba* (Bankr. S.D. Cal. 2002) 287 B.R. 546, and *People v. Superior Court (Humberto S.)* (2008) 43 Cal.4th 737.

Dowds v. Basehore (2018) 26 Cal.App.5th 265 does not exist. *In re Gruntz* (9th Cir. 2000) 202 F.3d 1030 is a case published in 2000 with that name, but the correct page cite is 1074, not 1030. *In re Rubalcaba* (Bankr. S.D. Cal. 2002) 287 B.R. 546 does not exist; the citation leads to *In re Munoz*. There is a party involved with the last name Ruvacalba, but it is spelled differently than Rubalcaba. Additionally, although the case involved bankruptcy, it does not stand for the proposition asserted in the petition. *People v. Superior Court (Humberto S.)* (2008) 43 Cal.4th 737 is also an existing case. However, it was cited for the proposition a “trial court

¹ Mejia's State Bar number appears nowhere in the petition, a violation of California Rules of Court, rule 2.111(1).

² A fabricated or hallucinated citation is a product of generative AI tools that create fake legal authority consisting of citations to nonexistent cases, quotes that do not appear in the cited cases, or cases cited for legal propositions entirely different from those represented. (See generally *Noland v. Land of the Free, L.P.* (2025) 114 Cal.App.5th 426, 430 (*Noland*).)

maintains no judicial discretion to enforce a void judgment.” There was no pinpoint cite for the assertion, and the case does not stand for the proposition asserted.

On May 27, 2026, we issued an order to show cause why sanctions should not be imposed against Davis and Mejia for use of fabricated quotations and erroneous statements of law in violation of Business and Professions Code section 6068, subdivision (d), State Bar Rules of Professional Conduct, rule 3.3(a)(1) and (2), and California Rules of Court, rules 2.30(b), and 8.891(e)(1)(B).

On July 1, 2026, Davis and Mejia filed a joint brief supported by a declaration from each attorney. Davis, as the supervising attorney, contends he did not draft or sign the petition and had no reason to believe Mejia used AI to draft the petition or failed to verify the cases cited in the petition. Davis declares he reviewed the petition’s contents, arguments, and grammar but not the citations. Davis posits it was not reasonable for him to verify every citation in a brief prepared by an associate attorney, and a supervising attorney should reasonably be permitted to rely on his associates to draft briefs, verify citations, and comply with their ethical duties and professional responsibilities. Additionally, after learning of the improper citations in the petition, Davis took measures to prevent a reoccurrence by implementing a written policy regarding use of AI and revoking all use of AI in any firm matter. Davis apologizes for Mejia’s actions and his failure to identify the issue and prevent the petition from being filed with false citations.

Mejia admits using AI tools, including ChatGPT and Google Gemini, to assist with drafting and legal research while preparing the petition. Mejia accepts responsibility for violating California Rules of Court, rule 8.1115 but contends he did not violate Business and Professions Code section 6068,

subdivision (d), because he did not intend to mislead the court or knowingly present false legal authority. He also argues he did not violate State Bar Rules of Professional Conduct, rule 3.3(a)(1) because he did not knowingly make a false statement of law or knowingly submit fabricated authority to the court. Mejia attributes his failure to verify the authorities to being under significant time constraints due to the emergency nature of the petition and his client's pending eviction. Mejia acknowledges he improperly relied on AI tools instead of using more traditional legal research databases like Westlaw or LexisNexis and his time constraints were not an excuse for the errors in the petition. He apologizes to the court and explains he has now completed an AI ethics course through the State Bar.

The hearing on the order to show cause was held on July 23, 2026. At the hearing, both attorneys submitted on their briefing.

All California attorneys are bound by the Business and Professions Code, the State Bar Rules of Professional Conduct, and the California Rules of Court. (*People v. Alvarez* (2025) 114 Cal.App.5th 1115, 1118 (*Alvarez*).)

Business and Professions Code, section 6068, subdivision (d) provides it is an attorney's duty "to employ . . . those means only as are consistent with truth, and never to seek to mislead the judge or any judicial officer by an artifice or false statement of fact or law."

Under the State Bar Rules of Professional Conduct, an attorney shall not "knowingly make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer." (Rules Prof. Conduct, rule 3.3(a)(1).) An attorney shall also not "knowingly misquote to a tribunal the language of a book, statute, decision, or other authority." (*Id.*, rule 3.3(a)(2).)

California Rules of Court, rule 8.1115(a) prohibits a party from citing or relying on opinions not certified for publication or ordered published.

California Rules of Court, rule 8.891 permits the appellate division to impose sanctions on an attorney for “[c]ommitting any unreasonable violation of these rules.” (Cal. Rules of Court, rule 8.891(e)(1)(B).) California Rules of Court, rule 2.30(a) and (b) also permit the appellate division in a civil proceeding to order an attorney to pay reasonable monetary sanctions to the court for failure without good cause to comply with applicable rules.

“Relying on fabricated legal authority is sanctionable..... An attempt to persuade a court or oppose an adversary by relying on fake opinions is an abuse of the adversary system.” (*Noland, supra*, 114 Cal.App.5th at p. 445 (cleaned up).) “To state the obvious, it is a fundamental duty of attorneys to *read* the legal authorities they cite in appellate briefs or any other court filings to determine that the authorities stand for the propositions for which they are cited.” (*Ibid.*, original italics.) “Before filing any court document, an attorney must carefully check every case citation, fact, and argument to make sure that they are correct and proper. Attorneys cannot delegate that role to AI, computers, robots, or any other form of technology. Just as a competent attorney would very carefully check the veracity and accuracy of all case citations in any pleading, motion, response, reply, or other paper prepared by a law clerk, intern, or other attorney before it is filed, the same holds true when attorneys utilize AI or any other form of technology.” (*Id.* at p. 446 (cleaned up).) In *Noland*, the court sanctioned appellant’s counsel \$10,000 for relying on AI hallucinated citations. (*Id.* at p. 449.)

Other California courts soon reached the same conclusion. (See *Alvarez, supra*, 114 Cal.App.5th at p. 1120 [appellate counsel sanctioned \$1,500 for including fictitious quotation, citing nonexistent case and two cases not

addressing issues for which they were cited]; *Schlichter v. Kennedy* (2025) 116 Cal.App.5th 24, 34 [appellate counsel sanctioned \$1,750 for opening brief and writ petition containing hallucinated citations]; *Shayan v. Shakib* (2025) 116 Cal.App.5th 619, 624-625 (*Shayan*) [\$7,500 sanctions paid to the court for fabricating citations in the opening brief, refusing to accept responsibility, characterizing fabrications as clerical citation errors, and continuing to misrepresent legal authority in opposition to sanctions motion]; *In re Domestic Partnership of Torres Campos & Munoz* (2026) 118 Cal.App.5th 1112, 1130 [\$5,000 sanctions against counsel for providing additional fictitious citation information for fictitious case despite being told it was not real and conceding it “may have” come from AI]; *Del Baggio v. Bansen* (July 10, 2026, A174647) 2026 WL 1998607 *7-9 [\$1,500 sanctions against attorney who attributed fictional quotations from AI to his paralegal’s failure to verify brief].)

Both Davis and Mejia admit the petition contains AI hallucinations. Davis, as the supervising attorney, purportedly reviewed the contents and arguments in the petition but did not review the citations. The court acknowledges both attorneys have tried to atone for their conduct, Davis by making it a firm-wide policy to revoke AI use in all firm matters and Mejia by completing an AI ethics course through the State Bar.

Davis argues his failure to verify each case cited in the petition is reasonable as a supervising attorney. Not so. He was listed on the petition as counsel of record. State Bar guidance provides “a lawyer must review all outputs produced using AI tools for accuracy, including but not limited to analysis and citations to authority before submission to the court, and must independently verify and correct any errors or misleading statements made to the court, regardless of whether such outputs were generated with or

without real-time human direction.” (State Bar of California, Standing Committee on Professional Responsibility and Conduct, Practical Guidance for the Use of Generative Artificial Intelligence in the Practice of Law (2026), p. 9; see also *Quinteros v. Harbor Distributing, LLC* (2026) 121 Cal.App.5th 60, 78-80 (*Quinteros*) [appellate court affirmed trial court’s \$5,000 sanctions to court and \$1,000 sanctions to opposing party imposed on law firm and attorneys whose names appeared in caption for failing to read brief to verify citations].) Davis “bear[s] ultimate responsibility for the accuracy and reliability of the brief.” (*Quinteros, supra*, 121 Cal.App.5th at p. 78.)

Moreover, reviewing contents and arguments in a brief includes ensuring case law upon which counsel asks the court to rely is accurate. It is unclear what review Davis undertook given the material citation errors we uncovered.³ Davis contends he had no reason to know – or even believe – Mejia would resort to artificial intelligence. The argument asks the court to

³ By affixing his name to the petition, Davis was also subject to Code of Civil Procedure section 128.7. “By presenting to the court, whether by signing, filing, submitting, or later advocating, a pleading, petition, written notice of motion, or other similar paper, an attorney or unrepresented party is certifying that to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, all of the following conditions are met: (1) It is not being presented primarily for an improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation. (2) The claims, defenses, and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law. (3) The allegations and other factual contentions have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery. (4) The denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on a lack of information or belief.” (Code Civ. Proc., § 128.7, subd. (b).)

overlook what the legal profession has been unable to ignore: the well-publicized misuse of AI by attorneys. When the petition was filed just a few months ago, AI-generated legal work was no longer a novel concern; it was common knowledge.

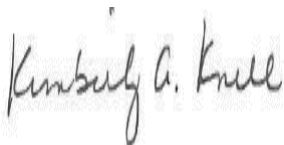
Mejia claims he was in a rush and did not verify the citations. He admits using ChatGPT and Google Gemini, general-purpose AI chatbots available to anyone with internet access. Neither is a specialized legal platform typically utilized in the legal profession for legal research. Mejia's argument he should not be sanctioned because he did not act knowingly is unavailing. His blind reliance on generative AI supports the inference he knowingly and unreasonably violated the State Bar Rules of Professional Conduct. (See *Shayan, supra*, 116 Cal.App.5th at p. 625 [court inferred knowing and unreasonable violation of rules].)

Citation to even one fake case would be grounds for sanctions, whether intending to deceive the court or not. (See *Noland, supra*, 114 Cal.App.5th at p. 445 [court rejected argument counsel should not be sanctioned because he did not intend to deceive court].) By filing the petition containing fabricated citations and legal propositions, both Davis and Mejia are subject to sanctions for violating the Business and Professions Code, State Bar Rules of Professional Conduct, and California Rules of Court.

We impose sanctions of \$2,500 against Davis. He offers no meaningful acceptance of responsibility and presses an unconvincing argument he bore no obligation to ensure the accuracy of the citations relied upon. We impose sanctions of \$1,500 against Mejia. All sanctions are payable to the clerk of this court to reimburse the court for a small portion of the time and resources expended on this issue. (See *Noland, supra*, 114 Cal.App.5th at p. 447 [court system and state taxpayers are damaged by what amounts to a waste of the

court's time and resources].) The payment of sanctions shall be made within 30 days after the remittitur is filed.

We direct the clerk of this court to serve a copy of this order on the State Bar upon issuance of the remittitur. (Bus. & Prof. Code, §§ 6068, subd. (o)(3), 6086.7, subd. (a)(3).) This disposition serves as notice to counsel the imposition of sanctions will be reported to the State Bar. (*Id.*, § 6068.7, subd. (b).) Attorneys Davis and Mejia are also ordered to personally report the sanctions to the State Bar. (*Id.*, § 6068, subd. (o)(3).)



Kimberly A. Knill
Presiding Judge

WE CONCUR:



Megan L. Wagner
Judge



Vibhav Mittal
Judge

Trial Court: Jennifer M. McCartney, Judge.

Law Offices of Vincent W. Davis & Associates, Vincent W. Davis, and Zach Mejia, for Defendant and Appellant.

Larry Rothman & Associates, Larry Rothman; Steven Silverstein for Plaintiff and Respondent.