Your AI research is your responsibility — California court sanctions attorney for delegating AI citation verification to paralegal

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In *Del Biaggio v. Bansen* (Cal. Ct. App., 1st Dist., Div. 4, July 10, 2026), the California Court of Appeal confronted what is fast becoming a recurring problem in American courtrooms: an appellate brief containing fictitious case citations generated by artificial intelligence.

The court's opinion offers further guidance from a California appellate court on exactly what "human verification" of AI-generated legal research requires — and makes plain that delegating that task to a paralegal does not suffice.

The underlying dispute was straightforward. Daniel Del Biaggio, a dairy worker, prevailed at trial on claims for breach of contract, unjust enrichment, and conversion arising from a dairy operations succession agreement, and moved for attorney fees under the agreement's fee-shifting provision.

On appeal, the central legal questions concerned the trial court's reduction of compensable attorney hours, its sua sponte exclusion of paralegal fees from the fee award, and the propriety of sanctions the trial court had imposed against Del Biaggio's counsel in connection with a motion for reconsideration. It was in briefing the paralegal-fee issue that Del Biaggio's attorney, Carlton Floyd, introduced AI-generated content that would prove deeply problematic.

Floyd's opening appellate brief contained multiple fabricated quotations attributed to real California cases. Most notably, the brief purported to quote the California Supreme Court's decision in *PLCM Group, Inc. v. Drexler*, (2000) 22 Cal.4th 1084, for language declaring that paralegal fees are recoverable under Civil Code section 1717 — language that does not appear in that case or any other.

The brief also included a fictitious quotation from *Gorman v. Tassajara Development Corp.* (2009) 178 Cal.App.4th 44, and misidentified another case entirely. None of these fabrications were tangential; they formed the backbone of Floyd's argument on appeal.

In response to the court's order to show cause, Floyd acknowledged using generative AI and described what he characterized as a "communication error." He explained that he had added the AI-generated quotations during trial recesses in another matter and asked his paralegal to verify them before the brief was filed. The paralegal, however, understood that Floyd had already verified the additions himself. Floyd argued that his office maintained "protocols requiring human verification of all outputs using primary sources," consistent with California State Bar guidance.

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The Court of Appeal was unpersuaded. Writing for the panel, Justice Jeremy M. Goldman identified three independent failures.

First, the court held that Floyd's protocol was deficient on its own terms, even absent the communication breakdown. The California State Bar's Practical Guidance for the Use of Generative Artificial Intelligence in the Practice of Law provides that "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."

Floyd's plan — to have a paralegal check AI-generated citations rather than personally reviewing them or having another attorney do so — fell short of this standard.

The court emphasized that personally reviewing the legal authorities on which one's argument relies is a non-delegable duty, citing *Noland v. Land of the Free,*

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L.P. (2025) 114 Cal.App.5th 426 for the principle that "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."

The practical lessons of Del Biaggio *are clear. Attorneys who use generative AI for legal research must personally read every case they cite and confirm that each quotation is accurate and that the authority actually stands for the proposition asserted.*

Second, the court observed that Floyd should have recognized obvious red flags. The AI had supplied quotations from a 26-year-old California Supreme Court decision that articulated the exact proposition Floyd sought to advance — quotations that had somehow eluded him when he researched the identical issue in the trial court.

Third, the court found that Floyd's delayed correction of the errors — waiting more than three months after learning of the problem and correcting the record only days before oral argument — violated his duty of candor under California Rule of Professional Conduct 3.3(a)(1).

The court ordered Floyd to pay $1,500 in sanctions to the clerk of the court for "conduct that unnecessarily burdens the court and the taxpayers." It further directed the clerk to forward a copy of the opinion to the State Bar under Business and Professions Code section 6086.7(a)(3) and required Floyd to provide the opinion to his client and certify that he had done so.

The practical lessons of *Del Biaggio* are clear. Attorneys who use generative AI for legal research must personally read every case they cite and confirm that each quotation is accurate and that the authority actually stands for the proposition asserted. Delegating that verification to non-attorneys — no matter how capable — does not discharge the attorney's ethical obligation.

Practitioners should also remain alert to red flags: A citation that perfectly articulates your position, particularly from a well-known case that you have not previously encountered on point, warrants immediate skepticism. Finally, if errors are discovered, the duty of candor demands prompt correction. As the court cautioned, quoting *Sheerer v. Panas* (2026) 119 Cal.App.5th 367, the obligation "is not merely an admonition to double-check citations … it is to be at all times truthful and to be responsible in crafting any written arguments presented in this court."

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