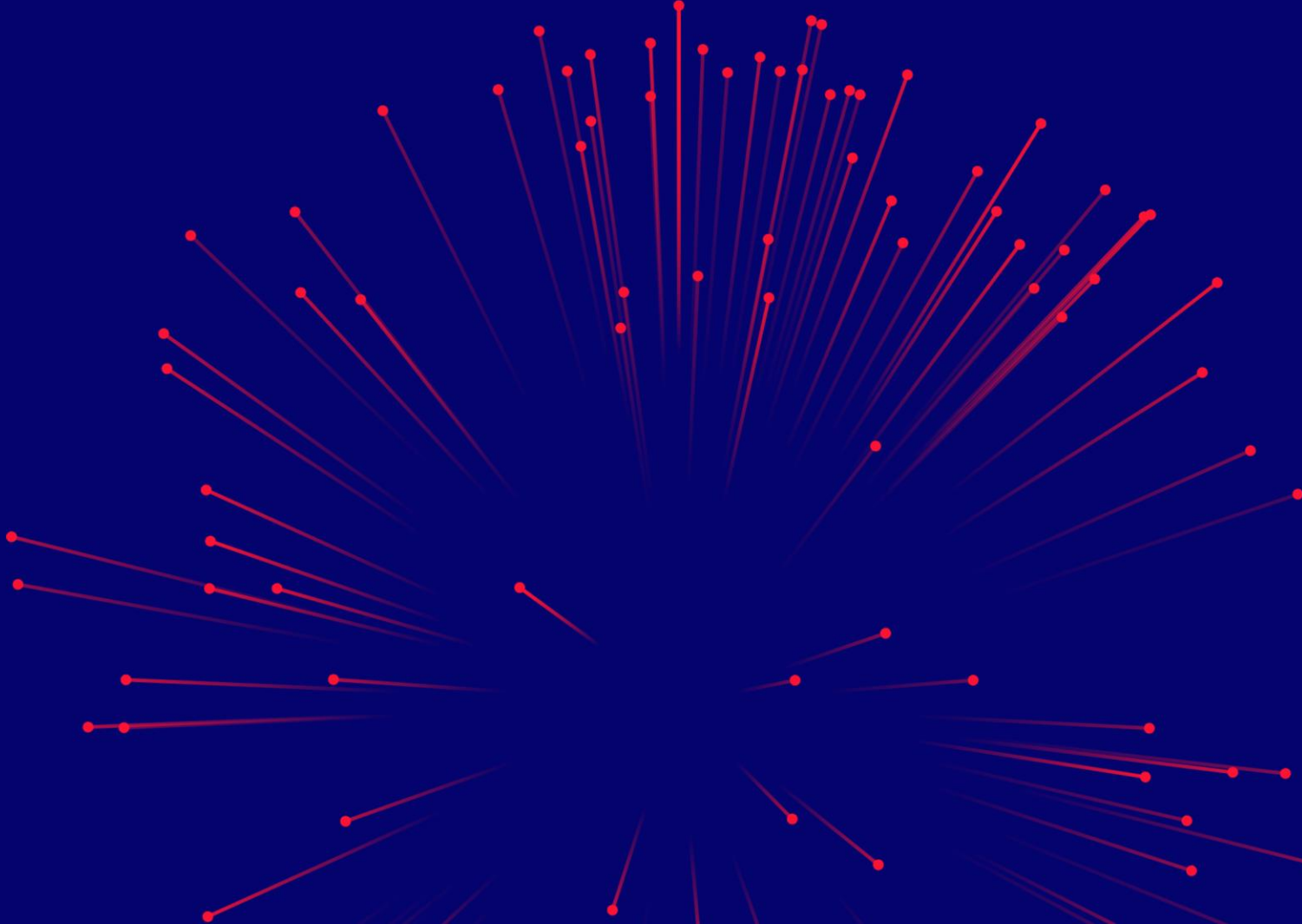


Legal Insights

A CLE webinar series



attorney advertisement
Copyright © Cooley LLP, 3175 Hanover Street, Palo Alto, CA 94304. The content of this packet is an introduction to Cooley LLP's capabilities and is not intended, by itself, to provide legal advice or create an attorney-client relationship. Prior results do not guarantee future outcome.

Michelle Galloway

Legal Ethics: What You Need to Know
Entering 2026

Your Presenter



Of Counsel in the IP Litigation Practice Group of Cooley LLP

Lecturer in Law at Stanford University and Santa Clara University School of Law

Certificate in DEI from Cornell

Executive Committee, Litigation Section of California Lawyers Association (2018-2021)

Past Chair, ABA Intellectual Property Section, Professional Ethics and Responsibility Committee

Contact Michelle at mgalloway@cooley.com or 650-843-5161 or michelleseminars@gmail.com

For information about seminars Michelle offers, go to <https://www.cooley.com/people/michelle-galloway> and click on the red box.

Overview

Ethics Updates: ABA opinions, State rules and opinions

AI: Opinions, guidance and cases re use of AI

Ethical Duties: Competence, Confidentiality, Loyalty, Candor

Ethical Duties: Supervisory/Subordinate Attorneys

Ethical Duties: Civility, Harassment and Discrimination

Other Things Ethical Lawyers Should Not Do

Public View of Judiciary and Lawyers in 2025

Potential Impacts

On Clients

- Delayed justice
- Unfair treatment
- Chilling effects

Generally

- Erosion of public trust -- misconduct undermines public confidence in the judiciary's fairness and impartiality
- Accountability gaps -- tolerance for unethical behavior

DOJ Lawsuit Against Maryland Judges

DOJ sued entire bench of the District of Maryland to challenge standing order that required a two-day injunction before deportation of detained noncitizens who filed habeas petitions

Case assigned to Judge Cullen, a Trump appointee, W.D. Va., who dismissed the suit

- “The executive branch is not the sole sovereign in the United States of America.” *U.S. v. Russell*, Case No. 1:25-cv-02029 (D. Md. Aug. 26, 2025)

DOJ Ethics Complaint re Chief Judge Boasberg

DOJ filed misconduct complaint against Chief Judge Boasberg, D.D.C.

- At Judicial Conference meeting, Judge expressed concern that Trump administration might disregard Court rulings leading to constitutional crisis
- Complaint: “Boasberg attempted to transform a routine housekeeping agenda into a forum to persuade... of his preconceived belief.”
- DOJ complaint to Chief Judge Srinivasan (D.C. Ct. App.) (seeking investigation and possible impeachment referral)
- Nov. 2025: 6 Republican senators now seeking suspension while they consider Judge Boasberg’s impeachment

“War” against Judiciary

Todd Blanche, Deputy Attorney Journal, DOJ

Nov. 7, 2025 Federalist Society conference
encouraging young lawyers to join DOJ

- “We need you, because it is a war, and it’s something we will not win unless we keep on fighting . . . So it’s a war.”

Keep Our Republic’s Article III Coalition

50 former federal judges

- “poses a grave threat to the rule of law and the judiciary.”
- “especially when voiced by high-ranking officials—not only endangers individual judges and court staff, but also undermines the public’s trust in the judiciary as an impartial and co-equal branch of government.”

Executive Orders Targeting Firms

“To extent permitted by law”

- Suspend security clearances
- Review/terminate contracts with firm AND with entities doing business with firm
- Limit access to federal buildings

Firms that Reached “Deals”

After Executive Orders

- Paul Weiss

In Advance of Executive Orders

- A&O Shearman
- Cadwalader, Wickersham & Taft
- Kirkland & Ellis
- Latham & Watkins
- Milbank
- Simpson, Thatcher & Bartlett
- Skadden, Arps
- Willkie Farr
- \$940M in “pro bono services”

Is Pro Bono for Federal Government Ethical?

- Sept. 2025: Congress sent letters to law firms who agreed to “pro bono” with questions about legality of free services for Commerce Department
- DC Bar Ethics Op. 391
 - “Lawyers and law firms that contemplate agreeing with a government to conditions that may limit or shape their law practices must examine whether such conduct will create issues under the Rules of Professional Conduct. This might include conflicts of interest for engagements (existing or new) adverse to that government, improper restrictions upon the lawyers’ right to practice, or interference with the lawyers’ professional independence. If a conflict is found to exist, obtaining a valid waiver may be difficult. Lawyers who represent the government in seeking, negotiating, or implementing such agreements also must consider their responsibilities under the Rules of Professional Conduct.”

Firms Challenging Executive Orders

Perkins Coie (*Williams & Connolly*)

Jenner & Block (*Cooley*)


WilmerHale (*Clement & Murphy*)

Susman Godfrey (*Munger Tolles*)

Int'l Take on Law Firm “Deals”

German Bar Association Warns Firms That Trump Deals Violate Legal Code

The German Bar Association has issued a warning to lawyers that they could be found in breach of their professional obligations if they work at or with any of the nine U.S. firms that made deals with the Trump administration.

5 minute read | June 01, 2025 at 04:00 PM By  **James Jackson**

<https://www.law.com/international-edition/2025/06/01/german-bar-association-warns-firms-that-trump-deals-violate-legal-code/?slreturn=20250602131021>

2025 Ethics Complaints Against Judges

Failure to disclose personal involvements in proceedings

Witness tampering

Failure to schedule hearings

Delays issuing rulings

Threats against attorneys

Pattern of rude, demeaning and biased remarks

Sexual harassment/assault

Judicial Comments (Alleged or Determined)

To criminal defendants

- “You’re a younger man. You’re a handsome man, and you are very well built, and you will be an attraction in state prison, and that’s thinking about being there for, potentially, up to 18 years is something you will have to think about. Is that the environment that you want to be in?”
- Required individuals appearing to play a game he called “Game or Jail”
- “You’re not even my property yet.”

To domestic violence victims

- “You’ve got some serious psychiatric treatment... it’s not his fault that you need help.”
- Analogized “neurochemicals” released in abuse victim to elation of winning Super Bowl

Judicial Comments from Bench

Municipal Judge

“told a 15-year-old child, D.R., she “hoped that when he got locked up, he would get a big black man as his cell mate that would make him his bitch” and another she “hoped they put him in jail with a big black man that would make him his sex toy.”

In re Hon. Jennifer Eggen, Case Nos. 22-0515 and 22-1411 (Tex. State Commission on Judicial Conduct.(Oct. 20, 2025)

Judge Recused

Judge told attorneys

“would like to tell the deputy to pull his gun and shoot all three of you, as far as my level of frustration. . . .”

Lowell D. Raker v. Linda Vause et al., Case No. 2022-CA-90 (2nd Jud. Cir. Ct. Florida 2025)

- <https://www.tallahassee.com/story/news/local/2025/10/24/lawyer-criticizes-judge-smith-over-comments-he-wanted-attorneys-shot-florida/86851800007/>

Judge Indicted for Sexual Assault at Courthouse

Federal grand jury indicted former CA Superior Court Judge Adolfo Corona, for “sexually assaulting a 33-year-old court employee (Victim 1), making false statements to cover up the assault, and with obstructing the investigation into allegations that he sexually assaulted a 43-year-old court employee (Victim 2) in his chambers”

- <https://www.justice.gov/opa/pr/former-california-superior-court-judge-charged-sexual-assault-and-obstruction-offenses#:~:text=The%20Justice%20Department%20announced%20that,st atements%20to%20cover%20up%20the>
- *US v. Corona*, Case No. 1:25-cr-00167 (E.D. Cal. Nov. 7, 2025) (Motion to dismiss filed)

ABA Ethics Opinions

ABA Op. 512: GenAI Tools (July 29, 2024)

“To ensure clients are protected, lawyers using generative artificial intelligence tools must fully consider their applicable ethical obligations, including their duties to provide competent legal representation, to protect client information, to communicate with clients, to supervise their employees and agents, to advance only meritorious claims and contentions, to ensure candor toward the tribunal, and to charge reasonable fees.”

ABA Op. 513: Duty to Inquire (2024)

“As recently revised, Model Rule 1.16(a) provides that: “A lawyer *shall inquire* into and assess the facts and circumstances of each representation to determine whether the lawyer may accept or continue the representation.” To reduce the risk of counseling or assisting a crime or fraud, some level of inquiry and assessment is *required before undertaking each representation.*” (emphasis added)

Lesson from UK

UK Solicitors Regulation Authority prosecuting BigLaw firm for lack of procedure onboarding a client

- Lateral partner brought Client with him to BigLaw firm
- Client was a bank chairman later jailed for laundering billions
- Firm's risk and compliance team raised concerns over Client's plans to buy a UK bank
- Partner responded saying memo "untrustworthy" and that compliance team member was "[****] showing poor judgment and not knowing what he is doing."
- SRA said this approach to due diligence was the "exact opposite" of what is required
- See <https://www.rollonfriday.com/news-content/dentons-partner-called-colleague-big-prick-requesting-client-compliance-checks>

Solicitors Regulation Authority and AML

SRA targeting 700 inspections for 2024-2025

Key areas where firms fall short

- Client matter risk assessment
- Policies and controls
- Source of funds checks
- Firmwide risk assessment
 - See Harriet Holmes, *8 Ways Law Firms can Prepare for SRA's AML Offensive*, law360.com (June 23, 2025)

ABA Op. 514: Legal Risks for Organization's Constituents (2025)

“Where a lawyer—in-house or outside counsel—is giving advice to an organization client about future action of the organization, these provisions may require the lawyer to advise the organization when its actions pose a legal risk to the organization's constituents.”

“When an organization's lawyer provides advice to the organization about proposed conduct that may have legal implications for individual constituents, the constituents through whom the lawyer conveys advice may misperceive the lawyer's role and mistakenly believe that they can rely personally on the lawyer's advice. Rules 4.1, 4.3, and 1.13(f) require an organization's lawyer to take reasonable measures to avoid or dispel constituents' misunderstandings about the lawyer's role.”

Additional ABA Opinions in 2025

ABA Op. 515 (Mar. 5, 2025) A Lawyer's Discretion to Report When a Client Commits a Crime Against the Lawyer or Against Someone Associated with, or Related to, the Lawyer.

ABA Op. 516 (Apr. 2, 2025) Terminating a Client Representation Under MRPC 1.16(b)(1): What "Material Adverse Effects" Prevent Permissive Withdrawal?

ABA Op. 517 (July 9, 2025) Discrimination in the Jury Selection Process

ABA Op. 518 (Oct. 15, 2025) A Lawyer's Duties to Avoid Misleading Communications When Acting as a Third-Party Mediator

State Ethics Opinions and Issues of Note

Texas Op. 707 (May 2025) In-House Counsel of Vendors

“A for-profit company owned in part by nonlawyers engages in the unauthorized practice of law if it provides its customers the option of retaining the company’s full-time lawyer-employees at ‘actual cost’ on matters unrelated to the company’s interests. A lawyer-employee who assists the company in the unauthorized practice of law violates Rule 5.05(a)(2).”

“A lawyer-employee of a for-profit company violates the prohibition against sharing fees with nonlawyers if the corporate employer receives fees or other economic benefit more than the actual cost of offering customers the option of retaining the lawyer-employee.”

Ill. Op. 2025-1 Drafting Contracts Under Federal Law and UPL

“Pursuant to Rule 5.5(d), a lawyer not licensed in Illinois may counsel an Illinois business on matters the lawyer is authorized by federal or other law or rule to provide in this jurisdiction. However, to the extent the non-Illinois lawyer seeks to advise an Illinois business on Illinois law, one of the exceptions to Rule 5.5(c) must apply.”

NYSBA Op. 1276 (Oct. 2024): Fake Social Media Accounts

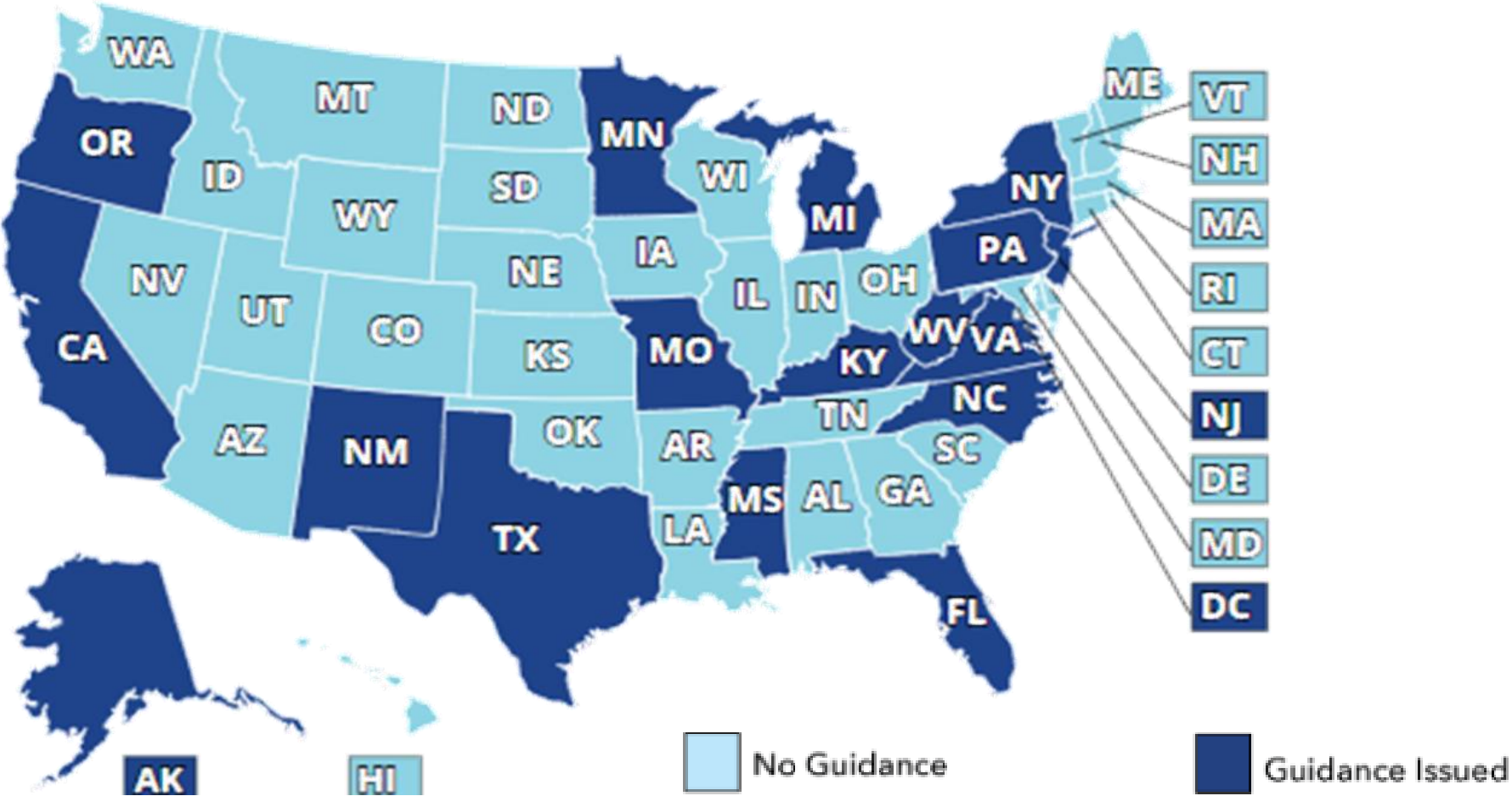
“A lawyer who knows that an unknown or unidentified person is creating fake social media accounts in order to scam the public has no duty under the Rules of Professional Conduct to take any action to combat the fake accounts.”

DC Op. 390 (Aug. 2025) Representation and Privilege Issues in Context of Prior Work

“A lawyer’s prior work for a client occasionally becomes an issue in subsequent litigation or other representation on behalf of the same client. . . [L]awyer must consider whether a conflict exists that prevents the lawyer from taking on or continuing the representation, or whether to seek the client’s informed consent to a conflict.”

Guidance Re AI and Ethics

State Legal Ethics AI Ops or Guidance



https://www.bloomberglaw.com/product/mopc/page/mopc_ai (as of 08/06/2025)

Ethical Responsibilities and Considerations



Competence



Communication



Confidentiality



Candor



Supervisory



Bias

Attorney Judgment Cannot Be Replaced

ABA Op. 512: “While GAI tools may be able to significantly assist lawyers in serving clients, they cannot replace the judgment and experience necessary for lawyers to competently advise clients about their legal matters or to craft the legal documents or arguments required to carry out representations.”

ABA Model Rule 1.6 – Confidentiality

“A lawyer shall not reveal information relating to the representation of a client unless the client gives informed consent, the disclosure is impliedly authorized in order to carry out the representation or the disclosure is permitted by paragraph (b).”

Rule amended to add 1.6(c)

- “(c) A lawyer shall make ***reasonable efforts to prevent*** the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client.” (emphasis added)

ABA Op. re Confidentiality

ABA Op. 512: “Before lawyers input information relating to the representation of a client into a GAI tool, they must evaluate the risks that the information will be disclosed to or accessed by others outside the firm. Lawyers must also evaluate the risk that the information will be disclosed to or accessed by others *inside the firm* who will not adequately protect the information from improper disclosure or use . . .” (emphasis added)

ABA: Evaluate GenAI Output You Use!!!

ABA Op. 512: “[A] lawyer’s reliance on, or submission of, a GAI tool’s output – *without an appropriate degree of independent verification or review of its output*—could violate the duty to provide competent representation as required by Model Rule 1.1. While GAI tools may be able to significantly assist lawyers in serving clients, they cannot replace the judgment and experience necessary for lawyers to competently advise clients about their legal matters or to craft the legal documents or arguments required to carry out representations.” (emphasis added)

And Then There Was a “Hallucination”

“There was just one hitch: No one – not the airline’s lawyers, not even the judge himself – could find the decision or the quotations cited and summarized in the brief.”

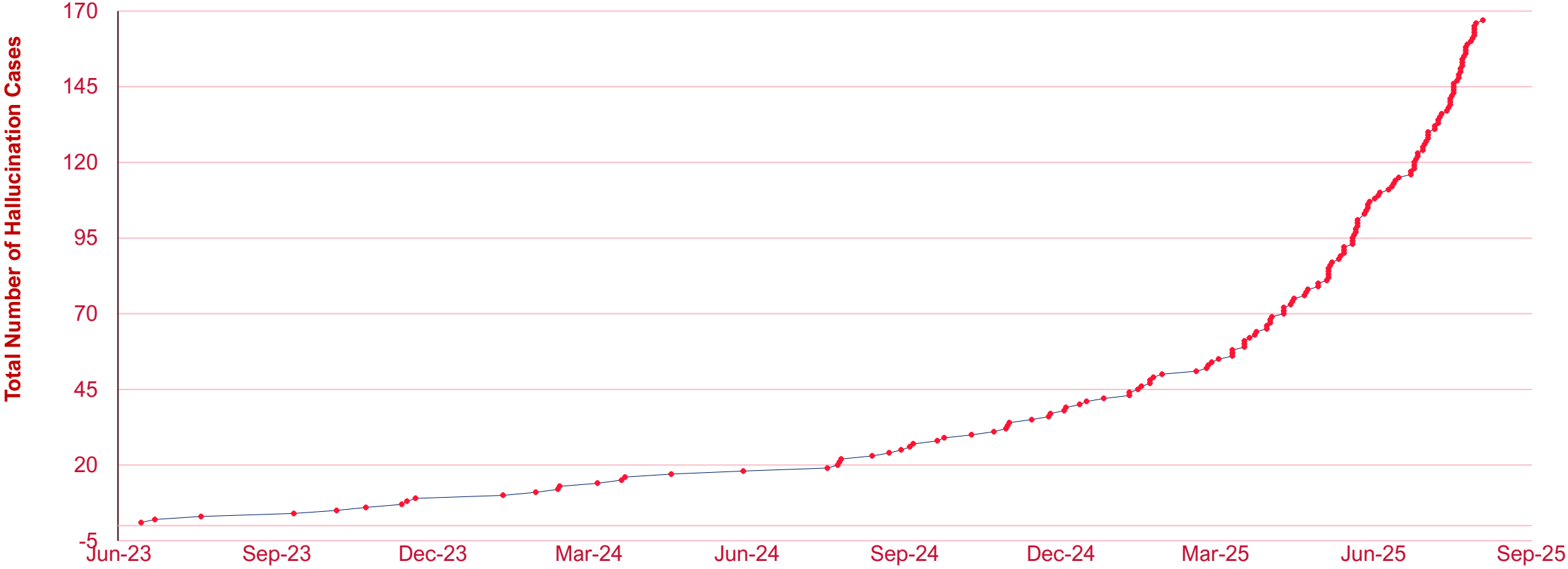
New York Times (May 27, 2023)



Here’s What Happens When Your Lawyer Uses ChatGPT

A lawyer representing a man who sued an airline relied on artificial intelligence to help prepare a court filing. It did not go well.

Hallucination Cases Since June 2023



2023 to 2025

Created from data at https://www.damiencharlotin.com/hallucinations/?sort_by=-date&states=USA&period_idx=0

Judges Using GenAI?

State: Withdrawn Opinion and a Twist

- *Shahid v. Esaam* (Georgia Ct. App. June 30, 2025)
 - Trial court denied petition to reopen divorce citing two non-existent cases
 - Appellate court vacated and remanded
 - Twist: Appellee's brief included 11 of 15 cases either hallucinated or irrelevant. Sanctioned \$2500

Federal: Withdrawn Opinions & Senate Investigation

Federal: 2 district court judges withdrew opinions that appeared to include AI hallucinations

Sen. Chuck Grassley, R-Iowa, Chair of Senate Judiciary Committee began investigation

- Judge Neals: law school intern used AI; “In doing so, the intern acted without authorization, without disclosure, and contrary to not only chambers policy but also the relevant law school policy.”
- Judge Wingate: law clerk used AI but opinion docketed “was an early draft that had not gone through the standard review process.”

Bar Admission and UPL

CA Bar Exam Feb. 2025

California Bar Exam Managed To Be Even Worse Than Expected

It almost didn't seem possible.

By Joe Patrice on February 26, 2025 1:04 pm



Share

<https://abovethelaw.com/2025/02/california-bar-exam-managed-to-be-even-worse-than-expected/>

NY Bar Exam: What Can We Conclude?

Bar Exam Taker Suffers Apparent Heart Attack

The exam never stopped during what seems to have been a major medical emergency.

By Joe Patrice on July 31, 2025 10:41 am



Share

<https://abovethelaw.com/2025/07/bar-exam-taker-suffers-apparent-heart-attack/>

Lying About Your Degrees

(<https://apps.apple.com/us/app/lawyerup-from-rollonfriday/id6443877869>)

Barrister who lied about Oxford degree (and cricket skills) disbarred (/news-content/barrister-who-lied-about-oxford-degree-and-cricket-skills-disbarred)

By Jamie Hamilton (/readcontent/710489)
19 September 2025

(<https://apps.apple.com/us/app/lawyerup-from-rollonfriday/id6443877869>)

Ex-Slaughter and May associate who lied about Cambridge degree struck off (/news-content/ex-slaughter-and-may-associate-who-lied-about-cambridge-degree-struck)

By Jamie Hamilton (/readcontent/710489)
07 November 2025

Disbarred Lawyer Using Fake and Forged Identities to Practice

Disbarred Ohio lawyer was sentenced to 37 months in prison and \$171K restitution for Social Security fraud

- Used fake identities and forged credentials
- Claimed to be Marine, a BigLaw alum, and a former college football player
- Got job offers at 7 firms, including signing bonuses and 6 figure salaries
- *US v. Crosby*, Case No. 1:23-cr-00111 (S.D. Ohio Nov. 8, Mar. 10, 2025); see also <https://news.bloomberglaw.com/litigation/ex-lawyer-who-lied-way-into-firm-jobs-gets-37-months-in-prison>

SEC “Attorney” – Not in Good Standing

SEC’s Office of Inspector General found SEC attorney who joined SEC in 2008, falsely certified that they were in good standing with a state bar 13 times from 2015-2024

- State bar showed not in good standing since 2004
- License administratively revoked in 2010 for failure to pay into state lawyer’s fund
- Attorney resigned
- See <https://www.law360.com/pulse/articles/2366168/sec-atty-exits-after-hiding-revoked-license-oig-says>

Lying About CLE

Public censure for attorney who falsely certified he had completed CLE for 2017-2019 and that he possessed proof thereof

- *In re Keith*, 2025 NY Slip Op. 03632 (App. Division (June 12, 2025))

Pro Hac Vice Status and Habitual Practice

Court sua sponte revoked pro hac vice status

- Court granted attorney's application that stated she had been admitted pro hac vice 8 times in past 5 years
- Attorney then filed supplement that identified 7 additional pro hac vice admissions
- Based on that record, Court found that additional pro hac vice admission would constitute "habitual practice" in violation of NC rules
- *In re Asheville Eye Associates Data Incident Litg.*, Case No. 25CV000809-100 (Superior Ct. Buncombe County, NC July 24, 2025)

False Statements In Pro Hac Vice Applications

Multiple judges in N.D. Cal denied or issued OSC re William P. Ramey III's applications to appear pro hac vice

In one case,

- Application stated he had been admitted 0 times in Court during past year but he had been admitted pro hac in at least 5 cases
- Alleged error by paralegal but Court found “severe failure” to train and supervise; referred to Court’s Standing Committee on Professional Conduct for discipline
- *Cooperative Entertainment v. Alibaba Cloud US*, Case No. 25-cv-01842 (N.D. Cal. May 8, 2025) (Alibaba filed Motion for Sanction of Dismissal Une 6, 2025 and the case was dismissed with prejudice June 20, 2025)

Duty of Competence

ABA Model Rule 1.1 Competence

Rule unchanged:

- “A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.”

Comment amended:

- Maintaining Competence: “To maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, **including the benefits and risks associated with relevant technology. . . .**” (emphasis added)

In-House Counsel Suspended For Side-Gig

Attorney had private practice and continued after accepting full-time in-house counsel role

- While working in-house, attorney found to have committed gross neglect and had commingled client funds in his private practice
- 3-month suspension
- *In re Wynn*, Case No. 088757 (Sup. Ct. N.J. Mar. 8, 2024)

Moonlighting Lawyers

Chinn was fired by John Foy & Associates PC alleging she violated employment agreement by “moonlighting with another firm”; attorney admits to working part time at another firm during employment with John Foy.

Chinn v. John Foy & Associates PC, Case No. 1:25-cv-04848 (N.D. Ga.)

Doubling Down on Moonlighting – Three Jobs

Conveyancing solicitor struck off roll

- She joined company 1 under contract specify she would work full time and only for organization; She took temporary, remote positions with companies 2 and 3 during June-July, 2021 (remote)
- Between June 29 and July 16 she submitted time sheets to companies 2 and 3 for the same hours/same days
- She claimed her total hours were accurate if specific days were not and that her “innate work ethic” allowed her to work long hours
- <https://www.rollonfriday.com/news-content/solicitor-struck-working-three-law-firms-once> (June 6, 2025)

Competence: Patterns and Takeaways

Misrepresentation of licensing status

Pro hac vice status and habitual practice

Practicing while suspended

Remote work obscuring dual employment situations

Duty to Communicate

That's A Lot of Messages

Partner terminated for neglecting client matters

- Firm discovered that he had “unplugged his office telephone from the wall and placed it under his desk”
- When the phone was plugged in, there were over 150 unanswered telephone messages from clients and courts
- Allegedly deleted all client files from the firm laptop and they were not recovered
- *Disciplinary Counsel v. Stanley*, Case No. 2025-008 (Ohio Aug. 27, 2025)
(suspension following default)

Florida Attorney Ghosting Clients

In April 2024, Florida Bar received first complaints about Michael Hurckes taking retainer fees and doing no work

Two federal judges also referred Hurckes for discipline

- Phillip Bantz, *“Ghost” Florida Atty Left Long Trail of Irked Judges, Clients*, law360 (undated) (reporting on *Fisher v. MAH Advising* (Hurckes’s firm))

Aug. 29, 2025: Law360 reports that he is still in good standing

- See Phillip Bantz, *“I’m Flabbergasted”: Fla. Atty’s Accusers Rip Bar for Inaction* (Aug. 29, 2025) available at <https://www.law360.com/articles/2382221/-i-m-flabbergasted-fla-atty-s-accusers-rip-bar-for-inaction>

Sept. 5, 2025: Emergency petition to suspend Hurckes filed Sept. 5, 2025

Oct. 7, 2025 Suspended

False Settlement Communication

Complaint alleges associate

- Falsely told opposing counsel that State Farm had agreed to settle each claim for \$50K
- State Farm had not authorized settlement
- Failed to inform client or firm about alleged settlement or subsequent motions for sanctions
- *In re Holmer*, Commission No. 2025PR00017 (III. Atty Registration and Disciplinary Commission Complaint Feb. 26, 2025)

Duty of
Confidentiality/
Cybersecurity/
Privileges

Model Rule 1.6 – Confidentiality

“A lawyer shall not reveal information relating to the representation of a client unless the client gives informed consent, the disclosure is impliedly authorized in order to carry out the representation or the disclosure is permitted by paragraph (b).”

Rule amended to add 1.6(c)

- “(c) A lawyer shall make *reasonable efforts to prevent* the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client.” (emphasis added)

Leaked Ethics Exam

Above the Law reported that at USC, ethics exam posted online for less than an hour

Professor told students to delete the exam

- See <https://abovethelaw.com/2025/05/ethics-exam-leaked-early-in-ironic-law-school-twist/>

Recent Headline

Clorox sued Cognizant for breach of contract, gross negligence, and misrepresentation

- Alleges that “The cybercriminal just called the Cognizant Service Desk, asked for credentials to access Clorox’s network, and Cognizant handed the credentials right over.”
- Seeks \$380M in damages
- *The Clorox Co. v. Cognizant Worldwide*, Case No. RG25203303 (Superior Ct. Alameda County, CA July 22, 2025); see also <https://www.reuters.com/legal/government/clorox-accuses-it-provider-lawsuit-giving-hackers-employee-passwords-2025-07-22/Le>

Cyberattacks/Breach PACER System

PACER

- PACER hacked targeting sealed documents
- Ongoing investigation; new security protocols and restrictions implemented.
- See <https://news.bloomberglaw.com/us-law-week/foreign-hackers-said-to-access-sealed-national-security-cases>;
<https://www.law360.com/articles/2374755/federal-courts-disclose-new-cyberattacks-on-pacer-system>

E.D. Tex: New Procedure re Sealed-Documents

E.D. Tex. New protocols for filing sealed documents

- Sealed documents uploaded to PACER
- But will NOT be accessible or viewable by electronic means i.e., service by other means
- E.D. Tex. General Order No. 25-04

UK Court System Breach

HM Courts & Tribunals Service (managing court system in England) reported technical problem affecting documents)

- Investigation “found no evidence that any case outcomes were affected as a result of these technical issues.”
- BBC reported that an IT issue caused evidence to go missing, overwritten, or lost
- Judges and parties always had access
- See Sophia Dourou, *HMCTS Says ‘No Evidence’ IT Bug Affected Case Outcomes*, law360.com (Aug. 12, 2025)

Confidential Court Decision Sent to Media (UK)

In UK, confidential draft decision sent to parties for review 10 days before it was to be published

Every page marked “Confidential Draft Judgement” and cover email and front page included warning:

- “Neither the draft itself nor its substance may be disclosed to any other person or made public in any way. The parties must take all reasonable steps to ensure that it is kept confidential.”
- Media manager (non-lawyer) sent to journalists under a “press embargo”
- Partner had been informed of intent to send to media
- <https://www.rollonfriday.com/news-content/big-mistake-fieldfisher-accidentally-breaks-court-embargo> (May 2, 2025)

Leak of Confidential Court Decision (UK)

Law firms Hogan Lovells and Fieldfisher ordered to provide witness statements

- Draft judgments circulated to firms before formally released
- Reports that PrivatBank prevailed began circulating on social media
- See <https://www.law360.co.uk/articles/2371046/biglaw-firms-ordered-to-explain-leak-of-privatbank-decision> (July 30, 2025)

FBI Warns Hackers Targeting Firms

Cybercriminals using phishing and social engineering to steal sensitive data

- “SRG has victimized companies in many sectors... but began to consistently target U.S.-based law firms starting spring 2023, likely due to the highly sensitive nature of legal industry data.”
- <https://www.law360.com/pulse/articles/2345104>

US – Law Firm Breaches

Law360.com has a Law Firm Data Breach Tracker

- It uses breach notifications wiled with state AG offices that publish reports
- As of 09/03/2025 it listed 59 breaches in 2025
 - See Xiumei Dong, *Law Firm Data Breach Tracker: Who's at Risk?*, law360.com (updated 09/03/2025)
- In 2024, law360 identified 145 firms reporting data breaches
 - 138 from external breach or phishing
 - See Xiumei Dong, *Law Firm Data Breaches Hit New High as Threats Escalate*, law360.com (June 9, 2025)

Firm Targeted by Foreign Hackers

Williams & Connolly reports that foreign hackers to access “a small number” of attorney email accounts

Matt Perez, *What Is 'Brickstorm' and How Law Firms Can Guard Against It*, Law360 (October 8, 2025, 4:58 PM EDT)

UK – Firms Hacked

Solicitors Regulation Authority (SRA) issued 205 alerts in first ½ of 2025 (180% increase over 3 years)

“More than 200 firms and lawyers have seen their names emblazoned on fake emails, forged trademarks, and bogus WhatsApp messages . . .”

- *Firm Names Hijacked in Wave of Industry Scams*, (June 11, 2025) available at <https://www.law.com/americanlawyer/2025/06/11/firm-names-hijacked-in-wave-of-industry-scams/>

Former GC Ordered to Destroy Files from Employer

Storehouse in a Box terminated and sued Former-GC and COO alleging misappropriation of 280 folders and 13,000 files at time he was put on administrative leave

Stipulation and Order of permanent injunction to stop using or accessing confidential information and destroy any information in his possession

- *Storehouse In A Box v. Choi*, Case No. 25-cv-11713 (E.D. Mich. Aug. 18, 2025) (Stipulation and Order re Permanent Injunction) and Complaint (June 9, 2025)

Violation of Protective Order (Sharing with DOJ)

Class action accused insurer, United Behavioral Health, of overcharging for out of network substance use disorder treatment

- Dept. of Labor investigation UBH
- Under common interest agreement, attorneys for class shared confidential UBH information with DOL
- Law firm sanctioned \$50K and requiring all attorneys at firm read the order
- *LD et al. v. United Behavioral Health et al.*, Case No. 4:20-cv-02254 (N.D. Cal. Oct. 8, 2025)

Violation of Protective Order (Litigation Funders)

Attorney (Ramey) ordered to pay \$95K for violating court protective order by sharing documents with third party litigation funder

Valjakka, Case No. 4:22-cv-01490 (N.D. Cal. Nov. 19, 2025)

Privileged Documents Disclosed In Production

Hogan Lovells disclosed privileged documents to opposing counsel during discovery

- “The final tally was 4,321, at which point the High Court became involved.”
- Court allowed most documents to be used; some privileged documents ordered returned
- Jamie Hamilton, *Hogan Lovells accidentally discloses over 4,000 documents to BCLP* (RollOnFriday May 9, 2025) available at <https://www.rollonfriday.com/news-content/hogan-lovellis-accidentally-discloses-over-4000-documents-bclp>

False Pretense to Get Information From Opposing Counsel

Billionaire sued alleging Sklarov defrauded him

During litigation, billionaire hired a strategic consultancy known as Black Cube

- Black Cube operative had three meetings with Sklarov's litigation solicitor (a new partner) as potential new client
- Black Cube operative "skillfully and tenaciously steered" solicitor into "discussing various aspects of the litigation and settlement strategy"
- Information used in filing a motion for summary judgment

False Pretenses (continued)

Court regarding solicitor: “He was deceived and played for a fool by a skillful and well-prepared interrogator armed with insider knowledge.”

Court refused to strike out the fraud claim but granted permission to appeal.

Separately, solicitor faces possible discipline for breach of client confidentiality

Pliego v. Astor Asset Management 3 Ltd., Case No. CL-2024-000450 (High Court of Justice of England and Wales) reported by

<https://www.law360.co.uk/articles/2411176/print?section=pulse-uk> .

Travel and Tech Devices

Previously, cautioned US attorneys and exec travelling abroad

Now, attorneys being warned about travel to US

- Gail J. Cohen, *International Lawyers Headed to the US Advised to Take More Precautions*, Law.Com (Mar. 31, 2025)

AI and Data Security

2/3 C-Suite admit using unapproved AI tools in past 3 months

- https://www.ciodive.com/news/executive-AI-tool-use-nitro/805417/?utm_source=Sailthru&utm_medium=email&utm_campaign=Issue

44% of organizations have business units deploying AI solutions without involving IT and security teams

- helpnetsecurity.com/2025/11/12/delinea-shadow-ai-governance

AI Meeting Assistant/Notetaker

Jeff's OtterPilot to Everyone 4:33 PM

Hi, I'm an AI assistant helping Jeff
take notes for this meeting.
Follow along the transcript here:

You'll also be able to see screenshots or
key moments, add highlights,
comments, or action items to anything
being said, and get an automatic
summary after the meeting.

read.ai meeting notes 9:28 AM

added read.ai meeting notes to
the meeting.

Read provides AI generated meeting
summaries to make meetings more
effective and efficient. View our Private
Policy at <https://www.read.ai/pp>

Type "read stop" to disable, or "opt
out" to delete meeting data.

Risks

Violations of call recording laws

- Cal. Penal Code 632 Notetaker can join meeting and work silently in background

AI notetaker may appear to leave meeting and still be in background

AI may send notes to those who dropped off the call – even if they dropped to preserve privilege

Creating potentially discoverable records

Inaccurate records

Records may be stored/shared

Are Prompts Privileged?

Tremblay, Case No. 23-cv-3223 (N.D. Cal. Aug. 8, 2024)

- District Court found that prompts used by counsel doing analysis to support amended complaint were AWP (rejecting Magistrate's ruling that they were not privileged)
- "Prompts were queries crafted by counsel and contain counsel's mental impressions and opinions about how to interrogate [AI]"

AI Wearables

Conceptually, records what you hear and say

May extract a “to-do list” or provide notes

- To learn more see Dave Johnson, *I let AI Record My Every Waking Moment and Now I'll Never Lose Another Friendly Argument Again*, Forbes (Sept. 4, 2025)

Privilege Cases

Supreme Court did not resolve conflict regarding “dual purpose” documents and privilege

In re FirstEnergy, Case No. 24-3654 (6th Cir.) internal investigation protected by ACP and AWP

Resources

Isabel Gottlieb, *Generative AI Use Poses Threats to Attorney-Client Privilege*,
Bloomberglaw.com (Jan. 23, 2024)

Protecting Attorney-Client Privilege and Work Product in a GenAI World,
LexisNexis Practical Guidance Journal (Mar. 20, 2024)

Loyalty

Affiliates

Defendant brought motion to disqualify alleging that Baker & McKenzie had a conflict

- In 2016, nonparty Silverpeak Strategic Partners retained Baker and McKenzie's Peruvian office Estudio Luis Echeopar Garcia (ELEG) to advise on investment in Peruvian fuel distribution; the deal created a joint venture between Silverpeak and LPA (Plaintiff)
- Court found that Phoeninca had no attorney-client relationship with Baker & McKenzie (engagement letter disclaimed)
- Prior representation was not "substantially related"
- Advanced conflict waiver applied
- *Lukoil Pan Americas v. Phoeninca Investments*, Case No. 653336/2024, 2025 NY Slip Op 30884(U) (Supreme Court, NY County Mar. 17, 2025)

Firm Screen Too Late

In bankruptcy, Court disqualified Willkie Farr from representing Franchise Group

- Willkie represented B. Riley Financial and Brian Kahn (ex-CEO) on range of matters
- B. Riley Financial and Kahn involved in 2023 take-private deal at issue in bankruptcy
- After filing bankruptcy, four “silos” of Willkie attorneys were formed but there were staffing overlaps
- Willkie’s efforts to screen were late (“Willkie did not establish a wall for the take-private transaction until after it was concluded.”) and “cannot outweigh the actual conflicts . . .”
- *In re: Franchise Group Inc.*, Case No. 1:24-bk-12480 (Bankr. D. Del. Feb. 2025)

DQ: Obtained Priv. Docs of Opposing Party

Chang brought a wrongful termination action

First: Chang's Motion to DQ Defense Counsel

- Chang moved to DQ Able South Korea's counsel, Cole Schotz, alleging Cole Schotz obtained privileged information from Able South Korea's outside general counsel, Joshua Lim
- Chang alleged that he believed Mr. Lim represented him in his individual capacity
- In deposition of Mr. Lim, Able South Korea learned Chang's counsel possessed 3 Able privileged and confidential documents (obtained without authorization during employment)
- Lee had not produced the privileged documents prior to deposition

DQ (*Chang v. Able C&C Co.*)

Second: Able 's Motion to DQ plaintiff's counsel Lee

- “Mr. Lee could have enlisted the Court’s help to challenge Able South Korea’s assertion. Instead, he decreed that the documents were not privileged.”
- “Mr. Lee’s repeated refusal to return privileged documents and his proactive actions of publishing those same documents on two public dockets despite being warned of their privileged nature shows utter disregard for his ethical obligations.”
- Disqualified and Able awarded attorney’s fees on motion
- *Sehoon Chang v. Able C&C Co. Ltd.*, Case No. 23-cv-02590 (D.N.J. Apr. 17, 2025)

Disqualification: Access to Non-client's Data

Latham represented underwriter on Nyxoah's IP and proposed Genio product

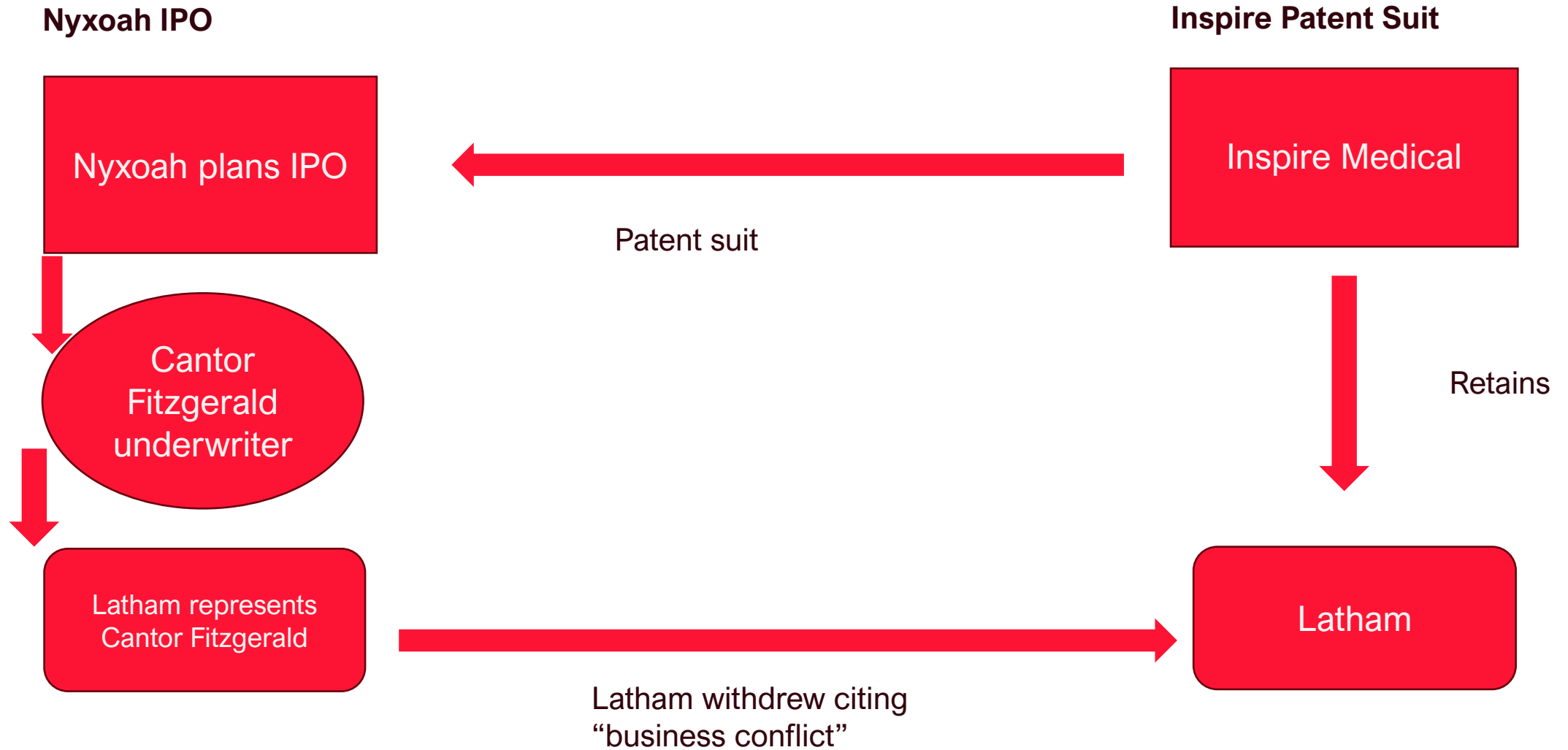
- Had access to Nyxoah's confidential information

In suit, Latham representing Inspire alleging patent infringement

Court DQ Latham

Inspire Medical Systems v. Nyxoah, Case No. 1:25-cv-00667 (D. Del. Nov. 18, 2025)

Alleged Conflict



Latham DQd

No dispute Latham never had attorney-client relationship with Nyxoah

Latham had access to Nyxoah’s “intellectual property, Genio technical documents, clinical data, and correspondence with regulatory agencies” and “financial documents, including budget and sales documents.”

Latham participated in 6 due diligence calls receiving “Nyxoah’s internal views of its own intellectual property assets and products, including its ability to make and sell its Genio product without infringing other patents.”

Inspire Medical Systems v. Nyxoah, Case No. 1:25-cv-00667 (D. Del. Nov. 18, 2025)

Common Patterns and Implications

Motions to disqualify have a high burden to show material conflict; prior representation must be substantially related

Courts enforcing advanced waivers

Delays in bringing motions often lead to motion denied

Screening protocol must be deployed proactively/quickly

Candor – The Use of AI

Candor

FRCP 26

FRCP 11

ABA Model Rules 3.1 and 3.3

Hallucinations Violating Duty of Candor

Fabricated Cases

Entirely fictitious legal cases or misrepresenting existing cases



Fabricated quotes

Statements falsely attributed to individuals or legal authorities.



Fabricated Exhibits

Creating or altering physical evidence, such as documents, photographs, or other tangible items



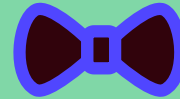
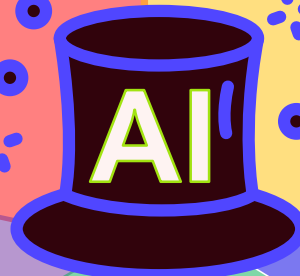
Erroneous quotes

Quotes that are misquoted, taken out of context, or inaccurately represented



Misrepresented authorities

Inaccurately citing or describing legal precedents, statutes, or regulations



AI “Hallucination Cases”

French researcher has created an online tracker

- https://www.damiencharlotin.com/hallucinations/?sort_by=-date&parties=Expert&period_idx=0&only_professional_sanction=yes

AI Law Librarians will be releasing the Interactive GenAI Legal Hallucination Tracker soon

- <https://www.ailawlibrarians.com/2025/08/10/coming-soon-the-interactive-genai-legal-hallucination-tracker-sneak-peek-today/>

Disqualification for AI-Generated Citations – Butler Snow

Johnson v. Dunn, Case No. 2:21-cv-01701-AMM (N.D. Ala. July 23, 2025)

- Background: Three attorneys from Butler Snow LLP sanctioned for filing motions containing five AI-generated fabricated legal citations
- Court:
 - Parroting AI without verifying citations is “recklessness in the extreme, and it is tantamount to bad faith.”
 - Sanctions: attorneys publicly reprimanded; DQ from case; mandatory disclosure of order to their clients, opposing counsel, presiding judges, firm attorneys; referred to Alabama State Bar

Don't Repeat a Mistake: AI Hallucinations “Affirmatively Misled” Court

Lacey v. State Farm General Insurance Co., Case No. 2:24-cv-05205 (C.D. Cal.) (notice of settlement followed by order dismissing action July 24, 2025)

- In coverage suit, attorney from Ellis George used AI to generate outline and sent to K&L Gates who incorporated in brief
- Court: Special Master Michael R. Wilner found that the AI-generated citations “affirmatively misled” the court and nearly influenced a judicial order
- Nine of 27 citations were inaccurate; some cases did not exist
- Conduct found “tantamount to bad faith,” especially the re-submission of a revised brief that still contained hallucinated citations

Lacey (continued)

Sanctions

- All supplemental briefs struck
- Plaintiff's discovery motion denied
- Plaintiff's law firms (Ellis George LLP and K&L Gates LLP) were ordered to pay \$31,100 in fees
- Attorneys were required to inform their client of the misconduct

“Train Wreck” of AI Fake Citations and Quotes -- Dismissal

ByoPlanet International LLC v. Peter Johansson, Case No. 25-cv-60630 (S.D. Fla. 2025) (and other cases)

ByoPlanet filed multiple suits after a judgment against ByoPlanet; counsel used AI to draft complaints and motions that included fabricated cases and quotations; attorney continued using AI after being put on notice of problem

ByoPlanet Sanctions (continued)

- Attorney conduct reckless and in bad faith
- Violations of Rule 11, local rules and Florida Bar ethics
- 4 Federal cases dismissed without prejudice
 - Counsel to pay opposing counsel's fees
 - Attach Court's order to any new filing in S.D. Fla. For 2 years
 - Referred to Florida Bar
- “A reasonable attorney does not blindly rely on AI to generate filings”
- PS: On Nov. 5, Defendants filed motion to compel payment of fees

Failure to Detect Opponent's AI Hallucinations

Lawyer who included AI generated cases and fake quotes fined \$10,000

Sanction to be paid to the Court

No award to opposing counsel who did not detect the error

- *Noland v. Land of the Free*, (Ct. App. CA. 2nd App. Dt. Sept. 12, 2025)

Question: What about Rule 8.3?

Used 6 AI Tools – Still Fakes!

Correction motion for preliminary approval of class action settlement include 8 fake quotations and one nonexistent case.

Attorney admitted using 6 different AI tools and stated he used “each artificial intelligence program [to] check on the other”

Failed to catch the hallucinations

Court: Dal Bon not adequate class counsel; ordered to pay \$250; referred to Court’s Standing Committee on Professional Conduct

Buchanan v. Vuori Inc., Case No. 5:23-cv-01121 (N.D. Cal. Nov. 20, 2025)

AI Can Hallucinate Metadata

Limited study: “[W]e directed several AI tools to generate office-type documents and examined whether they contained metadata hallucinations. They all did. Across document types, the AI tools fabricated information for several key metadata fields commonly found in office-type documents, including the date, author and comment fields.”

“Using [forensic] tools, we found that the AI-generated documents included fabricated hash values, false version histories and inaccurate time stamps.”

Daniel Garrie, Jennifer Deutsch and Morgan B. Ward Doran, *Attys Beware: Generative AI Can Also Hallucinate Metadata*, law360.com (Nov. 4, 2025)

Candor: The Non-AI Cases

Suspended: Misled Foreign Tribunal (Appeal Pending)

In copyright action, Court found attorney from Womble Bond Dickinson misled Dutch tribunal about which suit (US or Dutch) began first; temporarily suspended; can purge through correcting error with Dutch tribunal. *Dmarcian v. DMARC Advisor BV*, Case No. 1:21-cv-0067 (W.D.N.C. Dec. 19, 2024)

- Denied motion for stay pending appeal where “The prejudice claimed by the defendant is entirely of counsel’s own making.” (March 5, 2025)
- 4th Cir. Appeal, Case No. 25-2085 (pending)

OSC: Misrepresenting Subpoenas

Seven attorneys ordered to show cause for failing to disclose all material facts in an ex parte §1782 application for discovery for use in a foreign proceedings.

- The application requested “leave to serve targeted subpoenas on Shell Chemical LP . . .” in connection with Dutch proceeding
- It omitted that one subpoena was directed individually to the President of Shell Corporation

Response included apology that filing “did not clearly communicate all the information that was necessary for the court to assess their request.”

Vestolit GmbH v. Shell Chemical LP, C.A. Case No. 24-1401-CFC, D. Del. (Jan. 14, 2025) (motion to dismiss and quash briefed May 2025)

OSC: Misleading Court Re Expert Availability

Denying motion for new trial

- “Krotoski’s representation to the government that the [expert] witness was ‘traveling’ was a lie.”
- “[T]o date, Krotoski has never attempted to correct, or even explain, his lie.”
- *US v. Lopez*, Case No. 2:23-cr-00055 (D. Nev. June 17, 2025)

Following OSC

- “[T]he details of his experience are wholly at odds with his actions during the trial, which candidly saddened and shocked the court as well. Unfortunately, the court has come to the only logical explanation for his conduct: entitlement. . . .”
- Order declines to sanction attorney “at this time and instead admonishes him for his misleading arguments and misrepresentations”
- *US v. Lopez*, Case No. 2:23-cr-00055 (D. Nev. Sept. 3, 2025)

Inaccurate Responses at Hearing: No Sanction

Following hearing, attorney submitted a Notice of Clarification and Correction re answers counsel gave at hearing

- Court: “Counsel’s purported confusion is belied by the record and is not a credible explanation for his failure to be forthcoming and candid with the Court. And, it has led to unnecessary expenditure of Court resources. While this conduct is sanctionable, at least under Rule 11, the Court declines to impose sanctions at this time. However, all lawyers in this case are reminded that at all times they shall follow the Rules of Civil Procedure and the various rules of professional conduct. Zealous advocacy for a client does not suspend these obligations.”

Grubhub v. Kroger, Case No. 121-cv-05312 (N.D. Ill. June 9, 2025)

GC False Affidavit – Personal Liability

District Court sanctioned defendant's General Counsel for submitting an affidavit that demonstrated reckless disregard for facts relevant to personal jurisdiction resulting in a 17-month delay in litigation.

- Sanction under section 1927 \$158,488.11 in excess costs, expenses and fees, to be paid personally by attorney who submitted affidavit

9th Cir. Affirmed: “Attorneys are bound by rules of professional conduct that impose duties on attorneys as a requirement of holding a law license. Those duties include the duty of candor to the tribunal.”

- *Rowland v. Watchtower Bible and Tract Society*, Case No. 24-5196 (9th Cir. July 7, 2025)

Alleges In-House Counsel's False Testimony Should Pierce Privilege

Sikorsky sued Babcock Mission Critical Services for breach of contract re purchase of helicopters

Babcock counterclaimed alleging it had cancelled remainder of order

Following trial, Sikorsky sold two helicopters at issue to a third party; a motion to reopen and supplement the trial record with this information was granted

In April, motion for status conference filed accusing Sikorsky's former in-house counsel of giving testimony "blatantly inconsistent with the documentary evidence admitted at trial and the trial testimony of Sikorsky's own witnesses" (including a senior manager)

- In an unrelated breach of contract matter in Texas, a Judge determined that the in-house attorney had "made false statements to the court."
- *Sikorsky International Operations Inc. v. Babcock Mission Critical Services Ltd.*, Case No. 3:19-cv-00833 (D. Conn.); *Bristow Grp. Inc. v. Sikorsky Aircraft Corp.*, Case No. 19-3691 (S.D. Tex.) (motions filed April 2025)

Supervisory and Supervised Attorneys

ABA Model Rules 5.1 and 5.3: Supervisors

Rule 5.1:

- (b) A lawyer having direct supervisory authority over another lawyer shall make reasonable efforts to ensure that the other lawyer conforms to the Rules of Professional Conduct.

Rule 5.3:

- “(b) a lawyer having direct supervisory authority over the nonlawyer shall make reasonable efforts to ensure that the person’s conduct is compatible with the professional obligations of the lawyer; and”

What Millennials and Gen Z Say About AI Use

47% fear AI could replace them – so they don't disclose AI use

30% “unfamiliar with their company's AI policy”

60% using personal apps or software rather than employer's tools

- Security and confidentiality risks

70% overwhelmed by number of tech tools at work

- See Carolyn Crist, *Younger employees use AI at work but don't want to tell their bosses, survey shows* (Aug. 11, 2025) (disclosing Cox Communication report) available at www.hrdive.com

The Hallucination Cases

Lack of oversight may be why younger lawyers use fake AI citations

BY DAVID WEISENFELD

[JUNE 1, 2025, 1:50 AM CDT \(/MAGAZINE/ISSUE/2025/06/\)](#)

ABA Journal

Why Training Partners To Supervise AI Is Now A Priority

By **Steven Lerner**

Law360 (May 27, 2025, 9:40 AM EDT) -- As law firms integrate generative artificial intelligence into their operations and teach attorneys to use it, some are getting their partners up to speed by training them specifically in how to supervise the use of these tools.

Ethics Rules – Discrimination and Harassment

ABA Model Rule 8.4

ABA Rule amended August 2016

- “It is professional misconduct for a lawyer to:
- (g) engage in conduct that the lawyer knows or reasonably should know is harassment or discrimination on the basis of race, sex, religion, national origin, ethnicity, disability, age, sexual orientation, gender identity, marital status or socioeconomic status in conduct related to the practice of law. This paragraph does not limit the ability of a lawyer to accept, decline or withdraw from a representation in accordance with Rule 1.16. This paragraph does not preclude legitimate advice or advocacy consistent with these Rules.”

ABA Op. 493 (re Rule 8.4)

Applies to practice, even outside representation of client

Not restricted to “severe or pervasive” conduct

Not intended to prevent “expressing opinions and ideas on matters of public concern, nor does it limit a lawyer’s speech or conduct in settings unrelated to the practice of law.”

“Enforcement of Rule 8.4(g) is therefore critical to maintaining the public’s confidence in the impartiality of the legal system and its trust in the legal profession as a whole.”

Illinois Report on Bullying in Legal Profession

“Bullying” is defined as “inappropriate behavior intended to intimidate, humiliate, or control the actions of another person, including verbal, nonverbal, or physical acts.”

Focused on 12 months in 2022 to 2023

6,000+ respondents

- Stephanie A. Scharf and Roberta D. Liebenberg, “*Bullying in the Legal Profession: A Study of Illinois Lawyers’ Experiences and Recommendations for Change*,” Illinois Supreme Court Commission on Professionalism (October 2024)

ABA

ABA passed Resolution 523 urging legal organizations to study and address bullying

“The time has come for the profession to move beyond the acceptance of bullying as the norm and take concrete steps toward fostering a professional environment for everyone and promoting a culture of respect and civility.”

Amanda Robert, *ABA House takes aim at bullying in the legal profession*, abajournal.com (Aug. 12, 2025) (quoting Brandon Wolff)

States

13 states have amended oath to require pledges of civility

- See Lauren E. Bartlett, “*Human Rights and Lawyer’s Oaths*,” 36 Geo. J. Legal Ethics 411* 429-30.

Partner Removed After Social Media Posts

Mayer Brown Lateral Cut Loose Over Social Media Posts Highlights 'Uneven' Vetting Process in Big Law

Mayer Brown terminated partner David Kreisler within two months of his hiring after becoming aware of social media posts on X.

3 minute read | July 25, 2025 at 06:34 AM By  Dan Roe

What You Need to Know

- Mayer Brown fired a recently hired lateral partner this month after discovering inappropriate online posts.
- The firm said it was unaware of the posts when it hired fund formation partner David Kreisler.
- Social media profiles don't commonly come up in lateral partner questionnaires, recruiters said.

<https://www.law.com/americanlawyer/2025/07/25/mayer-brown-lateral-cut-loose-over-social-media-posts-highlights-uneven-vetting-process-in-big-law/>

Conditioning Extension of Time

Counsel learned his wife was having emergency childbirth and requested extension on reply brief

Opposing counsel (Quinn Emanuel, Kirkland, and Young Conaway) conditioned scheduling extension on omnibus hearing on outstanding motions

- One take: “*This is just asshole behavior. This is why no one likes lawyers.*” — Joe Patrice, Above the Law (https://abovethelaw.com/2025/08/lawyers-hold-newborn-for-ransom-in-scheduling-dispute/?utm_campaign=Above)

Georgetown Law: Pregnant Student

Georgetown Law Finally Acts Like Decent People After Massive Outrage

They're FINALLY doing right by the student.

By KATHRYN RUBINO on November 25, 2024 at 11:28 AM

[Abovethelaw.com](https://www.abovethelaw.com)

Partner's Response When Pregnant Associate Parked In His Spot

Pregnant associate parked in the spot of an Eversheds Sutherland partner

- He used his Porsche to block her in and refused to move car when asked (others moved their cars so she could leave)
- Demanded a written apology (which she did)
- Demanded an in-person apology (which she declined)
- <https://www.rollonfriday.com/news-content/exclusive-stroppy-eversheds-sutherland-partner-trapped-pregnant-associate-carpark>

Additional Resources

Andrea Keckley, *Workplace Bullying Can't Be A Rite of Passage For Attys*, www.law360.com (May 30, 2025)

Anna Stolley Persky, *Bullying Is A Problem In The Legal Profession: How Can The Cycle Be Broken?*, ABA Journal (June 1, 2025)

Leah Teague, *Civility Matters: Why Law Schools Must Teach Students to Disagree without Being Disagreeable*, 76 Baylor L. Rev. 1 (2024)

Timothy W. Floyd, *Lawyers and Civil Discourse: Respect and Civility as a Matter of Professional Identity*, 76 Baylor L. Rev. 90 (2024)

Melissa Mortazavi, *Incivility as Identity*, 2020 Mich. St. L. Rev. 939 (2020)

Discovery and Ethics

Falsified Document In Deposition

During deposition, attorney did not mark document as exhibit but presented a schematic with Bates number but altered date to witness and then questioned about date before

- Magistrate found that lawyer “failed to identify to the witness, prior to eliciting testimony from the witness, that he was asking him about a falsified document”

During hearing, attorney failed to comply with duty of candor in not identifying emails with partner about issue; partner failed to comply with duty of candor by not correcting misrepresentation

- *CogniPower LLC v. Samsung Electronics Co., Ltd. et al.*, Case No. 2:23-cv-160-JRG (E.D. Tex. Mar. 31, 2025) (adopting March 18, 2025, Report and Recommendation)

Sanctions

Sanctions include

- Two attorneys ordered to 30 hours of legal ethics courses over next 120 days
- Pay fees and costs as well as Special Master and Special Master's Counsel

CogniPower LLC v. Samsung Electronics Co., Ltd., Case No. 2:23-cv-160-JRG (E.D. Tex. Mar. 31, 2025)

AI and Rules of Evidence

Sarah Martinson, *AI-Generated Evidence Rule Making Way to Public Comment*, law360.com (May 23, 2025)

Jeff Overley, *Judiciary Advisors Back Development of AI Evidence Rules*, law360.com (Nov. 8, 2024)

Suzanne Monyak, *Judges Mull Defining 'Moving Target' AI in Evidence Rules*, Bloomberg Law News (Apr. 2024)

- One concern: Federal Judiciary Advisory Committee hearing testimony regarding AI

Resources

Maura R. Grossman & Hon. Paul W. Grimm (ret.), *Judicial Approaches to Acknowledged and Unacknowledged AI-Generated Evidence*, Colum. Sci. & Tech. L. Rev. (2025)

Deepfakes in Court: How Judges Can Proactively Manage Alleged AI-Generated Material in National Security Cases, Forthcoming in The University of Chicago Legal Forum draft available at

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4943841

2025: So Many
Other Questions Re
Lawyer Conduct
and Ethics

Under The Influence

Disbarred

- Attorney who admitted appearing in proceeding (remotely) while drinking alcohol

Suspended

- Former public defender argued appearing at preliminary hearing under influence of cocaine enhanced his cognition

Don't Hit People

Lawyer gets suspension after slapping attorney in front of courthouse

BY DEBRA CASSENS WEISS ([HTTPS://WWW.ABAJOURNAL.COM/AUTHORS/4/](https://www.abajournal.com/authors/4/))

OCTOBER 9, 2024, 9:34 AM CDT

Florida lawyer accused of hitting man on head with dinner plate after wedding buffet butt-in

BY DEBRA CASSENS WEISS ([HTTPS://WWW.ABAJOURNAL.COM/AUTHORS/4/](https://www.abajournal.com/authors/4/))

FEBRUARY 13, 2025, 1:57 PM CST

You Can't Unsee It

Team leader revealed genitals in training meeting

- <https://www.rollonfriday.com/news-content/slater-and-gordon-team-leader-revealed-genitals-training-session> (disqualified by the SRA) (June 11, 2025)

Barrister connected via video in a “messy bedroom” wearing only boxers

When barrister left video, Recorder reported to have said “unbelievable”

- <https://www.rollonfriday.com/news-content/barrister-dressed-down-dressing-without-trousers> (June 6, 2025)

Other Things You Can't Unsee: Supreme Court



<https://www.shreveporttimes.com/story/news/2025/03/21/louisiana-actually-misspelled-on-state-crest-at-louisiana-supreme-court-doe-mike-johnson-trump/82589099007/>

An Upbeat Ending

Survivor Winner

BigLaw associate wins 'Big Brother,' attributes victory to hiding profession and channeling Elle Woods

BY DEBRA CASSENS WEISS ([HTTPS://WWW.ABAJOURNAL.COM/AUTHORS/4/](https://www.abajournal.com/authors/4/)).

OCTOBER 1, 2025, 2:24 PM CDT

Government Lawyer During Shutdown

This furloughed IRS lawyer has a new side gig: running a hot dog stand

By [Bryan Metzger](#) [+ Follow](#)

<https://www.businessinsider.com/irs-lawyer-shysters-hot-dog-stand-isaac-stein-2025-10>



Isaac Stein, a 31-year-old IRS lawyer, has been spending his days selling hot dogs since the government shutdown began. Bryan Metzger/Business Insider

Law360.com Feature

Performing Stand-Up Comedy Makes Me A Better Lawyer

By Rebecca Palmer ·  [Listen to article](#)

Playing Poker Makes Me A Better Lawyer A Better Lawyer

By Casey Kingsley ·  [Listen to article](#)

Quilting Makes Me A Better Lawyer

By Veronica McMillan ·  [Listen to article](#)

Being A Luthier Makes Me A Better Lawyer

By Rob Carty ·  [Listen to article](#)

In-House Attorney Makes Supreme Court Board Game

PBS Atty Rolls The Dice With New Supreme Court Board Game

By Alison Knezevich

Law360 (December 17, 2024, 4:35 PM EST) -- The shelves of attorney Talia Rosen's home office in Arlington, Virginia, are crammed with colorful rows of board games, reflecting a passion that stretches back to her childhood.

"I was always the kid begging my siblings and my parents to play Monopoly, Life, Risk, Clue, with me," Rosen told Law360 Pulse.

She eventually got into much more complicated strategy games, founding a board game club in law school two decades ago and remaining active in the board gaming community in the years since.

Now working as associate general counsel and vice president of standards and practices at PBS, Rosen has managed to combine her lifelong love of games with her background in the law.

She's the designer of First Monday in October, a strategy game focused on the history of the U.S. Supreme Court. Set to be released in late summer of 2025, the game lets players experience more than 200 years of high court history in two hours.

QUESTIONS?

Conclusion

These materials are intended as an introduction to the subject matter covered in the presentation. The presentation and the materials contained herein do not attempt to provide legal advice for any particular situation. Each particular situation must be analyzed individually in light of all of the surrounding facts and circumstances.

Because of the complexity of the legal issues that will always arise in connection with the subject matter hereof, it is critical that counsel be involved. These materials are provided for educational and discussion purposes *only* and are not to be copied, used or distributed outside of this seminar without the express written consent of Cooley LLP. Copyright Cooley LLP and Michelle Greer Galloway 2022-2025.

Cooley

