DISTRICT COURT OF APPEAL OF FLORIDA
SECOND DISTRICT

CAPITAL STANDARD, LLC; VLADIMIR O. TCHENTSOV,
as trustee of the TF15529 Land Trust; and
ANNA TCHENTSOV, as guardian for Oleg V. Tchentsov,
as beneficiary under the TF15529 Land Trust,

Appellants,

v.

U.S. BANK NATIONAL ASSOCIATION, as trustee for
BEAR STEARNS ASSET BACKED SECURITIES I
TRUST 2005-AC9, ASSET-BACKED CERTIFICATES,
SERIES 2005-AC9,

Appellee.

No. 2D2024-1392

August 21, 2026

Appeal from the Circuit Court for Pinellas County; Michael F. Andrews, Judge.

Kenneth H. Keefe of The Keefe Law Firm, P.A., South Pasadena, for Appellants.

Kathleen D. Dackiewicz, Sara F. Holladay, and Emily Y. Rottmann of McGuireWoods LLP, Jacksonville, for Appellee.

ROTHSTEIN-YOUAKIM, Judge.

Capital Standard, LLC, Vladimir Tchentsov, as trustee of the TF15529 Land Trust, and Anna Tchentsov, as guardian of Oleg V.

Tchentsov, beneficiary under the TF15529 Land Trust (collectively, Capital Standard), appeal a final declaratory judgment entered in favor of U.S. Bank National Association. We conclude that Capital Standard's arguments lack merit, and we affirm the judgment in all respects without further comment. We write, however, to sanction Capital Standard's counsel, Kenneth Keefe, for his rampant use of hallucinated citations to legal authority in his amended initial brief and subsequent reply brief and to explain the rationale for the sanctions that we impose.[1]

It's been three years since the release of the widely publicized decision in *Mata v. Avianca, Inc.*, 678 F. Supp. 3d 443 (S.D.N.Y. 2023), in which a federal district court sanctioned several attorneys and a law firm under rule 11 of the Federal Rules of Civil Procedure for, among other things, citing fake cases created by generative artificial intelligence (AI) in legal memoranda and then responding evasively when confronted with the issue. Since then, and as we have previously noted, *see Clerk of Ct. & Comptroller for 13th Jud. Cir., Hillsborough Cnty. v. Rangel*, 427 So. 3d 1069, 1071 (Fla. 2d DCA 2025), the danger of using generative AI tools in

[1] "Two types of mistakes, or 'hallucinations,' are most relevant: fabrications and inaccuracies." *Malkeet Lnu v. Blanche*, 177 F.4th 1014, 1024 (9th Cir. 2026) (citing Magesh et al., *Hallucination-Free? Assessing the Reliability of Leading AI Legal Research Tools*, 22 J. Empirical Legal Stud. 216, 221 (2025)). "Fabrications are instances in which the generative AI tool provides cases or quotations that do not exist at all." *Id.* (citing 22 Empirical Legal Stud. at 221, 230). "Inaccuracies are more subtle. . . . The generative AI tool might cite to real authorities but provide an answer that is legally or factually inaccurate or not supported by the citation." *Id.* at 1024–25 (citing 22 Empirical Legal Stud. at 221–22). "Fabrications are the most notorious hallucinations, but inaccuracies may prove more dangerous to our profession in the long run. Inaccuracies are more likely to go unnoticed by attorneys and judges because they are not always susceptible to facial checks." *Id.* at 1025.

legal writing without reality-checking the results has been well documented in numerous opinions in state and federal courts across the United States, in legal publications, and in the national media.[2] It's been the ubiquitous subject of CLE courses and roundtable discussions of attorneys and the judiciary. What's more, it's been the focus of a mushrooming number of decisions from multiple Florida district courts of appeal.[3] In short, at this point in time, it defies belief for a practicing

---

[2] Damien Charlotin, a French attorney and lecturer in "legal data analysis," has developed a database referenced by multiple courts that tracks court orders related to AI-hallucinations. AI Hallucination Cases, Damien Charlotin, https://www.damiencharlotin.com/hallucinations (last visited Aug. 7, 2026). As of this opinion, Charlotin has identified 497 cases in the United States involving attorneys' reliance on AI hallucinations. *Id.*

[3] *See, e.g.*, *Avery v. Beauzil*, 51 Fla. L. Weekly D1068 (Fla. 4th DCA May 27, 2026) (barring a pro se litigant from future filings due in part to AI hallucinations in filings); *Gleason v. Marcus*, 432 So. 3d 1265, 1265–66 (Fla. 2d DCA 2026) (cautioning on the dangers of using generative AI without confirming the results); *Rodriguez v. Rodriguez*, 51 Fla. L. Weekly D771 (Fla. 6th DCA Apr. 10, 2026) (ordering attorney to show cause why she should not be sanctioned for filing a petition for a writ of certiorari containing AI hallucinations); *Gouveia v. Meridian Fin. Invs., LLC*, 432 So. 3d 49, 50–51 (Fla. 4th DCA 2026) (warning a pro se party against using generative AI without verifying the results in any future filings); *Hessert v. Hessert*, 431 So. 3d 610, 615 (Fla. 6th DCA 2026) (ordering a party to show cause why she should not be sanctioned for AI hallucinations in her petition for a writ of certiorari); *Russell v. Mells*, 426 So. 3d 913, 920 (Fla. 2d DCA 2025) (referring attorney to The Florida Bar for AI hallucinations); *Takefman v. Pickleball Club, LLC*, 418 So. 3d 826, 826–27 (Fla. 3d DCA 2025) (warning about the use of generative AI without verifying the results); *Goya v. Hayashida*, 418 So. 3d 652, 656 (Fla. 4th DCA 2025) (warning a pro se party who had filed a "counterfeit brief" based on AI hallucinations); *Rangel*, 427 So. 3d at 1071–72 (referring attorney to The Florida Bar for AI hallucinations); *Gutierrez v. Gutierrez*, 399 So. 3d 1185, 1188 (Fla. 3d DCA 2024) (imposing sanctions on a pro se litigant for submitting a brief that included "fictitious case law").

attorney to plead ignorance of the risks of relying on generative AI without double-checking the results. *See Fletcher v. Experian Info. Sols., Inc.*, 168 F.4th 231, 235 (5th Cir. 2026) ("If it were ever an excuse to plead ignorance of the risks of using generative AI to draft a brief without verifying its output, it is certainly no longer so."); *see also United States v. McGee*, 806 F. Supp. 3d 1264, 1275 (S.D. Ala. 2025) ("Given the broad attention . . . to the problem with AI generated cases and authorities, no attorney can claim ignorance or simply bury their head in the sand when it comes to their own use of AI (regardless of what program they use).").

And yet here we are. Attorney Keefe used a generative AI tool from the beginning of this appeal without any apparent guardrails. Capital Standard's original initial brief was replete with nonexistent quotations and purported statements of law with wholly inaccurate cites. Soon after filing that initial brief, Capital Standard moved to file an amended initial brief because, Attorney Keefe claimed, he had identified "critical issues that require clarification and elaboration." Apparently, however, ensuring the accuracy of his purported authorities was not among those "critical issues" because Capital Standard's subsequent amended initial brief included at least thirty-one instances of Attorney Keefe's citing or quoting existing cases for propositions they do not contain. That amended initial brief contained numerous whoppers, including, to give just a few:

- Repeatedly citing *Maciejewski v. Holland*, 441 So. 2d 703 (Fla. 2d DCA 1983), a two-page opinion explaining why the complaint there stated a cause of action for declaratory relief, for unrelated propositions such as that "[u]nder Florida law, a party's actions that affirm the validity of a transaction preclude subsequent challenges to that

---

Only the 2026 cases referenced above postdate our January 8, 2026, order to show cause to Attorney Keefe.

transaction" and that "[r]atification occurs when a party, through its actions or inactions, affirms a transaction or fails to repudiate it within a reasonable time."

- Serving up nonexistent quotes—complete with purported pincites—such as, "[fundamental error] goes to the foundation of the case or the merits of the cause of action and is equivalent to a denial of due process," citing *Hart Properties, Inc. v. Slack*, 159 So. 2d 236, 239 (Fla. 1963).
- Passing off *Miami Country Day School v. Bakst*, 641 So. 2d 467 (Fla. 3d DCA 1994), a case discussing the statutory mechanics of whether a houseboat qualified for a homestead exemption, as authority for a panoply of propositions, including that "Florida law provides strong protections to individuals who acquire property in good faith, for valuable consideration, and without notice of competing claims" and that "a party's delay or misleading conduct bars recovery where another party suffers detriment as a result."
- Relying on *Gonzalez v. Deutsche Bank National Trust Co.*, 95 So. 3d 251 (Fla. 2d DCA 2012), a case pertaining to the adequacy of an undated assignment to confer standing, as an all-purpose authority on a multitude of other subjects, including that "substantive evidence, not speculation, is needed to rebut possession-based presumptions" and that "good faith reliance on recorded documents is sufficient to establish bona fide purchaser status."

In its answer brief, U.S. Bank pointed out that *Gonzalez* says nothing whatsoever about a noteholder's rights and that *Maciejewski* does not even mention the word "ratification" (let alone the concept). The clear message behind its remarkably tempered response, however, went unheeded, if not completely unheard: Capital Standard's reply brief added another fifteen AI hallucinations, including the fake case *Board of Regents v. Wilson*, 365 So. 2d 213 (Fla. 1st DCA 1979); citations to several of the offending cases from the amended initial brief for additional propositions that are nowhere to be found in them; and, for good measure, citations to several new cases with that same problem.

Upon the ostensible completion of briefing, we began our review of the record and the operative briefs and very quickly determined that there was almost nothing trustworthy about Capital Standard's legal representations on appeal. On January 8, 2026, we issued a detailed show-cause order to Attorney Keefe, meticulously documenting the forty-six hallucinations we sample above (thirty-one in the amended initial brief and fifteen in the reply). We gave Attorney Keefe until 5:00 p.m. on January 12 to file with the court copies of every case that he had cited and required that "for every case, [A]ttorney Keefe, with highlighting and annotation, shall clearly identify the exact place in that case that corresponds to the indicated proposition(s) for which he has cited it in either the amended initial brief or the reply brief." We also instructed, "If the cited case does not exist, or if [A]ttorney Keefe cited an existing case for a proposition for which it does not stand, [A]ttorney Keefe shall explain how he permitted that to happen in a separate and complete written submission." And we warned him that failure to comply could result in "dismissal of this appeal, an award of attorney fees, referral to The Florida Bar, and any other sanctions permitted by Florida Rule of Appellate Procedure 9.410(a) or law."

Despite our warning, Attorney Keefe ignored us. Indeed, more than a month passed with no response. By that point, we were concerned not only that Attorney Keefe had disregarded an unequivocal court order but that his clients might be wholly unaware of what was transpiring. We therefore entered another order on February 20, 2026, striking Capital Standard's amended initial brief and reply and permitting the filing of a new initial brief. We explained that if Capital Standard would no longer be using Attorney Keefe's services, it would need to appear through new counsel because it was a corporation. We directed Attorney Keefe to provide his clients with a copy of the order; in addition, our Clerk sent a copy to his clients' last known addresses. We closed that order by noting that "[s]anctions against Attorney Keefe will be imposed by separate order."

Attorney Keefe finally surfaced on February 23. In a short, unsworn filing, he contended that he had not seen our January 8 order when it issued, suggesting that he had been busy preparing for a trip to Japan but also stating, "I do not have a specific explanation as to how this [January 8] Order was missed." He made no effort at that point to comply with the January 8 order other than to claim generally that he had not known that generative AI could produce bogus results:

> In preparing portions of those filings, I utilized artificial intelligence as a supplemental research tool. I did not fully appreciate that such tools can generate inaccurate or nonexistent citations unless each authority is independently verified through reliable legal research sources.

He stated that he would set up unspecified processes to ensure that this problem would not happen again. And although he said that he "accept[ed] full responsibility for [the] citation errors," he never apologized for wasting both the court's and U.S. Bank's time and resources.[4]

Because the bulk of Attorney Keefe's legal argument in the offending filings is based on hallucinated authority, it is obvious to us that generative AI was not merely Attorney Keefe's "supplemental research tool," as he claims, but his primary or only one.

---

[4] After our court's February 20 order, Capital Standard, through Attorney Keefe, did eventually file a second amended initial brief and reply brief with verified citations. Our disposition on the merits is based on those corrected briefs and not on the amended initial brief and reply brief discussed herein.

Discussion

Florida Rule of Appellate Procedure 9.410(a) provides:

> After 10 days' notice, on its own motion, the court may impose sanctions for any violation of these rules, or for the filing of any proceeding, motion, brief, or other document that is frivolous or in bad faith. Such sanctions may include reprimand, contempt, striking of briefs or pleadings, dismissal of proceedings, costs, attorneys' fees, or other sanctions.

There is no doubt here that Attorney Keefe violated our rules. Florida Rule of Appellate Procedure 9.045(d), specifies, "All documents filed with the court must be signed as required by Florida Rule of General Practice and Judicial Administration 2.515." After Attorney Keefe's offending filings, the Florida Supreme Court amended Florida Rule of General Practice and Judicial Administration 2.515(d) to specify that the signer of a court filing represents that "the legal authorities identified exist and are accurately cited." That amendment also provides:

> The Court may, on its own motion or the motion of a party, impose sanctions for any filing inconsistent with this representation after providing the signer notice and an opportunity to be heard. . . . includ[ing] reprimand, contempt, striking of the document, dismissal of proceedings, costs, attorneys' fees, or other sanctions.

Fla. R. Gen. Prac. & Jud. Admin. 2.515(d) (eff. June 15, 2026).

These recent changes, however, have simply made more explicit what was already required by rule 2.515(d)(2) at the time Attorney Keefe signed the amended initial brief and reply brief. Pursuant to that rule, Attorney Keefe certified that he had "read the document[s]" and that to the best of his "knowledge, information, and belief, there are good grounds to support the document[s]." *See* Fla. R. Gen. Prac. & Jud. Admin. 2.515(d)(2). But that certification is patently false when an argument in the brief is based on AI hallucinations. *See Hessert v.*

Hessert, 431 So. 3d 610, 613 (Fla. 6th DCA 2026) (citing rule 2.515(d)(2) and noting that "Florida's appellate courts, like other courts, require pro se litigants and attorneys to sign their filings and thereby represent the accuracy thereof"); *see also Russell v. Mells*, 426 So. 3d 913, 920 (Fla. 2d DCA 2025) (holding that signing a brief with AI hallucinations violates rule 2.515(d) and other ethical requirements); *cf., e.g.*, *Park v. Kim*, 91 F.4th 610, 615 (2d Cir. 2024) ("At the very least, the duties imposed by [Federal Rule of Civil Procedure 11] require that attorneys read, and thereby confirm the existence and validity of, the legal authorities on which they rely."); *Noland v. Land of the Free, L.P.*, 336 Cal. Rptr. 3d 897, 912 (Cal. Ct. App. 2025) ("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.").

Attorney Keefe's amended initial brief also violated Florida Rule of Appellate Procedure 9.210(b)(5), which requires "argument with regard to each issue, with citation to appropriate authorities." It should go without saying that there is nothing "appropriate" about phony legal authority. *See Goya v. Hayashida*, 418 So. 3d 652, 656 (Fla. 4th DCA 2025) (noting that an appellate court has authority under Florida Rule of Appellate Procedure 9.410(a) to sanction a party for violating rule 9.210's legal-argument requirement for briefs); *Gutierrez v. Gutierrez*, 399 So. 3d 1185, 1188 (Fla. 3d DCA 2024) (sanctioning a party under rule 9.210(b) for AI hallucinations).

Moreover, it does not matter that "some of the cases" that Attorney Keefe cited exist or that "some of the propositions of law were legitimate." *See Whiting v. City of Athens*, 170 F.4th 455, 461 (6th Cir. 2026). Indeed, we "reject[ ] any . . . notion that because some authority exists to support a legal proposition it should negate the harm caused by false and hallucinated cases. Put bluntly—absolutely not; period; end of story; all stop." *McGee*, 806 F. Supp. 3d at 1273; *see also Russell*, 426 So. 3d at 919 ("But what counsel seems to imply—that since the substance of the analysis in her brief wasn't necessarily wrong, her misstatements are not an issue we should be overly concerned about—is simply unacceptable.").

Here, we gave Attorney Keefe detailed notice of the AI hallucinations in his amended initial brief and reply brief, and we gave him the opportunity to explain himself or be sanctioned. Rather than immediately fall on his sword, he ignored us for more than a month and responded only after we issued a new order directing that his clients be informed of the situation. We find neither his explanations satisfactory nor him apologetic, but even if we did, on this record, we would sanction him nonetheless. *See Rangel*, 427 So. 3d at 1071 (ordering sanctions for AI hallucinations even when counsel noted that he was "deeply remorseful for his lapses of professional judgment").

Accordingly, we fine Attorney Keefe $500 for his belated response to the order to show cause and $1,000 for his AI misuse. Further, we order that he personally pay U.S. Bank the attorney's fees it incurred in preparing its answer brief in response to Capital Standard's amended initial brief. In addition, we refer Attorney Keefe to The Florida Bar. These sanctions are commensurate with Attorney Keefe's misconduct and appear to us to be the minimum necessary under the circumstances to deter future misconduct. As we explain now, our sanctions are also consistent with an increasingly multifaceted strategy by the courts for handling AI misuse by attorneys in legal filings.

$1,500 fine on Attorney Keefe. Florida Rule of Appellate Procedure 9.410(a) provides us with ample authority to fine attorneys for violating our rules and orders requiring a response. *See, e.g.*, *P.P. v. Dep't of Health & Rehab. Servs.*, 683 So. 2d 1098, 1098 (Fla. 2d DCA 1996) (imposing a $1,000 fine on counsel payable into the court registry based on counsel's failure to respond to court's orders or to rectify her failure to file an initial brief); *D.A. v. Dep't of Health & Rehab. Servs.*, 614 So. 2d 662, 664 (Fla. 2d DCA 1993) (imposing a $250 fine on counsel payable to the clerk of court based on counsel's willful failure to comply with court's orders or to rectify his failure to file an initial brief); *Hagood v. Wells Fargo N.A.*, 125 So. 3d 1012, 1014 (Fla. 5th DCA 2013) (imposing a $1,000 fine on counsel payable to the clerk of court and noting that "[e]ven negligent violations of rules of procedure may justify sanctions"); *Dumas v. Marrero*, 864 So. 2d 531, 532 (Fla. 5th DCA 2004) (imposing a $250 fine on counsel payable to the clerk of court based on counsel's failure to respond to an order to show cause); *Banderas v. Advance Petroleum, Inc.*, 718 So. 2d 376, 377 (Fla. 3d DCA 1998) (imposing a $2,500 fine on counsel payable to the clerk of court based on counsel's filing of a frivolous and offensive motion for rehearing).

Further, filings that include AI hallucinations force the judiciary and its staff to waste time sloshing through bilge rather than analyzing cases on their merits. At bottom, they gut an appellate court's ability to rely on counsel to set out in the first instance the applicable law governing a dispute. *See Azar v. Garza*, 584 U.S. 726, 730 (2018) (noting the importance of "lawyers and courts alike be[ing] able to rely on one another's representations"); *Boca Burger, Inc. v. Forum*, 912 So. 2d 561, 571 (Fla. 2005) ("[Appellate courts] depend on counsel to accurately state both the facts and the applicable law."). As the Sixth Circuit recently stated in *Whiting*, AI hallucinations " 'unnecessarily burden[] the court and the taxpayers,' so courts can and should fine the offending lawyers to reimburse the court for its time." 170 F.4th at 467–68 (quoting *Noland*, 336 Cal. Rptr. 3d at 914).

Indeed, fines have become a common sanction in both federal and state courts across the country when attorneys sign filings that include AI hallucinations, and $1,500 is on the gentler end of the spectrum. *See, e.g.*, *Whiting*, 170 F.4th at 468 (imposing a $15,000 fine); *Fletcher*, 168 F.4th at 240 (imposing a $2,500 fine); *Deutsche Bank Nat'l Tr. Co. v. LeTennier*, 250 N.Y.S.3d 260, 268 (N.Y. App. Div. 2026) (imposing a $5,000 fine); *Benjamin v. Costco Wholesale Corp.*, 779 F. Supp. 3d 341, 351 (E.D.N.Y. 2025) (imposing a $1,000 fine and observing that it was "lower than in many other similar cases in part because of [counsel's] candor and sincere regret," one-time use of generative AI, and voluntary CLE participation); *Wadsworth v. Walmart Inc.*, 348 F.R.D. 489, 499 (D. Wyo. 2025) (imposing a $3,000 fine on counsel who drafted the brief that included fake cases and $1,000 fines on counsel who signed on to the brief); *United States v. Hayes*, 763 F. Supp. 3d 1054, 1073 (E.D. Cal. 2025) (imposing a $1,500 fine); *Noland*, 336 Cal. Rptr. 3d at 915 (imposing a "conservative" sanction of $10,000 because counsel "has represented that his conduct was unintentional, and because he has expressed remorse for his actions"); *People v. Lerin H.*, 271 N.E.3d 524, 530 (Ill. App. Ct. 2025) (imposing a $1,000 fine); *Ringo v. Colquhoun Design Studio, LLC*, 582 P.3d 695, 697 (Or. Ct. App. 2025) (imposing a $500 fine for each false citation and $1,000 for each false quotation or statement of law, for a total of $2,000); *McGee*, 806 F. Supp. 3d at 1266 (imposing a $5,000 fine); *Jackson v. Auto-Owners Ins. Co.*, No. 7-24-cv-136, 2025 WL 1932274, at *5 (M.D. Ga. July 14, 2025) (imposing a

$1,000 fine); *Gauthier v. Goodyear Tire & Rubber Co.*, No. 23-CV-281, 2024 WL 4882651, at *3 (E.D. Tex. Nov. 25, 2024) (imposing a $2,000 fine); *Mata*, 678 F. Supp. 3d at 466 (imposing a $5,000 fine).

We are confident that with this opinion, this court leaves no doubt that it considers the imposition of fines on counsel an appropriate sanction for the reliance on unverified AI-generated content in court filings. Consequently, we may not be so gentle on attorney offenders in the future.

<u>Fee award to U.S. Bank for researching and answering the amended initial brief</u>. As noted above, Florida Rule of Appellate Procedure 9.410(a) authorizes the court, on its own motion, to award fees to the opposing party. Fee awards against counsel personally have likewise become a common sanction across the country for including AI hallucinations in court filings. *See, e.g.*, *Whiting*, 170 F.4th at 466 (ordering appellant's counsel to reimburse appellees "in full" for all attorneys' fees incurred by appellees); *Heimkes v. Fairhope Motorcoach Resort Condo. Owners Ass'n*, 828 F. Supp. 3d 1317, 1344 (S.D. Ala. 2026) (ordering counsel to pay $55,597 in attorneys' fees for time spent responding to counsel's misstatements of law); *Amarsingh v. Frontier Airlines, Inc.*, No. 24-1391, 2026 WL 352016, at *7 (10th Cir. Feb. 9, 2026) (ordering pro se attorney appellant to pay appellee $1,000 to offset attorneys' fees and costs incurred in responding to the problematic aspects of appellant's brief); *In re Kenney*, 422 So. 3d 905, 925 (La. Ct. App. 2025) (affirming trial court's order directing plaintiff's counsel to pay $1,368 of defendant's attorneys' fees); *Grymes Dev. Co. v. Fodera*, 245 N.Y.S.3d 863, 869 (N.Y. Sup. Ct. 2025) (ordering plaintiff's counsel to reimburse third-party defendants $11,718 and $5,275 in attorneys' fees for having to respond to motion for summary judgment containing AI

hallucinations); *Garner v. Kadince, Inc.*, 571 P.3d 812, 816 (Utah Ct. App. 2025) (ordering counsel to pay opposing party's attorneys' fees); *Versant Funding LLC v. Teras Breakbulk Ocean Navigation Enters.*, No. 17-CV-81140, 2025 WL 1440351, at *7 (S.D. Fla. May 20, 2025) (ordering that counsel be jointly and individually liable for opposing party's attorneys' fees and costs incurred for time spent researching and replying to a filing containing AI hallucinations). Here, we award U.S. Bank fees for the time it spent researching and answering the amended initial brief.

<u>Referral of Attorney Keefe to The Florida Bar</u>. "[T]he unique role of attorneys as officers of the court mandates that attorneys be held to the highest of ethical standards." *Fla. Bar v. Brown*, 905 So. 2d 76, 82 (Fla. 2005) (quoting *DeBock v. State*, 512 So. 2d 164, 168 (Fla. 1987)). Long before the misuse of AI became an issue, the supreme court observed that appellate counsel has an "independent ethical obligation to present both the facts and the applicable law accurately and forthrightly." *Boca Burger, Inc.*, 912 So. 2d at 571.

As this court explained in *Russell*:

> When a lawyer cites imaginary legal authorities to our court as if they were law, we are compelled to refer that lawyer to the Bar because of the professional rules of conduct. It doesn't take much moral imagination to understand why. As judges, we rely on attorneys to ethically represent their clients. We expect that representation to be zealous, honest, and competent. Indeed, lawyers owe the courts and their clients a duty to practice with competence and candor. *See* R. Regulating Fla. Bar 4-1.1 ("A lawyer must provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation."); R. Regulating Fla. Bar 4-3.3(a)(1) ("A lawyer shall not knowingly: (1) 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

. . . .").

426 So. 3d at 920.

Attorney Keefe violated these basic ethical principles through his use of hallucinated legal authority in the amended initial brief and reply brief. We therefore refer him to The Florida Bar to proceed as appropriate.

We reiterate that the problem here is not Attorney Keefe's *use* of generative AI. *See Fletcher*, 168 F.4th at 235 (noting that generative AI in law practice may very well be "helpful if done properly and carefully"). Indeed, "there is nothing inherently wrong with an attorney properly and competently utilizing AI or any of its subsets to practice law or litigate cases." *Versant Funding LLC*, 2025 WL 1440351, at *4. Rather, it is his use of generative AI without also "ensur[ing] that the legal propositions and authority generated are trustworthy." *See ByoPlanet Int'l, LLC v. Johansson*, 792 F. Supp. 3d 1341, 1347 (S.D. Fla. 2025). As one court has memorably put it, "[T]he use of artificial intelligence must be accompanied by the application of actual intelligence in its execution." *Mid Cent. Operating Eng'rs Health & Welfare Fund v. HoosierVac LLC*, No. 2:24-CV-326, 2025 WL 574234, at *4 (S.D. Ind. Feb. 21, 2025), *report and recommendation adopted as modified*, 2025 WL 1511211 (S.D. Ind. May 28, 2025).

In conclusion, we impose on Attorney Keefe a $1,500 fine payable to the clerk of this court within fourteen days; we remand this matter to the trial court to determine the reasonable amount of appellate attorney's fees incurred by U.S. Bank for researching and answering Capital Standard's amended initial brief; and we refer Attorney Keefe to The Florida Bar for further proceedings. Attorney Keefe is solely responsible for paying the fee award and fine and may not charge his clients for those amounts. And as noted above, the declaratory judgment is affirmed in all respects.

Affirmed; remanded for further proceedings consistent with this opinion.

NORTHCUTT and SMITH, JJ., Concur.

Opinion subject to revision prior to official publication.