

CANDOR, ACCURACY, AND RESPONSIBILITY IN COURT FILINGS

Chambers of United States Magistrate Judge Jason A. Robertson

1. Rule 11 and the Duty of Candor Govern All Filings

All pleadings, motions, briefs, and other papers filed with this Court, whether submitted by counsel or by a party appearing pro se, are governed by Federal Rule of Civil Procedure 11 and any applicable parallel provisions of the Federal Rules of Criminal Procedure, Federal Rules of Appellate Procedure, and governing rules of professional conduct.

By presenting a filing to the Court, the attorney or unrepresented party certifies that the filing is the product of reasonable inquiry under the circumstances and that:

- The factual contentions have evidentiary support;
- The legal contentions are warranted by existing law or by a nonfrivolous argument for its extension, modification, or reversal; and
- The authorities cited exist and are accurately represented.

The obligations imposed by these rules are longstanding and apply regardless of changes in technology, research methods, or drafting tools.

2. Responsibility for Accuracy Is Absolute

This Court does not regulate, restrict, or require disclosure of the tools or assistance used to prepare filings. Attorneys and unrepresented parties may employ any lawful means of drafting or research, including technological assistance.

Regardless of the method of preparation, the person who signs and submits a filing bears full responsibility for its contents. The use of technology does not diminish, shift, or excuse that responsibility.

A reasonable inquiry requires **human verification** of cited authority. Reliance on automated or technological output alone is insufficient.

3. Fabricated or Nonexistent Authority

The submission of nonexistent authority to the Court, including but not limited to nonexistent or hallucinated cases, fabricated quotations, invented statutes, or materially inaccurate descriptions of legal authority is impermissible in any proceeding.

In civil matters, such conduct may constitute a violation of Federal Rule of Civil Procedure 11. In criminal and other proceedings, it constitutes a breach of the duty of candor and may result in sanctions under the governing procedural and ethical rules.

This principle is not new. The submission of fictional authority has never been permissible. That such authority may appear facially plausible or be technologically generated does not alter the analysis.

Any citation to nonexistent authority may constitute a violation. Whether an inaccuracy is isolated or repeated bears on the appropriate remedy, not on whether a violation has occurred.

4. Application to Pro Se Litigants

Pro se litigants are subject to Rule 11 and the duty of candor and are expected to conduct reasonable inquiry consistent with those standards. In assessing compliance, the Court will apply the standards governing unrepresented parties as recognized by law, while maintaining the obligation of accuracy and honesty owed to the Court.

5. Enforcement and Sanctions

If the Court determines that a filing violates Rule 11, the duty of candor, or other applicable governing rules, including through the citation of fabricated or nonexistent authority, the Court may impose appropriate sanctions.

Sanctions will be proportionate to the conduct at issue and tailored to the circumstances of the case.

Available remedies may include, but are not limited to:

- Striking the filing in whole or in part;
- Issuing an order to show cause;
- Monetary sanctions;
- Referral to appropriate disciplinary authorities; or
- Any other measure necessary to protect the integrity of the judicial process.

6. No Safe Harbor Through Disclosure

Disclosure of the use of any drafting assistance, research method, or technology does not excuse inaccuracies, cure violations, or mitigate sanctions. The Court evaluates filings based on their accuracy, candor, and compliance with governing rules, not on disclaimers.

Closing Observation

The integrity of judicial proceedings depends on the authenticity of what is filed. Technology may assist advocacy, but it cannot replace judgment, diligence, or responsibility. The signature on a filing remains a representation of truth.