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CLERK OF COURT

By: 

**IN THE SUPERIOR COURT OF GUAM**

RON HOCOG and TIFFANY HOCOG,  
individually and as parents of Beau Jermaine  
Iba Hocog, deceased,

Plaintiffs,

vs.

DR. MARIANA COOK-HUYNH, GUAM  
MEMORIAL HOSPITAL AUTHORITY and  
DOES 1-20,

Defendants.

**CIVIL CASE NO. CV0140-25**

**DECISION AND ORDER IMPOSING  
SANCTIONS**

This matter addresses sanctions against Attorney Mark S. Smith for filing a brief with false and fabricated citations, quotes, and statutes. The Court finds that Attorney Smith acted incompetently and without diligence, and that his filings were not grounded in existing law nor based on a nonfrivolous argument. Accordingly, the Court imposes a sanction of \$1,500.

**I. BACKGROUND**

On behalf of his clients, Smith filed an Opposition to Dr. Mariana Cook-Huynh's Motion to Dismiss on June 11, 2025. Pl.'s Opp'n Def. Dr. Cook-Huynh's Mot. Dismiss (June 11, 2025). Dr. Cook-Huynh's Reply noted that Smith cited several cases irrelevant to his clients' propositions, and that one citation was a fictitious decision. Def. Cook-Huynh's Reply (June 25, 2026). Upon closer examination of the brief, a series of Orders pointed out that of the Opposition's 31 citations, at least thirteen were incorrect statutory citations, case cites, and quotes, plus misattributions and a fake case. Dec. & Order (Aug. 11, 2025); Order (Aug. 20,

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2025); Order to Show Cause (Oct. 30, 2025) (“OSC”). The Court questioned whether Smith utilized generative artificial intelligence without properly verifying citations.

Smith has clarified that he filed a preliminary brief instead of a corrected final version, and called the errors clerical, not ethical. Decl. Mark S. Smith (Aug. 21, 2025). Smith also blamed his secretary’s failure to correct the final draft he gave her. Pl.’s Brief Pursuant to Order (Sep. 22, 2025). He acknowledged his ultimate responsibility, stressed the errors were inadvertent, and noted steps to prevent future issues. *Id.*

Citing the potential Guam Rule of Civil Procedure 11 violations, the Court issued an Order to Show Cause and asked why Smith should not face sanctions. Dr. Cook-Huynh first responded and argued that Smith’s incompetence and negligence, and not mere oversight, caused the errors. Def. Dr. Cook-Huynh’s Resp. Re OSC (Nov. 26, 2025).

In his response, Smith conceded mistakes and again noted his secretary’s failure to file the final draft but offered no further explanation for the misattributed or fictitious citations and references. Pl.’s Reply to Def.’s Resp. Re OSC (Dec. 12, 2025). Instead, he focused his corrective measures on preventing the filing of outdated drafts. *Id.* He listed six mitigating factors supporting no or minimal sanctions. *Id.* Those factors are: (1) first and only occurrence; (2) immediate admission of responsibility; (3) Dr. Cook-Huynh already prevailed without prejudice; (4) substantial corrective measures; (5) an unblemished litigation record; and (6) respect and candor shown to the Court. *Id.* at 5.

The Court heard this issue on January 22, 2026, which Smith attended with his counsel, Attorney William Gavras. Hr’g (Jan. 22, 2026). Smith filed additional briefing on the matter and again acknowledged errors, but argued the substantive arguments were nonetheless legally sound, labeling the errors “distractions.” Add’l Briefing OSC (Feb. 6, 2026). Dr. Cook-Huynh

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replied and cited a California appellate case that rejected a similar argument. Def. Dr. Cook-Huynh's Resp. Add'l Briefing OSC (Feb. 25, 2026).

The Court now assesses Guam's professional requirements, sanctions thresholds, and their fit here.

## II. LEGAL ANALYSIS

### A. Conclusions regarding AI use.

Smith's June 11, 2025 Opposition contained 13 errors in citations—more than what the Court perceives to be merely accidental. For example, on at least five occasions, he falsely claimed certain cases contained certain quotations. OSC at 7-8. In other parts of the Opposition, he cited sections of the Guam Code Annotated that do not exist. *Id.*

Courts routinely infer AI use from such hallmarks of non-existent quotations, mis-citations and similar errors. In *Schlichter v. Kennedy*, 339 Cal. Rptr. 3d 262, 268 (Ct. App. 2025), the court sanctioned counsel where citations bore “hallmarks of hallucinated citations produced by generative AI” despite claims of mere clerical error. Similarly, *Ader v. Ader*, 240 N.Y.S.3d 701 (N.Y. Sup. Ct. 2025), rejected ‘vehement’ AI denial where the record—including the nature of citations—established AI use. *See also In re Domestic P'ship of Campos & Munoz*, 118 Cal. App. 5th 1112 (Ct. App. 2026) (sanctioning counsel who persisted with fictitious citations after they were flagged); *Wadsworth v. Walmart, Inc.*, 348 F.R.D. 489, 496 (D. Wyo. 2025) (AI hallucinations are noticeable on the face of documents); *Prosoki v. Regan*, 321 Neb. 38 (2026) (unverified AI use was assumed where fictitious cases cited despite “wrong draft” claim; analysis is the same regardless due to counsel's duty of candor to the court); *Kruse v. Karlen*, 692 S.W.3d 43, 52 (Mo. Ct. App. 2024) (fictitious citations alert to probability of AI involvement).

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The Court gives Smith the benefit of the doubt that the Opposition was prepared with generative AI rather than fabricating sentence after sentence of false quotes and cites out of thin air. Such manual invention would reflect extreme incompetence. Instead, the Court finds that Smith prepared the Opposition using generative AI and filed it without adequate human verification.

### **B. Discussion of Rules' Violations**

Next, the Court applies Guam Rules of Professional Conduct 1.1, 1.3, 8.4(a), and 8.5. These rules govern attorney competence, diligence, misconduct, and discipline, respectively. The Court also applies Guam Rule of Civil Procedure 11, which requires attorney certification that filings rest on existing law or nonfrivolous arguments, for which violations trigger sanctions.

#### **1. Attorney Smith violated the Guam Rules of Professional Conduct when he failed to verify the accuracy of the Opposition he filed on behalf of his clients.**

Guam Rules of Professional Conduct 1.1 and 1.3 demand competence and diligence. Lawyers must show “the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.” GRPC 1.1. They must also act with “reasonable diligence...in representing a client.” GRPC 1.3. Guam Supreme Court guidance confirms those duties fully apply to AI use. Judiciary of Guam Pol’y on A.I., ADM25-001 at 5 (May 1, 2025). That guidance declares “[i]t is the responsibility of attorneys, judges, and self-represented litigants to ensure the integrity of their final submissions. All users are required to conduct thorough reviews of AI-generated content prior to its submission in any judicial proceeding to ensure accuracy and compliance with legal and ethical obligations.” *Id.*

These standards align with ABA principles. Guam’s Rules of Professional Conduct are adopted from the ABA Model Rules of Professional Conduct. ABA guidance thus persuades and

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informs Guam practice. In recent guidance, ABA Opinions have addressed AI use. On Rule 1.1 competence, Formal Opinion 512 states, “a lawyer’s reliance on, or submission of, a [generative AI] 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.” ABA Standing Comm. on Ethics and Pro. Resp., *Formal Opinion 512: Generative Artificial Intelligence Tools* at 3–4, (2024). Supervisory lawyers must also ensure nonlawyer assistants follow the rules. *Id.* at 10.

Recent cases enforce these AI duties. Reasonable preparation and diligence, as it relates to AI use, require attorneys to review, validate, and correct AI inputs and outputs. *See, e.g., Noland v. Land of the Free, L.P.*, 336 Cal. Rptr. 3d 897, 912 (Ct. App. 2025) (“it is a fundamental duty of attorneys to *read* the legal authorities they cite” (emphasis in the original)); *People v. Alvarez*, 337 Cal. Rptr. 3d 585, 588 (Ct. App. 2025) (it is the responsibility of a competent attorney to check every citation and not delegate the duty to do so); *Benjamin v. Costco Wholesale Corp.*, 779 F. Supp. 3d 341, 343 (E.D.N.Y. 2025) (failure to verify cases demonstrates a failure to provide competent representation). Such rulings stress the need for review and validation.

Smith’s claim of filing the wrong version does not excuse him. He failed to meet the basic thoroughness and preparation requirements of GRPC 1.1. He also showed no diligence in verifying cited sources, quotes, and statutes. The Court easily spotted multiple errors—whether AI generated or not. Smith could have done the same with little effort before filing. Even if he filed the wrong version, he had chances to withdraw or correct it—anything to right the wrong. He did not. He offers no evidence of an accurate final version at filing time, aside from his and

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his secretary's declaration. The Court finds Smith violated the Guam Rules of Professional Conduct, and that those violations constitute misconduct under GRPC 8.4(a).

**2. Smith violated Guam Rule of Civil Procedure 11 when his filing was not warranted by existing law or a nonfrivolous argument.**

Guam Rule of Civil Procedure 11 states that attorneys certify their pleadings, motions, and papers to the court. Among other things, they confirm "the claims, defenses, and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law." GRCP 11(b)(2). Filings relying on fake or baseless authorities violate this standard. A frivolous argument is baseless and lacks reasonable and competent inquiry. *In re Oka Towers Corp.*, 2000 Guam 16 ¶ 9. A fake opinion is frivolous and does not provide grounds for "extending, modifying, or reversing existing law, or for establishing new law." *Mata v. Avianca, Inc.*, 678 F. Supp. 3d 443, 461 (S.D.N.Y. 2023). Reliance on a fake opinion abuses the adversarial system. *Id.* Thus, when a filing relies on fake or baseless authority, the issue is not simply a poor argument; it represents a failure to satisfy Rule 11's fundamental requirements for a valid legal contention. Such a lapse may subject an attorney to sanctions.

Smith argues a showing of bad faith is required for sanctions under the court's inherent powers. However, the Court does not need to rely on its inherent powers because Rule 11(c) provides explicit statutory authority requiring no such showing: "If...the court determines that subdivision (b) has been violated, the court may...impose an appropriate sanction upon the attorneys, law firms, or parties that have violated subdivision (b) or are responsible for the violation." Guam's Supreme Court has distinguished a court's authority to impose sanctions under Rule 11 from the court's inherent power to sanction: Rule 11 "vest[s] trial courts with wide discretion in sanction decision-making" while the court's inherent authority to sanction "requires

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a higher threshold of misconduct.” *DFS Guam L.P. v. A.B. Won Pat Int’l Airport Auth.*, 2014 Guam 12 ¶ 29, 32. *See also Oneto v. Watson*, 808 F. Supp. 3d 974 (N.D. Cal. 2025) (a violation of Rule 11 does not require bad faith; attorneys are required to “read, and thereby confirm the existence and validity of, the legal authorities on which they rely.”); *McCarthy v. United States Drug Enf’t Admin.*, 2026 WL 85034 (3rd Cir. 2026) (good faith is incompatible with the presentation of unverified legal authority). It is not enough then for an attorney to claim no bad faith in failing to verify that a court filing has valid legal contentions.

Turning to the facts here, Smith is silent as to generative AI use and blames his secretary for the wrong version, insisting no bad faith or incompetence. The Court does not doubt the errors were inadvertent. Yet he alone bears responsibility for the final filed document. He certifies its truth by allowing filing under his name, and no excuse removes that responsibility from him. Mistakes aside, he shirked his responsibility when he made minimal efforts to correct his errors.

The Advisory Committee Notes to Federal Rule of Civil Procedure 11 confirms such obligations by attorneys:

A litigant's obligations with respect to the contents of these papers are not measured solely as of the time they are filed with or submitted to the court, but include reaffirming to the court and advocating positions contained in those pleadings and motions after learning that they cease to have any merit.

Advisory Comm. Note 1993 Amend. FRCP 11. *See also Mata*, 678 F. Supp. 3d at 461 (“the failure to correct a prior statement in a pending motion is the later advocacy of that statement and is subject to sanctions”). Smith admitted ultimate responsibility after excusing errors, but he neither withdrew nor admitted unverified AI reliance. Instead, his Additional Briefing

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minimized mis-citations and attempted to shore up the errors by advocating the underlying arguments for each.

When an attorney fails to meet the Rule 11(b) standard that legal contentions are “warranted by existing law or by a nonfrivolous argument,” sanctions are authorized under Rule 11(c) and “limited to what is sufficient to deter repetition of such conduct or comparable conduct by others similarly situated.” GRCP 11. To determine the gravity of the conduct, the Court first considers each of Smith’s mitigating factors in turn.

First, Smith notes that this is his first and only occurrence of such an error. The Court accepts this and also recognizes that no similar Guam cases exist yet.

Second, Smith cites his immediate admission of responsibility. The Court, however, views this differently. Smith repeatedly blamed his secretary before conceding ultimate duty, yet he made no corrective withdrawal and offered no version-history proof for his claimed final document. A good-faith response would include such evidence alongside admitting unverified AI content.

Third, Smith states that Dr. Cook-Huynh prevailed on the Motion to Dismiss and therefore suffered no prejudice, which holds true. However, this is not a no-harm-no-foul situation. Smith owed the Plaintiffs a duty of competence and diligence supported by legal arguments from existing law or otherwise nonfrivolous arguments. He failed to do that here. Dr. Cook-Huynh also bore costs associated with responding to Order-related filings.

Fourth, Smith urges the Court that he took “substantial” corrective measures. But he provides no supporting evidence like new policies or procedures—only outlined future steps.

Fifth, Smith notes that his litigation record is otherwise unblemished. This restates the first factor. Sixth, Smith claims full respect and candor to the Court, but repeated minimization of AI

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errors in what amounts to 42% of his citations in that document undermines that assertion. *See below*. Smith himself conceded negligence in his filings. Add'l Briefing OSC at 11 (Feb. 6, 2026).

Having weighed mitigating factors, the Court finds Smith violated GRPC 1.1, 1.3, and GRCP 11 and the Court concludes that sanctions are appropriate.<sup>1</sup> It next considers the appropriate level of sanction necessary to deter future misconduct.

**C. Monetary sanctions are appropriate.**

Generative AI use in legal filings has surged. Legal research platforms now offer proprietary and confidential AI tools that practitioners rely on to help build research, briefs, and assess arguments, among other things. These tools offer unparalleled efficiency by cutting client costs, streamlining processes, and easing workloads. However, lawyers must still verify AI inputs and outputs like any other legal tool. As one court noted, “the 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*, 2025 WL 574234 at \*4 (S.D. Ind. 2025). Lawyers bear the ethical and professional duty to ensure the accuracy of all documents submitted to the court on their clients’ behalf.

Courts addressing the submission of AI-generated false or inaccurate authorities have imposed a range of sanctions, from warnings to monetary penalties, depending on the number, nature, and impact of the errors. Monetary sanctions, in particular, have been deemed appropriate where the inaccuracies are numerous or reflect a failure to undertake reasonable verification before filing. *See, e.g., Shayan v. Shakib*, 339 Cal. Rptr. 3d 354 (Ct. App. 2025)

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<sup>1</sup> Dr. Cook-Huynh seeks an award of attorney’s fees as a sanction. Under Rule 11(c), a litigant may be awarded attorney’s fees if they initiated Rule 11 proceedings by motion. That did not occur here; the Court initiated the proceeding with the OSC.

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(counsel sanctioned \$7,500 plus bar referral for ten mis-citations he claimed were clerical errors resulting from staff's failure to remove "placeholders"); *Schlichter*, 339 Cal. Rptr. 3d at 269 (counsel sanctioned \$1,750 plus bar referral for four fictitious citations he attributed to clerical errors); *Amarsingh v. Frontier Airlines, Inc.*, 2026 WL 352016 at \*5, 7 (10th Cir. 2026) (\$1,000 fine plus bar referral for seven mis-citations; court noted leniency due to counsel's candor and remorse); *Coomer v. Lindell*, 2025 WL 1865282 at \*2, 9 (D. Colo. 2025) (combined \$6,000 sanction against counsel and co-counsel for eleven mis-citations despite their claim that the wrong version of the document had been filed).

In examining reported decisions, the Court observes a consistent pattern: cases involving a limited number of inaccuracies often result in warnings, while those involving more substantial errors, alongside a lack of candor, more frequently result in monetary sanctions.<sup>2</sup> Smith's June 11, 2025 Opposition falls squarely within the latter category. Of 31 citations or references contained in the filing, thirteen (approximately 42%) were identified as fabricated or materially inaccurate. This volume far exceeds what courts generally treat as isolated or inadvertent error. It reflects not merely a mistake, but a breakdown in the basic obligation to verify authorities before submission. By comparison to the range of sanctions imposed in similar circumstances, the extent of the errors here places this case well beyond those in which courts have found a warning sufficient. *See, e.g., Alonso v. Jackson*, 2026 WL 747745 at \*4 (W.D. Wash. 2026) (warning issued after one fictitious case cited in brief); *Villalovos-Gutierrez v. Van De Pol*, 2025 WL 3470253 at \*3 (E.D. Cal. 2025) (warning issued after five mis-citations or fictitious cases);

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<sup>2</sup> *See, e.g., AI Hallucination Cases*, DAMIEN CHARLOTIN, [https://www.damiencharlotin.com/hallucinations/?q=&sort\\_by=-date&states=USA&period\\_idx=0](https://www.damiencharlotin.com/hallucinations/?q=&sort_by=-date&states=USA&period_idx=0) (retrieved Mar. 26, 2026) (collecting reported cases involving AI-generated false citations). The Court cites this compilation only as a general survey of trends; its determination rests on the record in this case and the reasoning reflected in applicable authorities.

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*De Ford v. Koutoulas*, 2025 WL 4086346 at \*10 n.9 (M.D. Fla. 2025) (warning issued for three mis-citations or fictitious cases).

Given both the magnitude of inaccuracies and the need to deter similar conduct, the Court finds that a warning alone would be inadequate. Monetary sanctions are therefore warranted and are consistent with how courts have addressed comparable conduct involving AI-generated hallucinations. Smith's repeated attribution of the errors to his secretary, without withdrawal, correction, or explanation of their origin, further demonstrates a lack of candor that weighs in favor of sanction.

### **III. CONCLUSION AND ORDER**

Guam reports no prior AI-hallucination cases before this particular case, making this its first. While recognizing Smith's admission that the errors arose inadvertently, the Court nonetheless finds them to reflect incompetence and negligence. The volume and nature of Smith's errors are well beyond what can be excused as inadvertent oversight. The Court finds it both reasonable and necessary to impose monetary sanctions to prevent repeated conduct by either Smith or any other similarly situated lawyer. The Court also notes wasted time and resources across Plaintiffs, Defendants, and itself. Attorney Mark S. Smith is hereby ordered to pay the Court \$1,500 within 30 days of this Decision and Order.

**SO ORDERED, 7 April 2026.**

  
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**HON. ELYZE M. IRIARTE**  
**Judge, Superior Court of Guam**

**Appearing Attorneys:**

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