



In the Missouri Court of Appeals Eastern District

WRIT DIVISION FOUR

STATE OF MISSOURI, EX REL.	)	ED114731
STEVEN SCHNELL,	)	
	)	
Relator,	)	
	)	
v.	)	
	)	
HONORABLE REBECCA	)	Filed: September 8, 2026
RICHARDSON,	)	
	)	
Respondent.		

Original Writ in Mandamus

Relator filed a petition for a writ of mandamus, asking this Court to order the circuit court to grant a motion to transfer venue. Relator filed a writ summary, writ petition, and suggestions in support of his writ. Relator's petition has no merit and is, therefore, denied.

When reviewing the writ filings, this Court discovered that Relator's counsel, Jenna Rohr Conley, cited two cases that she now admits do not exist. These fictitious citations misled this Court and required the petitioners in the underlying matter to unnecessarily respond to the baseless writ petition. This Court finds it appropriate to

impose a monetary sanction against Conley as authorized by Rule 55.03 in the amount of \$1,750, which the Court determines is a reasonable amount of attorney's fees.

Discussion

The underlying petition seeks the termination of Relator's parental rights and an adoption of a minor child by the child's stepparent. Relator argued that the case should be transferred to St. Charles County, where other litigation concerning the minor is pending, under the theory that all cases regarding one family must be decided by the same judge regardless of the nature of the cases.

In the suggestions in support of the petition, Conley cited two cases that she argued held that all cases involving one family must be heard by a single court. On Conley's representation of the law, this Court ordered the filing of suggestions in opposition to the petition.

When this Court reviewed the pleadings together, it discovered the issues with Conley's citations. The citations did not correspond to the cases cited. And the cases at the cited locations did not involve the subject matter at issue in the writ petition. Through its own research the Court identified cases with the same names provided in the briefing, but not at the citations provided by Conley. These cases, although bearing the names that Conley provided, do not stand for the proposition identified.¹ This Court issued a show

¹ This Court's independent research has not identified any authority to support such a broad statement. Certain statutory authority suggests this to be the case in particular circumstances not at issue here.

cause order asking counsel to explain the issues with the citations, provide corrected citations, or show cause why sanctions should not issue for violation of Rule 55.03.

Conley's response to the show cause order stated that she used generative artificial intelligence to research legal authorities supporting her position but failed to verify the accuracy of the citations before submitting them to the Court. Conley's response was earnest and apologetic. Nonetheless, the citations misrepresented the law and falsely suggested the arguments were supported by legal authority. Worse still, this Court acted on Conley's misrepresentations and ordered Respondent to file suggestions in opposition. As a result, it is appropriate to impose sanctions as authorized by Rule 55.03.

Rule 55.03(b) states,

By presenting and maintaining a claim, defense, request, demand, objection, contention, or argument in a pleading, motion, or other paper filed with or submitted to the court, an attorney or party is certifying that to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, that: ... (2) 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[.]

The basis of Rule 55.03 is relatively simple. When attorneys or unrepresented parties sign a pleading, they certify having a legal and factual basis for the claims made. "Rule 55.03 also requires that a 'reasonable' prefiling inquiry be conducted into the law and facts. The rule imposes an *objective* standard of conduct." *State ex rel. Accurate Const. Co. v. Quillen*, 809 S.W.2d 437, 440 (Mo. App. 1991) (emphasis in original).

Conley violated Rule 55.03 in at least two ways. First, it seems obvious that for a claim to be "warranted by existing law," the law being used to support it must actually

exist. The cases Conley relied upon, by her own admission, did not. In her response to the show cause order, Conley was unable to identify a case that supported her statements of the law. This Court’s independent research has not identified any case or statute supporting Relator’s request to transfer venue or a non-frivolous argument that the law should require transfer here.

Second, Conley failed to conduct an objectively reasonable prefiling inquiry. At this point in time, generative AI’s tendency to fabricate caselaw and citations is well documented. *See, e.g., Kruse v. Karlen*, 692 S.W.3d 43 (Mo. App. 2024); *Mata v. Avianca, Inc.*, 678 F.Supp. 3d 443 (S.D.N.Y. 2023); William C. Martucci et. al., *Artificial Intelligence and the Legal Profession: Practical and Ethical Considerations in the New Technological Era*, 82 J. Mo. B. 126, 127 (2026) (“AI-generated outputs are statistical in nature and can produce *inaccurate or misleading information*, often referred to as ‘hallucinations.’ These hallucinations are not rare anomalies; they are a known limitation of large language models.”).² In addition to simply fabricating cases, generative AI is prone to citing real cases for propositions they do not support, misstating holdings of cases, and generating false testimony from a legal record. *See, e.g., State v. Coleman*, 280 N.E.3d 1042, 1063-64 (Ohio. Ct. App. 2026) (“The submission of fabricated transcript quotations to an appellate court is ... not merely negligent; it is an assault on the integrity

² Some scholars argue that the use of the term “hallucination” is inaccurate because it suggests that generative AI systems actually think, when, in reality, they are “predicting the word that is most apt to come next in a response – which may not be the word that would come next in an accurate or correct response.” Stephen McJohn & Ian McJohn, *AI Mistakes: “Confabulation” and Abduction, Not “Hallucination”*, Suffolk Univ. Sch. of L. Legal Stud. Rsch. Paper Series, Research Paper No. 26-4, at 3 (Spring 2026).

of the appellate process, which depends entirely upon the fidelity of the record and the candor of counsel.”). Given the well-known tendency of generative AI models to make fabrications, it is objectively unreasonable for any attorney or self-represented party to fail to verify AI’s accuracy. For this reason alone, sanctions are appropriate.

To be clear, this Court is not sanctioning Conley because she used generative AI. The use of AI is only incidental to the sanction. There is nothing inherently problematic from a briefing perspective with the use of generative AI. Rather, the sanction is appropriate because Conley filed pleadings in this Court that cited cases that do not exist for unsupportable propositions. In this respect, it is no different than if Conley signed her name to work prepared by someone else without verifying the accuracy of claims therein.

The use of generative AI in legal practice is now commonplace. In many ways, it can be profoundly beneficial. AI can assist in reviewing voluminous discovery, summarizing lengthy documents, providing insight into potential outcomes, and even researching legal authority and drafting legal documents. When used properly, AI is an impactful tool for attorneys, saving them time and saving their clients money. But when used improperly or carelessly, AI carries great risks.

Careless or improper use of generative AI also implicates multiple rules of professional conduct. For example, Rule 4-1.1 requires attorneys to provide competent representation. The comments to that rule require attorneys to maintain the requisite knowledge and skill regarding “the benefits and risks associated with relevant technology.” Rule 4-3.1 prohibits attorneys from bringing any claims without a “basis in law and fact.” Rule 4-3.3 prohibits attorneys from knowingly making a false statement of

the law. Rule 4-5.4 requires attorneys to maintain independent professional judgment. And Rule 4-8.4 prohibits dishonesty, misrepresentations, and other conduct “prejudicial to the administration of justice.” Improper or careless use of generative AI can lead to a violation of any one of these rules, particularly when it results in fabricated law or facts.³ The Office of Ethics Counsel published an informal opinion discussing numerous rules implicated by attorney use of generative AI. *See* Mo. Informal Op. 2024-11 (Apr. 25, 2024). This Court encourages all attorneys practicing in Missouri to be familiar with this opinion.

Conclusion

As authorized by Rule 55.03(c) Conley is ordered to pay a total of \$1,750 to the petitioners in the underlying action, K.N.O. and J.W.O, for payment of reasonable attorney’s fees incurred for their counsel’s preparation of suggestions in opposition to the writ petition. The writ petition is denied.



John P. Torbitzky, Presiding Judge

Lisa P. Page, Judge, and
Michael S. Wright, Judge, concur.

³ This Court makes no decision regarding whether Conley’s conduct violated any rule. That determination, and whether any violation warrants discipline, rests solely in the discretion of the Supreme Court of Missouri.