

**IN THE SUPREME COURT OF GUAM**

IN RE:) Supreme Court Case No. CRQ26-001
)
REQUEST OF LOURDES A. LEON)
GUERRERO, I MAGA'HAGAN)
GUÅHAN, RELATIVE TO ORGANIC)
ACT LIMITS ON LEGISLATIVE) **ORDER IMPOSING SANCTION**
CONDITIONS AFFECTING THE)
GOVERNOR'S AUTHORITY TO)
ESTABLISH HOSPITALS)

This matter comes before the court on a *sua sponte* review of Attorney Michael F. Phillips's brief containing false citations and quotations. We find that Attorney Phillips's brief was not grounded in existing law and he did not conduct a thorough review of AI-generated content to ensure accuracy and compliance with his legal and ethical obligations. Accordingly, we impose a monetary sanction of \$500.00.

On behalf of Respondent *I Liheslaturan Guåhan* ("Legislature"), Attorney Phillips filed a brief on May 1, 2026. Resp't's Br. (May 1, 2026). The brief contained false citations and signs of misuse of artificial intelligence ("AI").

The Legislature argues that this court rejected a separation of powers challenge in *A.B. Won Pat Guam International Airport Authority v. Moylan*, 2005 Guam 5 ¶ 28, but that paragraph is a quotation of 42 U.S.C.A. § 1421g. See Resp't's Br. at 2 (May 1, 2026). The Legislature also argues that *Barrett-Anderson v. Camacho*, 2018 Guam 20 ¶ 20, "emphasiz[ed] the need to preserve structural balance among coequal branches," but that paragraph was about attorney disqualification. Resp't's Br. at 2, 59. The Legislature cites a nonexistent page 282 of *Nelson v. Ada*, 878 F.2d 277 (9th Cir. 1989). Resp't's Br. at 3, 56, 57. The Legislature cites a nonexistent quote from *Fleet Services, Inc. v. Department of Administration*, 2006 Guam 6. Resp't's Br. at 27. Finally, the Legislature cites 48 U.S.C.A. § 1421g(d)(1) for the proposition that the Governor of Guam appoints the Attorney

General (“AG”), even though the AG has been an elected position since the passage of Public Law 25-044 in 1999, with the first AG election taking place in 2002. Resp’t’s Br. at 33.

Order to Show Cause (“OSC”) at 1 (May 20, 2026). In addition, the awkward positioning of the phrase “Reasoning:” indicates a potential misuse of AI. *See* Resp’t’s Br. at 50. We addressed Attorney Phillips from the bench during the oral argument on May 19, 2026, and issued an order to show cause “why he has not violated the Judiciary’s AI Policy and the Guam Rules of Professional Conduct and why the court should not impose appropriate sanctions.” OSC at 2.

Attorney Phillips timely responded to the OSC. Resp. OSC (May 29, 2026). He starts by alleging that this court’s OSC erroneously referred to ADM25-001 as a case. *See id.* at 2. However, it was properly labeled as a case under our case numbering system. Attorney Phillips clarifies that he does not “raise[] this point . . . critically, but only to illustrate isolated citation inaccuracies may occur even with careful professional work product and do not reflect bad faith, intentional misrepresentation, or incompetence.” *Id.* However, he misstates the standard and downplays the scope of his failure to uphold his professional responsibility.

Attorney Phillips admits using Westlaw’s AI legal research tools. *See id.* at 3. He explains that citations to nonexistent page 282 of *Nelson*, 878 F.2d 277, were due to incorrect conversion into a five-page PDF file. Attorney Phillips adds that counsel for Petitioner *I Maga’hāgan Guāhan* (“Governor”) committed a similar mistake. He further explains that he meant to cite *A.B. Won Pat Guam International Airport Authority*, 2005 Guam 5 ¶ 27 instead of paragraph 28. *See* Resp. OSC at 5–6. He similarly argues that *Barrett-Anderson*, 2018 Guam 20, as a whole addressed separation of powers. *See* Resp. OSC at 6–8. Moreover, he explains that his citation to *Fleet Services, Inc.*, 2006 Guam 6, was supported, though not verbatim. *See* Resp. OSC at 8–9. Attorney Phillips characterizes the above as clerical errors rather than fabrication of nonexistent authority. *See id.* at 5, 9. Lastly, Attorney Phillips argues that his reference to the Governor’s appointment of the Attorney General is a technically correct citation as 48 U.S.C.A. § 1421g(d)(1) still provides for such a scheme. *See* Resp. OSC at 9–11.

“It is the responsibility of attorneys . . . to ensure the integrity of their final submissions. All users are required to conduct thorough reviews of AI-generated content prior to its submission

1 in any judicial proceeding to ensure accuracy and compliance with legal and ethical obligations.”
2 *Re: Adoption of the Judiciary of Guam Policy on Artificial Intelligence*, ADM25-001, Ex. A
3 (Admin. Order No. ADM25-001, Apr. 30, 2025) (emphasis omitted). “By presenting to the court
4 (whether by signing, filing, submitting, or later advocating) a . . . brief . . . , an attorney . . . is
5 certifying that to the best of the person’s knowledge, information, and belief, formed after an
6 inquiry *reasonable* under the circumstances: . . . the claims, defenses, and other legal contentions
7 therein are warranted by existing law” Guam R. App. P. (“GRAP”) 21.1(b)(2) (emphasis
8 added); *see also* Guam R. Civ. P. (“GRCP”) 11(b)(2). “A lawyer shall provide competent
9 representation to a client. Competent representation requires the legal knowledge, skill,
10 thoroughness and preparation *reasonably* necessary for the representation.” Guam R. Pro.
11 Conduct (“GRPC”) 1.1 (emphasis added). Moreover, “[a] lawyer shall not knowingly . . . make
12 a false statement of fact or law to a tribunal.” GRPC 3.3; *see also Prososki v. Regan*, 32 N.W.3d
13 593, 607 (Neb. 2026) (“[F]ailing to adequately review a brief and verify that the law presented is
14 good law satisfies the ‘knowingly’ requirement of the duty of candor toward the tribunal.”). “It
15 is professional misconduct for a lawyer to . . . violate . . . the Rules of Professional Conduct.”
16 GRPC 8.4(a).

17 Attorney Phillips’s mis-citations of pages, paragraphs, and quotations do not merely
18 concern technical accuracy but demonstrate consistent failure to verify AI-generated citations.
19 *See Schlichter v. Kennedy*, 339 Cal. Rptr. 3d 262, 268 (Ct. App. 2025) (sanctioning counsel where
20 citations bore hallucinated citations produced by generative AI despite claims of mere clerical
21 error). Attorney Phillips’s alternative explanations are not convincing. Namely, Westlaw’s
22 “download PDF” function does generate a five-page PDF file but does not show page 282.

23 More importantly, unlike the Governor’s counsel, Attorney Phillips relied on the obsolete
24 provision on the appointment of the AG, which goes directly to the substance of the case. This
25 goes well beyond a citation issue and raises serious questions about whether the legal contentions
26 in the brief were made to “the best of the person’s knowledge, information, and belief, formed
27 after an inquiry reasonable under the circumstances.” *See* GRAP 21.1(b)(2); GRCP 11(b)(2).
28 Indeed, almost no inquiry would be required for a person even tangentially familiar with Guam’s

1 current events to know that the AG is not appointed by the Governor. Attorney Phillips
2 emphasizes that none of his mistakes constituted intentional misrepresentation, but that is not the
3 correct standard. *See* GRAP 21.1(b)(2); GRCP 11(b)(2); GRPC 1.1.

4 Rather than admit his fault, Attorney Phillips came up with explanations with dubious
5 reliability and sought to dilute it by pointing at his opposing counsel and the court. We find that
6 Attorney Phillips acted in violation of GRAP 21.1(b)(2), GRCP 11(b)(2), GRPC 1.1, and GRPC
7 3.3. We therefore conclude that a monetary sanction of \$500.00 is appropriate where the
8 inaccuracies are numerous or reflect a failure to undertake reasonable verification before filing.
9 *See Schlichter*, 339 Cal. Rptr. 3d at 269 (imposing monetary sanction for four inaccurate citations
10 attorney claimed were clerical errors); *Lnu v. Blanche*, 177 F.4th 1014, 1031 (9th Cir. 2026).
11 Accordingly, we impose a monetary sanction of \$500.00. Attorney Phillips is hereby ordered to
12 pay the court \$500.00 within 30 days of this order.

13
14 **SO ORDERED** this 9th day of July, 2026.

15
16
17 /s/
KATHERINE A. MARAMAN
18 **Chief Justice**

19
20
21 /s/
ROBERT J. TORRES
22 **Associate Justice**

1 **CARBULLIDO, J., dissenting:**

2 I would have preferred that Attorney Phillips accept responsibility for the artificial-
3 intelligence errors in his appellate brief. However, I conclude that the Chief Justice's statements
4 at the start of oral arguments, along with the subsequent media coverage, were adequate penalties.
5 I do not believe Attorney Phillips's mistakes were due to intentional misuse of artificial
6 intelligence.

7 Attorney Phillips is an experienced and respected trial lawyer, so I am granting him one
8 opportunity before considering additional monetary sanctions. My decision should not be
9 misinterpreted by the Bar as meaning that all lawyers will receive a free pass in the future. Both
10 the bench and the Bar are learning together as we navigate the responsible use of artificial
11 intelligence. I believe that using AI responsibly will help clients save time and money. In my
12 view, monetary sanctions should be imposed on repeat offenders and those who use artificial
13 intelligence irresponsibly. I expect that Attorney Phillips will not repeat his mistakes in this case.

14
15
16 /s/

17 **F. PHILIP CARBULLIDO**
18 **Associate Justice**
19
20
21
22
23
24
25
26
27
28

