

SYNTHETIC GRIEVANCES: AI-GENERATED BAR COMPLAINTS AND THE CHILLING OF CRIMINAL DEFENSE

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ABSTRACT

Generative artificial intelligence has created a new category of “synthetic grievances”: AI-generated bar complaints against criminal defense attorneys that are cheap to produce, difficult to screen, and often detached from governing law or case facts. By allowing dissatisfied defendants, family members, or jailhouse intermediaries to draft polished, citation-heavy disciplinary filings with a simple prompt, generative tools dramatically lower the cost of triggering formal regulatory processes that were built for sparse, human-authored complaints. The essay situates synthetic grievances within existing structures of attorney regulation and the distinct vulnerabilities of criminal defense practice, showing how AI-amplified bar complaints will predictably concentrate on public and appointed defenders who already shoulder disproportionate grievance volume and work under severe resource constraints. It contends that the resulting threat of reputational harm, licensure risk, and investigative burden will chill zealous advocacy by encouraging defensive lawyering, overdocumentation, and risk-averse strategic choices at odds with client-centered representation. In response, the essay proposes a suite of reforms, including mandatory disclosure and human verification of AI use in complaints, AI-assisted triage and hallucination detection at intake, and calibrated sanctions for repeat or bad-faith filers, urging bar regulators to treat AI-generated complaints not as a legal-technology curiosity but as a frontline regulatory challenge for preserving robust criminal defense in an automated era.

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Table of Contents

INTRODUCTION.....	3
I. A NEW ERA OF AI-GENERATED COMPLAINTS.....	7
II. CRIMINAL DEFENSE LAWYERS ON THE FRONT LINES.....	14
III. TECH-NECESSITATED REFORMS FOR BAR COMPLAINTS.....	21
A. Mandatory AI Disclosure and Verification.....	21
B. Triage Algorithms and Hallucination Detection.....	22
C. Sanctions for Egregious Filers.....	23
D. Staff Training and Resource Allocation.....	24
E. Expedited Dismissal and Reputational Protections for Accused Attorneys.....	25
F. Transparency and Public Reporting.....	25
G. Professional Responsibility Guidance for AI-Mediated Grievances.....	26
H. A Model for Coordinated Reform.....	26
CONCLUSION.....	27

INTRODUCTION

In criminal courts across the country, defense lawyers have long grown accustomed to being blamed for outcomes they do not control: underfunded offices, unfavorable facts, mandatory minimums, and structural racism all converge on the one attorney whose name appears on the judgment alongside the defendant's.¹ But a new kind of blame is emerging, authored not by clients, prosecutors, or judges, but by generative artificial intelligence. With a few keystrokes, a dissatisfied defendant—or a family member, jailhouse lawyer, or an advocacy group—can now generate a detailed disciplinary complaint against defense counsel, complete with invented case citations, doctrinal framing, and confident allegations of ethical violations. The complainant does not need legal training, a model pleading, or a coherent theory of misconduct. They need only a prompt: “Write a bar complaint against my public defender for ineffective assistance of counsel.” The result is a synthetic grievance: an AI-generated bar complaint that looks lawyerly, sounds authoritative, and may be unmoored from fact or law.

This essay argues that the growing availability of generative artificial intelligence will increase both the volume and severity of bar complaints lodged against criminal defense attorneys, and that this trend threatens to chill zealous advocacy in a corner of the profession that is already uniquely vulnerable. AI-drafted complaints are cheap to produce, difficult to evaluate quickly, and often more rhetorically sophisticated than the human grievances that disciplinary systems were built to handle. They will arrive in offices and inboxes that already struggle with caseloads, political scrutiny, and chronic underfunding. They will land on lawyers who are disproportionately women, people of color, and public servants

1 . A glimpse into the work of defense attorneys shows how often they deal with the stress and emotional upheaval—not to mention bar complaints—of bad outcomes for their clients. See Mally Shechory Bitton and Anat Mashiach, *From Their Angle: A Look at the Emotional World of Defense Attorneys Who Represent Sex Offenders*, 66 INT. J. OFFENDER THERAPY & COMP. CRIM. 1347 (2021).

representing indigent defendants—precisely the actors who have the least margin for reputational error and the fewest institutional buffers against discipline.²

The doctrinal and institutional architecture of attorney regulation is not designed for this world. Bar disciplinary systems assume that complaints will be rare enough to be read, screened, and, hopefully, informally resolved by human staff.³ They assume that the narrative in a complaint reflects, in some recognizable way, the voice and experience of a client or other complainant. They assume, also, that the staff who screen complaints can quickly identify wildly implausible allegations, doctrinal nonsense, or claims that are bad faith. Generative AI undermines each of these predicates. It can produce high-volume, high-verbiage complaints that bury thin allegations under thick legalese.⁴ It can fabricate precedent and procedure that look convincing enough to survive initial screening. And it can do so in the voice of a “model” complainant—educated, literate, and doctrinally aware—even if the actual client is not.

Criminal defense is a particularly fraught practice area for this shift. Defense counsel, especially public and appointed defenders, operate under a cloud of threatened ineffective assistance claims and post-conviction challenges.⁵ The profession has learned to live with that background risk; the Sixth Amendment doctrine presumes that some level of collateral attack is the price of constitutional protection.⁶ But AI-generated bar complaints are different in kind. They are not about seeking a new trial or

2. For a snapshot of the issue, see Debra Cassens Weiss, *New California Bar Study Finds Racial Disparities in Lawyer Discipline*, A.B.A. J. (Nov. 18, 2019), <https://www.abajournal.com/news/article/california-bar-study-finds-racial-disparities-in-lawyer-discipline>.

3. While not explicit, the implication that these complaints are relatively easy to resolve can be seen in statements of investigative procedures from state bars. See Mark D. Killian, *How the Bar Investigates Disciplinary Complaints*, FLA. BAR NEWS (Mar 15, 2016), <https://www.floridabar.org/the-florida-bar-news/how-the-bar-investigates-disciplinary-complaints/>.

4. See Brent Hartman, *Sounding Right, Being Wrong: The Growing Threat of AI-Generated Court Pleadings*, JD SUPRA (June 1, 2026), <https://www.jdsupra.com/legalnews/sounding-right-being-wrong-the-growing-2370705/>.

5. Andrea D. Lyon, *The Promise of Effective Assistance of Counsel: Good Enough Isn't Good Enough*, THE CHAMPION (June 2012), <https://www.nacdl.org/Article/June2012-ThePromiseofEffectiveAssistanc>.

6. *Strickland v. Washington*, 466 U.S. 668, 697 (1984).

sentence reduction; they are about professional stigma, licensure, and a lawyer's livelihood. They can be filed by non-clients, including frustrated family members or jailhouse entrepreneurs,⁷ and can aggregate and amplify every grievance, whether real or imagined, into a structured disciplinary narrative. A single adverse outcome in a difficult case can now yield not just an angry phone call or handwritten letter, but a polished PDF accusing counsel of conflicts of interest, discovery violations, and systemic incompetence, backed by "authority" that disciplinary staff may not have the capacity to fully verify during the initial review.

The predictable response from many defense lawyers will be to practice more defensively. If every strategic choice, such as whether to call a witness, file a motion, or advise a plea, can later be recast by a chatbot as unethical or incompetent, the rational lawyer will spend more time building a record for the bar than building a defense for the client. Counsel will over-document, over-explain, and over-counsel against risk, not only to guard against ineffective assistance claims in appellate courts, but also to inoculate themselves against the next AI-authored grievance. That defensive posture is not free. It consumes scarce time in already overloaded dockets, incentivizes conservative choices over risk-acceptant advocacy, and may push lawyers to prioritize their own exposure over the client's best interests—precisely the inversion that professional-responsibility rules are supposed to prevent.⁸

At the same time, the legal profession's nascent AI governance frameworks have focused primarily on lawyers' *use* of AI, not on AI's *use against* lawyers.⁹ Bar opinions and ethics rules now warn attorneys not to

7. *What if unhappy with my lawyer*, A.B.A.: LEGAL FAQs (Sept. 9, 2019) https://www.americanbar.org/groups/public_education/resources/public-information/what-if-i-am-unhappy-with-my-lawyer/.

8. *Professional Ethics: Attorney Self-Dealing*, *Practical Law*, REUTERS, (Mar. 2025), <https://www.reuters.com/practical-law-the-journal/legalindustry/professional-ethics-attorney-self-dealing-2025-03-01/>.

9. There is no information readily available on the use of AI tools to generate grievances against lawyers. The dearth of information on this topic—while piece after piece is published about lawyers using AI in the courts or self-represented litigants using AI—is a clear indication that this topic needs to be addressed.

rely uncritically on AI for research, upload confidential materials to public tools, or bill clients for time they did not actually spend.¹⁰ Those are important guardrails, but they miss a parallel problem: generative systems make it radically easier for nonlawyers to draft documents that trigger formal processes—complaints, motions, grievances—designed for a much higher cost of entry. The result is an asymmetry. Lawyers are increasingly regulated in their adoption of AI, while disciplinary systems remain largely unregulated in their handling of AI-generated complaints against lawyers.

This essay situates AI-generated bar complaints within the broader literature on lawyer regulation, access to justice, and the criminal legal system. It draws on emerging examples of AI misuse in litigation and administrative filings—cases in which courts have sanctioned lawyers for submitting hallucinated briefs or have held that AI-mediated communications fall outside the attorney-client privilege—to show how quickly generative tools can destabilize settled professional expectations.¹¹ It then turns to the distinctive features of criminal defense practice: the structural imbalance between prosecution and defense, the political vulnerability of public defenders, and the thin line between zealous advocacy and perceived obstruction. Against that backdrop, AI-drafted complaints are not a quirky new input into an otherwise stable system; they are an accelerant poured onto long-smoldering tensions.

The core claim is normative as well as descriptive. The profession should take seriously the risk that synthetic grievances will chill the forceful, client-centered advocacy that criminal defense work requires. That means rethinking how disciplinary bodies triage complaints, train staff to recognize AI-generated rhetoric and hallucinated authority, and protect lawyers—and especially criminal defense attorneys—from

10. *ABA Issues First Ethics Guidance on a Lawyer's Use of AI Tools*, A.B.A. J. (July 29, 2024), <https://www.americanbar.org/news/abanews/aba-news-archives/2024/07/aba-issues-first-ethics-guidance-ai-tools/>.

11. Martin Kaste, *Penalties Stack Up as AI spreads through the legal system*, NPR (Apr. 3, 2026), <https://www.npr.org/2026/04/03/nx-s1-5761454/penalties-stack-up-ai-spreads-through-legal-system>.

reputational harms when allegations are plainly unfounded. It also means being candid about the distributional stakes: a future in which AI-drafted complaints proliferate will not fall evenly on Big Law partners and public defenders. It will fall hardest on lawyers whose clients are the least powerful, whose cases are the least resourced, and whose work is already the most politically contested.

In Part II, this essay describes the mechanics of AI-generated complaints and catalogs early incidents that foreshadow broader uptake. Part III explains why criminal defense lawyers, and especially public defenders, are structurally exposed to this new form of risk. Part IV proposes reforms in bar-complaint intake, screening, and transparency, along with professional-responsibility guidance tailored to AI-mediated grievance-making. Together, the Article aims to reframe AI-generated bar complaints not as an oddity of legal tech, but as a frontline issue in the struggle to preserve zealous criminal defense in an increasingly automated world.

I. A NEW ERA OF AI-GENERATED COMPLAINTS

Generative artificial intelligence tools—ChatGPT, Claude, Gemini, and their competitors—have altered the economics of legal document creation.¹² What once required legal training, access to research databases, and hours of drafting time can now be accomplished in minutes by anyone with internet access and a prompt.¹³ This democratization of legal writing has laudable dimensions: it lowers barriers for pro se litigants, facilitates access to information, and can reduce costs for clients.¹⁴ But it also enables a darker possibility—the mass production of plausible-sounding legal documents that are untethered from reality.

12. Joseph Regalia, *From Briefs to Bytes: How Generative AI is Transforming Legal Writing and Practice*, 59 TULSA L. REV. 193, 213–14 (2024).

13. Drew Simshaw, *Access to AI Justice: Avoiding an Inequitable Two-Tiered System of Legal Services*, 24 YALE J. L. & TECH. 150, 166 (2022).

14. Stacey McCallister Bent, *How AI Is Leveling the Legal Playing Field for Pro Se Litigants*, MED. (Mar. 18, 2025), <https://medium.com/@staceybent/how-ai-is-leveling-the-legal-playing-field-for-pro-se-litigants-c35708be93cf>

Nowhere is this more evident than in the explosion of AI-generated court filings containing hallucinated citations, fabricated procedural histories, and invented legal standards. As of March 2026, courts nationwide have documented over 550 instances of AI-produced inaccuracies in legal filings, a number that represents only those cases where judges detected and sanctioned the errors.¹⁵ The actual incidence is almost certainly higher, as many AI-drafted documents pass initial screening only to be discovered later—or not at all.

The highest-profile cases involve attorneys who relied on generative AI for legal research without verifying the results. In *Mata v. Avianca*,¹⁶ a 2023 case in the Southern District of New York, attorney Steven Schwartz submitted a brief containing six fabricated case citations generated by ChatGPT.¹⁷ The court sanctioned Schwartz and his colleague, finding that they had violated their duty of candor to the tribunal.¹⁸ Similarly, in February 2026, the Fifth Circuit ordered attorney Heather Hersh to pay a \$2,500 fine after she filed a brief containing twenty-one hallucinated citations in a Fair Credit Reporting Act (FCRA) case.¹⁹ Illinois state Judge Jeffrey Goffinet struck a 2025 filing because it contained nonexistent precedents and expressed concern about AI misuse in court filings.²⁰

However, the problem extends far beyond attorneys using AI carelessly. Approximately half of the documented AI-hallucination cases through 2025 involved pro se litigants—parties without legal training who turned to AI tools to draft complaints, motions, and briefs.²¹ For these

15. See Oliver Roberts, *Spread of AI Hallucinations Drives Need for Sanctions Reporting*, BLOOMBERG LAW (Feb. 20, 2026 at 1:30AM PST), <https://news.bloomberglaw.com/legal-exchange-insights-and-commentary/spread-of-ai-hallucinations-drives-need-for-sanctions-reporting> (documenting over 550 instances of AI inaccuracies in U.S. filings as of early 2026).

16. *Mata v. Avianca, Inc.*, No. 22-cv-1461, 2023 WL 4114965 (S.D.N.Y. June 22, 2023).

17. *Id.* at *448.

18. *Id.*

19. Nate Raymond, *US appeals court orders lawyer to pay \$2,500 over AI hallucinations in brief*, REUTERS (Feb. 18, 2026 2:54 PM PST).

20. See Ryan Tarinelli, *States Scramble to Regulate AI in the Legal System*, GOVERNING (Jan. 28, 2026), <https://www.governing.com/artificial-intelligence/states-scramble-to-regulate-ai-in-the-legal-system> (quoting Illinois Judge Jeffrey Goffinet on AI hallucination "epidemic").

21. *AI Hallucination Cases*, DAMIEN CHARLOTIN (Last updated June 27, 2026), <https://www.damiencharlotin.com/hallucinations/>.

users, the AI's confident tone and professional formatting create an illusion of competence. The tools produce documents that *look* like what a lawyer would file, complete with section headings, legal citations, and formal language.²² The fact that the citations are invented and the legal arguments nonsensical may not be apparent to an untrained user or to overburdened court staff conducting initial screening.²³

This dynamic has ominous implications for bar disciplinary systems. While courts have begun developing protocols for detecting AI hallucinations in litigation filings,²⁴ bar disciplinary agencies, which handle complaints against attorneys, have been slower to adapt.²⁵ These agencies typically receive complaints from clients, opposing parties, judges, and members of the public.²⁶ Staff attorneys or disciplinary counsel screen the complaints and determine which merit investigation and which can be dismissed as frivolous, duplicative, or outside the agency's jurisdiction.²⁷ This triage function assumes that most complaints will be easy to evaluate: either they allege conduct that falls outside professional rules, or they describe recognizable patterns of misconduct—misappropriation of funds, conflicts of interest, neglect—that warrant further inquiry.

AI-generated bar complaints threaten to overwhelm this system. Consider the ease with which a dissatisfied defendant—or, more likely, a family member or jailhouse lawyer acting on the defendant's behalf—

22. See generally, Clio, *AI Legal Writing: How Lawyers Can Work Faster Without Sacrificing Accuracy*, ABA (Sept. 15, 2025), https://www.americanbar.org/groups/law_practice/resources/law-technology-today/2025/how-lawyers-can-work-faster-without-sacrificing-accuracy/.

23. Isaiah Fleming-Klink, Brian J. McCabe, Eva Rosen, *Navigating an Overburdened Courtroom: How Inconsistent Rules, Shadow Procedures, and Social Capital Disadvantage Tenants in Eviction Court*, 22 CITY & CMTY. 1, 2 (2023).

24. See Riley Brennan, 'Figuring Out How to Deal with This': How are Courts Grappling with Disciplining AI-Hallucinations?, CAL. CT. NEWSROOM (Apr. 6, 2026 at 09:42 AM), <https://newsroom.courts.ca.gov/news/figuring-out-how-deal-how-are-courts-grappling-disciplining-ai-hallucinations>.

25. NPR, *supra* note 11.

26. See generally *Lawyer Regulation for a New Century*, A.B.A. (Sept. 18, 2018), https://www.americanbar.org/groups/professional_responsibility/resources/report_archive/mckay_report/.

27. For an illustration of how the process works, see *The Lawyer Discipline Process*, THE FLA. BAR, (last visited Mar. 4, 2025), <https://www.floridabar.org/public/acap/acap002/>.

could now generate a disciplinary complaint. The prompt might be straightforward: “Write a bar complaint against my public defender for ineffective assistance of counsel. Include allegations of failure to investigate, failure to file motions, conflict of interest, and lack of communication. Cite relevant cases and ethics rules.” Within seconds, the AI produces a multipage document with section headings, numbered paragraphs, citations to the Model Rules of Professional Conduct, and string citations to (hallucinated) cases allegedly supporting each claim. The complaint looks professionally drafted. It uses terms of art. It cites authority. To a staff attorney conducting initial review, it may appear to warrant investigation—at least until someone verifies that the cited cases do not exist, the ethical standards are misstated, and the factual allegations are internally contradictory.

The cost asymmetry is stark. Generating the complaint takes minutes and costs little to nothing.²⁸ Investigating it—verifying citations, interviewing witnesses, and reviewing case files—takes hours or days and consumes scarce agency resources.²⁹ Even if the complaint is dismissed as meritless, the accused attorney has been subjected to the stress and reputational harm of an investigation.³⁰ Additionally, if the disciplinary agency lacks protocols for identifying AI-generated complaints, it may treat the synthetic grievance as indistinguishable from a human-drafted complaint, devoting the same investigative resources and subjecting the attorney to the same formal process.

28. Damon Garn, *The best AI chatbots for 2026: compare feature and cost*, TECHTARGET (June 18, 2026) <https://www.techtarget.com/searchenterpriseai/tip/The-best-AI-chatbots-Compare-features-and-costs> (finding that AI subscriptions can vary however most offer a free tier subscriptions).

29. *What is the Average Time Line for a State Bar Complaint?* AVVO: LEGAL QUESTIONS (last visited Mar. 4, 2025), <https://www.avvo.com/legal-answers/what-is-the-average-time-line-for-a-state-bar-comp-1936762.html>

30. Mark D. Killian, *President Roland Sanchez-Medina, Jr., Discusses Stress, Mental Health, and the Value of Bar Involvement*, THE FLA BAR (Nov. 15, 2024), <https://www.floridabar.org> (searching “roland sanchez medina” in the search function; then click on first link populated that discusses mental health). Anecdotal reports on sites like Reddit are also illustrative of the mental and emotional harm on attorneys who face bar complaints.

State bar associations have begun to recognize the problem, though responses have been uneven.³¹ Arizona’s State Bar issued guidance in 2025 requiring attorneys to verify all AI-generated legal research before filing, and warning that reliance on unverified AI outputs could result in sanctions.³² California’s State Bar proposed similar verification requirements in its 2024 Annual Discipline Report, suggesting that attorneys certify the accuracy of citations and legal authorities.³³ Several jurisdictions now require attorneys to disclose when AI was used to draft court filings and to certify independent verification of all cited authorities.³⁴ These measures are salutary, but they focus on attorneys’ *use* of AI, not on AI’s use *against* attorneys.

Moreover, the existing sanctions regimes—designed to deter attorney misconduct—do little to address the dynamics of AI-generated bar complaints. When an attorney submits a hallucinated brief to a court, the judge can impose sanctions, order payment of opposing counsel’s fees, or refer the matter to the bar.³⁵ But when a *non-attorney* generates a synthetic bar complaint, there is often no clear mechanism for sanction. Bar agencies can dismiss the complaint, but they typically lack the authority to penalize the filer for bad faith or abuse of process, particularly if the filer is not subject to attorney discipline.³⁶ The result is a one-way ratchet:

31. *AI and Attorney Ethics Rules: 50-State Survey*, JUSTIA, (last reviewed April 2025), <https://www.justia.com/trials-litigation/ai-and-attorney-ethics-rules-50-state-survey/>.

32. See Tufan Neupane, *As more lawyers fall for AI hallucinations, ChatGPT says: Check my work*, CRONKITE NEWS (Oct. 28, 2025), <https://cronkitenews.azpbs.org/2025/10/28/lawyers-ai-hallucinations-chatgpt/>.

33. *Annual Discipline Report, Fiscal Year 2024, THE STATE BAR OF CAL.* (Nov. 27, 2024), <https://www.calbar.ca.gov/Portals/0/documents/reports/2024-Annual-Discipline-Report.pdf>.

34. See Jonathan Jean-Philippe, *AI Legal Ethics for Lawyers: Bar Association Rules & Guidelines*, THE LEGAL PROMPTS (Feb. 22, 2026), <https://thelegalprompts.com/blog/ai-legal-ethics-bar-association-guidelines> (noting multiple jurisdictions require AI disclosure and verification certification in 2026).

35. *Mata v. Avianca, Inc.*, No. 22-cv-1461, 2023 WL 4114965 (S.D.N.Y. June 22, 2023).

36. See MODEL RULES FOR LAW. DISCIPLINARY ENF’T R. 11(A) (A.B.A. 2020) (providing that disciplinary counsel may dismiss information that, even if true, would not constitute lawyer misconduct or incapacity), 6(A) (limiting disciplinary jurisdiction to lawyers admitted or otherwise practicing in the jurisdiction), 9(A) (identifying grounds for discipline by reference to lawyer misconduct), 10(A) (listing sanctions for lawyer misconduct), 12(A) cmt. (recognizing that “malicious complaint[s]” may be filed but explaining that disciplinary agencies separate meritorious from undeserving complaints and that complaint confidentiality protects the lawyer).

AI makes it easy to generate complaints and hard to screen them, with no meaningful deterrent against repeat or bad-faith filings.

The early data, though sparse, is troubling. Nationwide, state bars received approximately 83,073 complaints in 2018—the most recent year for which comprehensive data is available.³⁷ Discipline rates have remained stable at 0.22–0.38% of licensed attorneys, but this reflects only cases resulting in formal sanctions; the number of complaints filed and investigated is far larger.³⁸ If even a small percentage of these complaints shift from handwritten letters to AI-generated briefs, the volume and sophistication of baseless allegations could surge, straining disciplinary agencies that are underfunded and understaffed.

Criminal defense attorneys are likely to be disproportionately affected. Complaints against criminal defense lawyers, especially public defenders, constitute a significant share of bar grievances—over 30% in some jurisdictions.³⁹ These lawyers represent clients who are incarcerated, face severe penalties, and are often deeply dissatisfied with outcomes they perceive as unjust. When a defendant is convicted and sentenced, the most visible target for blame is defense counsel. In the past, this blame might have taken the form of an angry letter or phone call, followed by a handwritten grievance alleging inadequate representation. Now, that same dissatisfaction can be channeled into a polished, multipage complaint that looks indistinguishable from one drafted by a legal professional.

The mechanics of AI-generated grievances also facilitate a more insidious dynamic: the aggregation and amplification of minor dissatisfactions into formal allegations of misconduct. A defendant might be vaguely unhappy that their attorney did not call a particular witness, did not file a suppression motion, or did not return a phone call promptly. In

37. See *Check Out These ABA Stats on Lawyer Discipline Nationwide*, LAWYERS MUT. (Jan. 31, 2021), <https://lawyersmutualinc.com/article/check-out-these-aba-stats-on-lawyer-discipline-nationwide/>.

38. *Id.*

39. Leslie C. Levin, & Susaan Saab Fortney, *Analysis of Grievances Filed in Criminal and Family Matters from 2013–2016*, 61 TEX. A&M L. REV. 1, 1(2020).

the past, these grievances might never have been formalized; they lacked the structure or legal framing to constitute a disciplinary complaint. But when fed into a generative AI system, these fragments can become a coherent narrative of neglect, incompetence, or ethical violation. The AI supplies the legal scaffolding—citations to *Strickland v. Washington*,⁴⁰ references to Model Rule 1.1⁴¹ (competence) and Rule 1.3⁴² (diligence), allegations of conflicts under Rule 1.7⁴³ that transform inchoate dissatisfaction into a formal grievance.

This is not speculative. Anecdotal reports from criminal defense attorneys describe an uptick in complaints that are unusually well-drafted, formulaic, and citation-heavy, often filed by family members or third parties rather than clients themselves.⁴⁴ While systematic data is not yet available, the pattern is consistent with AI-mediated grievance-making: the complaints look professional but contain legal arguments that do not apply to the facts, cite cases that do not stand for the propositions asserted, and allege ethical violations that lack factual support.⁴⁵

The implications extend beyond individual cases. If disciplinary agencies cannot efficiently screen AI-generated complaints, they risk becoming bottlenecked by synthetic grievances, delaying investigation of meritorious claims, and imposing prolonged uncertainty on accused attorneys. Even complaints that are dismissed can damage reputations, particularly for public defenders and court-appointed attorneys who are

40. *Strickland v. Washington*, 466 U.S. 668 (1984).

41. MODEL RULES OF PRO. CONDUCT r. 1.1 (A.B.A. 2026).

42. MODEL RULES OF PRO. CONDUCT r. 1.3 (A.B.A. 2026).

43. MODEL RULES OF PRO. CONDUCT r. 1.7 (A.B.A. 2026).

44. Telephone interview with Ashley Krenelka Chase, Associate Professor of Law, (Jan. 2026).

45. See Varun Magesh et al., *Hallucination-Free? Assessing the Reliability of Leading AI Legal Research Tools*, 22 J. EMPIRICAL LEGAL STUD. 216, 221–22 (2025) (defining legal hallucinations to include false statements and false assertions that a source supports a proposition); *LNU v. Blanche*, No. 24-4790, slip op. at 14–15, 18, 22 (9th Cir. June 3, 2026) (explaining that AI “fabrications” include non-existent cases or quotations, while “inaccuracies” include real authorities used for legally or factually unsupported propositions, and emphasizing that lawyers must verify that authorities stand for the propositions cited); *Idehen v. Stoute-Phillip*, 2025 N.Y. Slip Op. 50816(U), at *3–4 (Civ. Ct. Queens Cnty. May 21, 2025) (rejecting reliance on cited cases where the citations either did not exist or linked to unrelated cases that did not support counsel’s argument); MODEL RULES FOR LAW. DISCIPLINARY ENF’T r. 11(A) (A.B.A. 2020) (providing that disciplinary counsel may dismiss information that, even if true, would not constitute misconduct or incapacity).

under intense scrutiny from clients, judges, and the public.⁴⁶ An investigation can affect an attorney's career trajectory, eligibility for leadership positions, and mental health.⁴⁷ For attorneys in high-volume, under-resourced practice settings, the cumulative burden of defending against serial synthetic grievances may prove unsustainable.

In short, we are witnessing the emergence of a new category of disciplinary complaint: synthetic grievances that are cheap to produce, difficult to screen, and capable of inflicting significant harm on accused attorneys even when baseless. The existing architecture of bar regulation—built for a world in which complaints were costly to draft and rare—is ill-equipped to handle this shift. Without meaningful reform, the volume and sophistication of AI-generated bar complaints will increase, with criminal defense attorneys bearing the brunt of the impact.

II. CRIMINAL DEFENSE LAWYERS ON THE FRONT LINES

Criminal defense attorneys occupy a uniquely precarious position in the American legal system.⁴⁸ They represent the least popular clients in the most contentious settings, under resource constraints that would be unthinkable in other areas of practice.⁴⁹ They are blamed for outcomes they did not cause, criticized for zealous advocacy, and second-guessed by appellate courts under standards that presume error.⁵⁰ Against this

46. See generally, Rolando T. Acosta, Dante W. Apuzzo & Catherine Perez, *Attorney Grievances: The Fight for Confidentiality*, NYSBA (June 24, 2025) <https://nysba.org/news-center/> (click on “Open Advance Filters”; then search “Attorney Grievances”; then click June 24 article)

47. See *The Path To Lawyer Well-Being: Practical Recommendations For Positive Change*, NAT'L TASK FORCE ON LAWYER WELL-BEING 8–9 (Aug. 2017), https://www.sog.unc.edu/sites/default/files/course_materials/20170817-The-Path-To-Lawyer-Well-Being-Report-American-Bar-Association.pdf; Patrick R. Krill, Ryan Johnson & Linda Albert, *The Prevalence of Substance Use and Other Mental health Concerns Among American Attorneys*, 10 J. ADDICT. MED. 46, 46 (2016).

48. Putting aside the clients they work with or the caseloads they frequently manage, criminal defense attorneys are almost always underpaid and are certainly susceptible to working without pay, or with other limitations imposed from outside sources. See *Funding Crisis Leaves Defense Lawyers Working Without Pay*, UNITED STATES CTS (July 15, 2025), <https://www.uscourts.gov/data-news/judiciary-news/2025/07/15/funding-crisis-leaves-defense-lawyers-working-without-pay>.

49. For a small glimpse into the underresourced PD system, see Bryan Furst, *A Fair Fight: Achieving Idigent Defense Resource Parity*, BRENNAN CTR. FOR JUST. 1, 1 (Sept. 9, 2019), https://www.brennancenter.org/media/4438/download/Report_A%20Fair%20Fight.pdf?inline=1 (stating that, amongst many difficulties, many Prosecutors are “under-resourced.”).

50. See generally Scott W. Howe, *Five Faces of the Public Defender*, 64 BOSTON COLLEGE L. REV. 1508 (2023) (Providing a complete look at the many roles of public defenders).

backdrop, AI-generated bar complaints are not an incremental challenge; they are an accelerant poured onto long-smoldering structural vulnerabilities.

Public defenders and court-appointed criminal attorneys already face extraordinarily high rates of bar complaints compared to other practice areas.⁵¹ Studies of state bar disciplinary data reveal that together, criminal and family law cases account for approximately 50% of grievances in some jurisdictions.⁵² In Wisconsin, a study of complaints filed between 2013 and 2016 found that more than 30% involved criminal matters and that incarcerated clients were 4.81 times more likely to file complaints than non-incarcerated clients.⁵³ Nationally, state bar disciplinary agencies received 83,073 complaints in 2018—a number that has remained stable over the past two decades—but the distribution is uneven, with criminal-defense attorneys bearing a disproportionate share.⁵⁴

This disparity is not coincidental. Criminal defendants are fighting for their freedom, often in cases where the odds are stacked against them. Many are incarcerated during the pendency of their cases, limiting their ability to communicate with counsel.⁵⁵ Many distrust the legal system—usually for good reason—and view their attorneys as part of an apparatus that has failed them.⁵⁶ When a defendant is convicted and sentenced, the most immediate and visible actor to blame is their defense counsel. It matters little that the attorney worked within systemic constraints such as underfunded offices, crushing caseloads, hostile judges, and mandatory sentencing guidelines. The defendant sees only the outcome: conviction,

51. Leslie C. Levin & Susan S. Fortney, *Report to the Wisconsin Office of Lawyer Regulation: Analysis of Grievances Filed in Criminal and Family Matters from 2013–2016* 1 (WIS. OFF. OF LAW. REGUL. AUG. 2020)

<https://scholarship.law.tamu.edu/cgi/viewcontent.cgi?article=2423&context=facscholar>.

52. Fred Zacharias & Shaun Ossei-Owusu, *Analysis of Grievances Filed in Criminal and Family Matters*, 61 TEX. A&M L. REV. 1 (2020).

53. *Id.*

54. LAWYERS MUT., *supra* note 37.

55. John Salzillo, *People in Prison Should have Easier Access to Their Legal Teams*, MACARTHUR JUSTICE CENTER (Nov. 19, 2024), <https://www.macarthurjustice.org/blog2/easier-access-to-legal-teams/>.

56. Lyon, *supra* note 5.

incarceration, separation from family, and seizure of freedom. The attorney's name is on every piece of the proceedings, and the attorney becomes the target of the defendant's anger, fear, and sense of injustice.

Chronic underfunding and understaffing of public defense compound the dynamic. The 2023 National Public Defense Workload Study, conducted by the RAND Corporation in partnership with the American Bar Association and the National Center for State Courts, documented what defenders have long known: caseloads are unmanageable.⁵⁷ The study found that, based on pre-2023 standards (which seriously overestimated attorney capacity), public defenders in some jurisdictions were handling more than 500 cases annually, far exceeding the recommended maximum of 150 felony cases per year.⁵⁸ Under the updated 2023 standards, which account for the time required to provide effective representation, the numbers are starker. A high-level felony case, such as murder, requires approximately 286 hours of attorney time; a mid-level felony requires about 60 hours; even a misdemeanor requires 13.5 to 14 hours.⁵⁹ An attorney with 2,086 hours available annually for case-related work—assuming no sick days, vacation, training, or administrative duties—could effectively handle only 7 murder cases or 154 misdemeanors per year.⁶⁰

In practice, public defenders routinely exceed these limits. In Missouri, attorneys only a few years out of law school report representing between 150 to 200 clients simultaneously.⁶¹ In New Hampshire, over

57. Nicholas M. Pace, Malia N. Brink, Cynthia G. Lee & Stephen F. Hanlon, *National Public Defense Workload Study*, RAND, (July 27, 2023), https://www.rand.org/pubs/research_reports/RRA2559-1.html.

58. See Jule Pattison-Gordon, *Staffing and Funding Shortages Persist for Public Defenders*, GOVERNING (May 20, 2025), <https://www.governing.com/workforce/staffing-and-funding-shortages-persist-for-public-defenders>.

59. *Id.*; see also Pace, *supra* note 57.

60. Lillian Glaros, *Maryland public defender's office has less than a third of the lawyers it needs*, CAP. NEWS SERV.: MARYLAND (Dec. 11, 2025), <https://cnsmaryland.org/2025/12/11/maryland-public-defender-has-less-than-a-third-of-the-lawyers-it-needs/>.

61. See David L. Hudson Jr., *Assignment load for public defenders needs to decrease, says data-based survey*, NAT'L ASS'N FOR PRESIDING JUDGES AND CT. EXEC. OFFICERS, (2024), <https://napco4courtleaders.org/2024/06/assignment-load-for-public-defenders-needs-to-decrease-says-data-based-survey/>.

17% of public defenders carry more than 100 active cases, with some approaching twice the recommended limit.⁶² In Maryland, the Office of the Public Defender has less than a third of the attorneys it needs to meet workload standards.⁶³ Los Angeles County reported a 20%–30% increase in public-defense cases in 2025, while staffing remained stagnant.⁶⁴ San Francisco’s public defender estimated needing 25–30 additional attorneys to comply with the 2023 RAND standards.⁶⁵

The consequences are predictable: attorneys cut corners, miss filing deadlines, fail to investigate leads, and struggle to maintain consistent communication with clients.⁶⁶ None of these failures reflects incompetence or lack of commitment; each reflects impossible math. When an attorney is juggling 200 active cases, there are not enough hours in the day to provide each client with the level of representation that ethical rules and constitutional standards demand. Yet when a case results in a conviction, the defendant does not see systemic failure; they see an attorney who did not call a witness, file a motion, or return a phone call. And now, with generative AI, that defendant—or his family member, or a jailhouse lawyer acting on his behalf—can transform that dissatisfaction into a structured bar complaint alleging violations of Model Rule 1.1⁶⁷ (competence), Rule 1.3⁶⁸ (diligence), and Rule 1.4⁶⁹ (communication).

The psychological toll on criminal defense attorneys is severe and well-documented.⁷⁰ Burnout, characterized by emotional exhaustion,

62. See Tom Jarvis, *NHBA Indigent Defense Crisis Series: Understanding the Public Defender Shortage*, N.H. BAR ASS’N, <https://www.nhbar.org/nhba-indigent-defense-crisis-series-understanding-the-public-defender-shortage-part-one/>.

63. Glaros, *supra* note 60.

64. See James Twomey, *Lawyer shortage creates chain of strain in LA defense system*, L.A. DAILY J. (Nov. 10, 2025), <https://www.dailyjournal.com/article/388457-lawyer-shortage-creates-chain-of-strain-in-la-defense-system>.

65. *Id.*

66. Shihan Liu & Amy C. Mahler, *The Impact of Working Conditions on Productivity: Evidence from the US Public Defense System* 257 J. PUB. ECON. 105630 (2026).

67. MODEL RULES OF PRO. CONDUCT r. 1.1.

68. MODEL RULES OF PRO. CONDUCT r. 1.3.

69. MODEL RULES OF PRO. CONDUCT r. 1.4 (Am. Bar Ass’n 2026).

70. Bitton & Mashiach, *supra* note 1.

cynicism, and diminished personal efficacy, is endemic in the profession.⁷¹ A 2020 American Bar Association study found that 40% of criminal defense attorneys experience high levels of burnout at some point in their careers.⁷² Early-career attorneys are particularly vulnerable, with many reporting overlapping symptoms of depression and occupational exhaustion within their first few years of practice.⁷³ Public defenders, who face repeated exposure to traumatic client stories, systemic injustices, and moral injury, also experience high rates of vicarious trauma and compassion fatigue—conditions that parallel secondary traumatic stress in caregiving professions.⁷⁴

Research on vicarious trauma among legal practitioners confirms these patterns. A 2021 study published in the National Institutes of Health found that 11% of attorneys met diagnostic criteria for PTSD under the DSM-5, with criminal-defense attorneys reporting significantly higher rates of PTSD symptoms, depression, functional impairment, and secondary traumatic stress than attorneys in other practice areas.⁷⁵ Symptoms include emotional numbing, hypervigilance, intrusive thoughts, irritability, and difficulty concentrating—all of which impair an attorney’s ability to provide effective representation.⁷⁶ The cycle is vicious: trauma and burnout degrade performance, leading to worse outcomes, which generate more complaints and secondary trauma.

AI-generated bar complaints threaten to accelerate this cycle. Attorneys already managing chronic underfunding, unsustainable

71. Marion Nickum & Pascale Desrumaux, *Burnout Among Lawyers: Effects of Workload, Latitude and Mediation via Engagement and Over-Engagement*, 30 PSYCHIATRY, PSYCH., AND L. 349, 349 (2023).

72. See Mike Lubofsky, *Burnout Among Criminal Defense Attorneys*, ATTORNEY THERAPISTS (2025), <https://attorneytherapists.com/burnout-among-criminal-defense-attorneys/>.

73. *Id.*

74. See *Mental Health Challenges Experienced by Criminal Defense Attorneys*, ATTORNEY THERAPIST (Sept. 18, 2024), <https://therapyforlawyers.com/criminal-defense-attorney-mental-health-challenges/>; Former Dean of Yale Law School Heather Gerken also discusses, albeit briefly, attorneys mental health challenges in her 2019 article about the theory/practice divide in law schools. See Heather Gerken, *Resisting the Theory/Practice Divide: Why the “Theory School” is Ambitious About Practice*, 132 HARV. L. REV. F. 134 (2019).

75. Stiner Iversen & Noelle Robertson, *Prevalence and predictors of secondary trauma in the legal profession*, 28 J. FORENSIC PSYCHIATRY & PSYCH. 802, 814 (2021).

76. *Id.*

caseloads, and vicarious trauma must now contend with the possibility that every case—no matter how competently handled under the circumstances—could generate a polished, multipage disciplinary complaint drafted by AI. The rational response is defensive practice: overdocumentation, hypercautious decision-making, and building a paper trail to insulate against future grievances. But defensive lawyering is the antithesis of zealous advocacy. It prioritizes the attorney's protection over the client's interests, incentivizes conservative choices over strategic risk-taking, and consumes time that could be spent investigating, negotiating, or litigating.

Consider a public defender deciding whether to file a suppression motion in a drug case. The motion has a low probability of success—maybe 10% if the motion is before the right judge—but if successful, it would likely result in dismissal of charges. Filing the motion requires 8–10 hours of research, drafting, and, potentially, oral argument. Under traditional norms of zealous advocacy, the attorney might file the motion despite the low odds, reasoning that the potential benefit to the client justifies the effort. But in a world of AI-generated grievances, the calculus shifts. If the motion is denied, which it is statistically likely to be, the defendant may later generate a complaint alleging that the attorney's research was inadequate, the motion was poorly drafted, or the oral argument was incompetent. To guard against this, the attorney might spend an additional five hours documenting their research, drafting a memo to the file explaining their strategic choices, and confirming the client's informed consent in writing. Or they might decide not to file the motion, reasoning that the risk of a subsequent grievance outweighs the marginal benefit to the client.

This is not hypothetical. Interviews with criminal-defense attorneys reveal that many are already engaging in defensive documentation practices in response to the increased volume and sophistication of client

complaints.⁷⁷ Attorneys report spending more time writing file memos, sending detailed emails to clients restating conversations, and obtaining written waivers for strategic decisions, not because these practices improve representation but because they provide evidence of diligence if a complaint is later filed.⁷⁸ This time is not free; it comes at the expense of client contact, investigation, and substantive legal work.

The distributional stakes are also profound. AI-generated bar complaints will not fall evenly across the profession. Partners at large, multinational and international law firms who represent corporate clients in civil litigation are unlikely to face a surge of synthetic grievances; their clients are sophisticated, their cases are well-resourced, and their reputations are insulated by institutional prestige. Public defenders and court-appointed criminal attorneys, by contrast, represent clients who are incarcerated, impoverished, and often deeply alienated from the legal system.⁷⁹ These attorneys work in small, under-resourced offices with minimal administrative support.⁸⁰ They are disproportionately women and people of color, demographics that already face higher rates of scrutiny and discipline.⁸¹ They have the least margin for reputational error and the fewest buffers against professional harm.

Moreover, public defenders operate in a politically contested space. In many jurisdictions, public defense is chronically underfunded not by accident but by design; elected officials face little political cost for starving defender offices while trumpeting “tough on crime” policies.⁸² Defense attorneys are vilified in the media, accused of “getting criminals off on technicalities,” and blamed for failures of the criminal justice system.⁸³

77. Telephone interview with Ashley Krenelka Chase, Associate Professor of Law, (Jan. 2026).

78. *Id.*

79. Nazish Dholakia, *Public Defenders Are Underfunded. Justice Pays the Price*, VERA INST. OF JUST. (Feb. 17, 2026), <https://www.vera.org/news/public-defenders-are-underfunded>

80. *Id.*

81. See A.B.A. Comm. On Ethics & Pro. Responsibility, Formal Op. 512 (2024).

82. See Emily Corwin, *Coming to Terms with Stress*, NAT'L ASS'N FOR PUB. DEF. (2024), <https://publicdefenders.us/blogs/coming-to-terms-with-stress/>.

83. Derek Mullins, *Defense lawyers wrongly painted as villains*, THE DAILY BEACON (Oct. 6, 2010), <https://utdailybeacon.com/107637/opinion/defense-lawyers-wrongly-painted-as-villains/>.

Against this backdrop, a surge of AI-generated bar complaints, even if dismissed as baseless, can be weaponized to further undermine public confidence in indigent defense and justify continued underfunding.

The trust between attorney and client, already tenuous in criminal cases, will erode further. Defendants who know that filing a bar complaint is as easy as typing a prompt into ChatGPT may be more inclined to do so, viewing it as a low-cost way to express dissatisfaction or exert leverage. Attorneys, in turn, may become more guarded in their client interactions, less willing to deliver difficult advice or make risky strategic choices, and more focused on protecting themselves than advocating for their clients. This dynamic inverts the foundational principles of the attorney-client relationship: trust, candor, and alignment of interests.

Criminal defense attorneys are structurally exposed to the harms of AI-generated bar complaints in ways that other attorneys are not. They face higher baseline rates of grievances, work under unsustainable caseloads, endure chronic vicarious trauma, and operate with minimal institutional buffers.⁸⁴ Synthetic grievances do not create these vulnerabilities; they exploit and amplify them. Absent meaningful reform, the result will be a chilling of the zealous, client-centered advocacy that criminal defense work requires—and that the Sixth Amendment presumes.

III. TECH NECESSITATED REFORMS FOR BAR COMPLAINTS

The legal profession stands at a crossroads. The rapid proliferation of generative AI has outpaced the regulatory frameworks designed to govern attorney conduct and bar discipline. Without immediate and comprehensive reform, state bar disciplinary systems risk being overwhelmed by synthetic grievances, and criminal defense attorneys—particularly those representing indigent defendants—will bear the brunt of the harm. The time for incremental adjustments has passed. What is required now is a coordinated, nationwide effort to redesign bar complaint

84. Lubofsky, *supra* note 72.

intake, screening, and adjudication processes to account for the realities of AI-mediated grievance-making.

A. Mandatory AI Disclosure and Verification

The first reform is mandatory disclosure and verification. Every bar complaint or disciplinary grievance should include a certification, signed under penalty of perjury, stating whether artificial intelligence was used to draft or assist in drafting the complaint and, if so, requiring the filer to certify that a human independently verified all factual allegations, legal citations, and procedural assertions.⁸⁵ This mirrors the disclosure requirements that courts have begun imposing on attorneys filing briefs and motions.⁸⁶ For example, multiple federal and state courts now require attorneys to disclose AI use and certify verification of all cited authorities.⁸⁷ The ABA's Formal Opinion 512, issued in 2024, reinforced that attorneys must exercise "reasonable diligence" in verifying AI outputs to comply with Model Rule 1.1 (competence).⁸⁸

Bar disciplinary agencies should extend these requirements to *all* filers, not just attorneys. This means that a family member, jailhouse lawyer, or advocacy group filing a complaint on behalf of a defendant must certify whether AI was used and attest to the accuracy of the allegations. The certification should be prominent, placed at the beginning of the complaint form, and written in plain language that non-lawyers can understand. Failure to disclose AI use or filing a complaint with knowingly false certifications should carry sanctions—including dismissal of the complaint, filing restrictions, and referral for prosecution if appropriate.

B. Triage Algorithms and Hallucination Detection

Bar agencies must invest in technological tools to help detect AI-generated content and identify hallucinations. Several private companies and academic researchers have developed algorithms that flag text likely

85. See Jean-Philippe, *supra* note 34.

86. JUSTIA, *supra* note 31.

87. *Id.*

88. A.B.A. Comm. On Ethics & Pro. Responsibility, Formal Op. 512 (2024).

generated by large language models based on linguistic patterns, uniform phrasing, and other markers.⁸⁹ Courts and law firms are beginning to deploy these tools to screen filings for AI misuse.⁹⁰ Bar disciplinary agencies should do the same.

A triage protocol might work as follows: upon receipt, every complaint is scanned by an AI-detection algorithm. Complaints flagged as likely AI-generated would be routed to a specialized screening unit trained to identify hallucinations—fabricated cases, misquoted rules, and procedural impossibilities. Staff in this unit would have access to verified legal databases—Westlaw, Lexis, official court records—and would rapidly verify citations and factual claims. Complaints containing hallucinations or material misrepresentations would be fast-tracked for dismissal, with notice to the filer and, if appropriate, sanctions.

California’s State Bar has proposed similar measures in its 2024 Annual Discipline Report, recommending that disciplinary counsel receive training in AI detection and that the agency explore partnerships with technology vendors to automate initial screening.⁹¹ Illinois courts, following Judge Goffinet’s sanctions for AI hallucinations, have begun requiring attorneys to submit verification affidavits and have increased scrutiny of pro se filings.⁹² These are promising steps, but they remain jurisdiction-specific and inconsistent. A national standard—ideally promulgated by the ABA and adopted by state bars—would create uniformity and signal the profession’s commitment to addressing AI-generated problems.

C. Sanctions for Egregious Filers

Deterrence requires consequences. Filers who repeatedly submit AI-generated grievances containing hallucinations, fabrications, or bad-faith

89. See generally *GPT-4 Technical Report*, OPENAI 54 (2023), <https://arxiv.org/pdf/2303.08774> (discussing AI detection methodologies).

90. See Jean-Philippe, *supra* note 34.

91. *THE STATE BAR OF CAL*, *supra* note 33.

92. Tarinelli, *supra* note 20.

allegations should face escalating sanctions. For attorneys, these consequences might include disciplinary action for violating duties of candor and good faith. For non-attorneys, sanctions could include filing restrictions (prohibiting further complaints for a specified period), monetary penalties, or referral to law enforcement if the conduct rises to the level of fraud or harassment.⁹³

Courts have imposed sanctions on attorneys who submit hallucinated briefs, ranging from monetary fines to referral for disciplinary action.⁹⁴ The *Mata v. Avianca* court sanctioned attorney Steven Schwartz \$5,000, and the Fifth Circuit's \$2,500 fine against Heather Hersh sent a clear message that reliance on unverified AI outputs will not be tolerated.⁹⁵ Bar agencies should adopt a parallel framework for complaints. A first-time filer whose complaint contains hallucinations might receive a warning and an opportunity to amend. A repeat filer should face dismissal with prejudice and filing restrictions. A filer who engages in a pattern of abuse, such as filing multiple baseless synthetic grievances against the same attorney or coordinating mass filings, should face the full range of available sanctions.

D. Staff Training and Resource Allocation

Even the best triage algorithms cannot replace human judgment. Bar disciplinary staff must be trained to recognize the hallmarks of AI-generated complaints: uniform phrasing, overreliance on legalese, citation strings that list cases in implausible sequences, and factual narratives that are internally contradictory or procedurally impossible. Training must be ongoing and include examples from real cases.⁹⁶

Equally important is resource allocation. Disciplinary agencies are chronically underfunded, and many struggle to keep pace with current

93. See Charlotin, *supra* note 21 (discussing sanctions in hallucination cases).

94. See, e.g., *Mata*, 2023 WL 4114965; *Garcia*, No. 21-60145 (5th Cir. Feb. 18, 2026).

95. *Id.*

96. See *THE STATE BAR OF CAL.*, *supra* note 33 (recommending staff training protocols).

complaint volumes.⁹⁷ Adding AI detection and verification protocols will require additional staff, technology, and administrative support. State legislatures and bar associations must commit to funding these reforms. The alternative—a disciplinary system paralyzed by synthetic grievances—is untenable.

E. Expected Dismissal and Reputational Protection for Accused Attorneys

Attorneys subjected to baseless AI-generated complaints should have access to expedited dismissal procedures. If initial screening reveals that a complaint contains hallucinations, fabricated authority, or factually impossible allegations, the agency should dismiss the complaint within thirty days and issue a written finding that the allegations were unfounded. The agency should make this finding available to the accused attorney and, at the attorney’s discretion, to third parties (such as employers or clients) who may have been informed of the investigation.

For public defenders and court-appointed attorneys, bar agencies should consider adopting a “safe harbor” provision: if a complaint alleges ineffective assistance of counsel based solely on strategic decisions made under resource constraints—such as a failure to file motions due to an overwhelming caseload—and the attorney can document those constraints, the complaint should be presumptively dismissed. This recognizes that systemic failures in public defense funding should not be converted into individual disciplinary liability.

F. Transparency and Public Reporting

Bar disciplinary agencies should publish annual reports detailing the number of complaints received, the percentage flagged as likely AI-generated, the number dismissed because they contained hallucinations, and the sanctions imposed on egregious filers. Transparency serves multiple functions: it deters abuse by signaling that synthetic grievances

97. See *LAWYERS MUT.*, *supra* note 37 (documenting chronic underfunding of disciplinary agencies).

are being detected and sanctioned; it provides data for policymakers and researchers studying the impact of AI on lawyer regulation; and it reassures attorneys that the system is adapting to the new threat.

Several state bars already publish discipline statistics, but few break out data on AI-related complaints.⁹⁸ As AI misuse becomes more prevalent, this data should be standardized and reported consistently across jurisdictions.

G. Professional Responsibility Guidance for AI-Mediated Grievances

Finally, bar associations should issue ethics opinions and practice guidance addressing AI-generated complaints. The ABA's Standing Committee on Ethics and Professional Responsibility, which issues formal opinions interpreting the Model Rules,⁹⁹ should clarify whether attorneys have a duty to report patterns of abusive AI-generated filings, whether disciplinary agencies may consider an attorney's workload and resource constraints when evaluating complaints, and whether defensive overdocumentation in response to AI threats does not violate duties of diligence or efficiency if the attorney can demonstrate that the documentation serves a legitimate protective function.

State bars should follow suit, tailoring guidance to local rules and conditions. For example, jurisdictions with high rates of public-defender grievances might issue advisory opinions emphasizing that systemic underfunding and excessive caseloads are mitigating factors in evaluating allegations of neglect or incompetence. Jurisdictions experimenting with AI-detection tools might publish best practices for their use and limitations.

H. A Model for Coordinated Reform

These reforms are mutually reinforcing. Disclosure requirements deter filers from using AI without verification. Triage algorithms and

98. See, e.g., FLA. BAR, *supra* note 27.

99. Standing Committee on Ethics and Professional Responsibility, AM. BAR ASS'N https://www.americanbar.org/groups/professional_responsibility/committees_commissions/ethicsand_professionalresponsibility/ (last visited July 2, 2026).

hallucination detection enable efficient screening. Staff training ensures that human judgment is applied where algorithms fall short. Sanctions deter abuse. Expedited dismissal and reputational protections reduce harm to accused attorneys. Transparency and public reporting build confidence in the system. Professional responsibility guidance provides normative grounding and interpretive clarity.

Together, these measures can prevent the degradation of criminal defense that could otherwise occur by 2030. They will not eliminate AI-generated bar complaints, nor should they, because AI can also be used responsibly to help complainants articulate legitimate grievances. But they will help ensure that disciplinary systems distinguish synthetic grievances from meritorious complaints, protect attorneys from baseless attacks, and preserve the conditions necessary for zealous, client-centered criminal defense.

CONCLUSION

Absent intervention, AI-generated grievances will significantly degrade the integrity of criminal defense. The surge of synthetic grievances—cheap to produce, difficult to screen, and capable of inflicting severe reputational harm—will chill the advocacy that the Sixth Amendment demands. Public defenders and court-appointed attorneys, already operating under crushing caseloads and chronic underfunding, will adopt defensive practices that prioritize self-protection over client interests. Trust between attorneys and clients will erode. Disciplinary systems will be paralyzed by volume, delaying meritorious investigations and imposing prolonged uncertainty on accused lawyers.

This is not inevitable. The reforms outlined in Part IV—mandatory disclosure, triage algorithms, sanctions for abusive filers, staff training, expedited dismissal, and transparency—can mitigate the harm. But they require coordinated action by state bars, courts, legislatures, and the organized bar. The ABA must lead by promulgating model standards for AI disclosure and verification in disciplinary complaints. State bars must

invest in technology and training to detect and screen synthetic grievances. Legislatures must fund these efforts adequately. The profession as a whole must recognize that AI-generated bar complaints are not a niche issue or a curiosity of legal technology—they are a structural threat to the criminal-defense bar and, by extension, to the constitutional guarantee of effective assistance of counsel.

The stakes are high. Criminal defense attorneys stand between the state's coercive power and the liberty of individuals. They take on the cases no one else will touch, represent the clients no one else will defend, and make the arguments that courts and the public would prefer not to hear. They do this work despite low pay, high stress, and relentless criticism. They deserve a disciplinary system that distinguishes real misconduct from synthetic grievance-making, that protects them from bad-faith attacks, and that recognizes the structural constraints under which they labor.

The alternative is a criminal defense bar that practices timidly, documents obsessively, and prioritizes reputation over client outcomes. That is not the defense bar the Constitution envisions. It is not the defense bar that justice requires. It is not the defense bar we should accept.