the Jasuta / Schulman report

TIBA's Case of the Week
Beaumont Court of Appeals

Case Name: *In re Scott Mitchell Obeginski*

- **NATURE OF CASE**: Mandamus Proceeding
- **COUNTY**: Montgomery
- **C/A CASE No**. 09-26-00057-CV
- **DATE OF OPINION**: March 12, 2026   **OPINION**: Per Curiam
- **DISPOSITION**: Relief Denied
- **TRIAL COURT**: 284th D/C; Hon. Kristin Bays
- **LAWYERS**: Relator is *Pro Se*; Adam Fracht, Melissa Pietraszek, and Truitt Williams represent the Real Party in Interest

(**Background Facts**): Relator was in a protracted real estate dispute with Joshua Want Real Estate Group, LLC, in which he filed pleadings that were recognized as "AI" generated, and which included citations to non-existing cases. Despite being cautioned by the trial court to carefully check his citations in the future, Relator submitted at least two more AI generated pleadings which cited non-existent cases or law. In January of 2026, in addition to finding Relator in Contempt of Court and imposing a $10,705 sanction for discovery abuse, and Ordering him to pay all outstanding district clerk fees (noting his admission in open court that he was not indigent), the trial court further implemented "gatekeeper" measures, requiring Relator to appear at a compliance hearing on mid-February to prove payment had been made. Moreover, the trial court specifically directed that, when Relator "*makes any filing of any plea, pleading, motion, brief, or similar regardless of the capacity in which he makes the filing*" in any Court in the State of Texas, he would be required to include, "*as attachments a copy of any and all legal authorities cited in the filing highlighting the portion of the legal authority attached which supports the proposition for which he cites the legal authority.*"

[G&S **208 Trial Courts / Authority to Act (Imposition of Sanctions)**]: In his mandamus petition, Relator contends the trial court's directive is "an act far exceeding its jurisdiction" and argues that the trial court abused its discretion by failing to exercise its ministerial duty to vacate the order

after "the loss of plenary power." Relator argues mandamus relief is appropriate to alleviate harm from "an unconstitutional restriction on court access."

Holding: "The inherent powers of a court are those which it may call upon to aid in the exercise of its jurisdiction, in the administration of justice, and in the preservation of its independence and integrity." *Eichelberger v. Eichelberger*, 582 S.W.2d 395 (Tex. 1979). Additionally, courts have powers "implied from an express grant of power." ******* [Relator] entered an appearance in Trial Court Cause Number 24-11-18234. The trial court had personal jurisdiction over [Relator] and the inherent power to sanction him for his improper conduct in the 284th District Court. Thus, the trial court possessed the authority to sanction [Relator] for citing fictitious legal authority in his filings in Trial Court Cause Number 24-11-18234. The larger question is whether the trial court possessed the authority to require [Relator] to attach a copy of the legal authorities cited in a filing [Relator] makes with any court, not just the 284th District Court. ******* [Relator] argues the trial court has placed an unconstitutional restriction on his access to courts. He does not explain how the trial court's command that he attach his supporting authority when he cites a case in a court proceeding encumbers his right to access courts. He has identified no language in the trial court's order that prevents him from petitioning any court at any time, and he describes no technical burden that makes including copies of cited case authority an impediment to his access to courts. ******* [Relator] has identified no court proceeding that the challenged Order adversely affects. A trial court's order directing a party to file supporting authority in a higher court could potentially interfere with the appellate court's jurisdiction, but in this case, we have appellate jurisdiction not only over the trial court's judgment, but also over the sanctions order. Nothing prevents this Court from reviewing the sanctions order on appeal and deciding then whether [Relator] must file copies of his cited case authorities with the appellate court. ******* We may issue a writ of mandamus to remedy a clear abuse of discretion by the trial court when the relator lacks an adequate remedy by appeal. ******* We conclude the Relator has not shown that he is entitled to mandamus relief. Accordingly, we deny Relator's petition for writ of mandamus.

_____ **Sidebars** _____

(**John G. Jasuta**) To me the whole controversy about AI is about who's in charge, you or the horse. If, like me, you can't control the horse, you shouldn't be on it. I sure can't control AI programs so using it for anything important to me is like sending a valentine to your wife by email. Ain't gonna happen. As to this particular case, strict mandamus law doomed him from the git-go.

(**Stanley Schneider**) I think that the opinion reflects the frustration that judges and lawyers have with the use of AI generated pleadings as actual authority for a principle of law. I have found that AI generated research is often inaccurate in its interpretation of cases. If a judge informs a lawyer that the lawyer has made a mistake in citing a non existent case, and the lawyer repeatedly makes the same mistake, I believe the judge has the authority to do something. We will see more of these type of issues being litigated.

(**Greg Sherwood**) I keep hearing how wonderful AI will be for us all, even though Colossus: the Forbin Project (1970 film), Battlestar Galactica (both the 1978-79 and 2000-04 TV versions), and The Matrix (1999 film), state otherwise. I don't see how AI is helpful in conducting legal research, since it adds more time to the task, since you would have to check to make sure the AI is providing real case citations, etc. So I do not use AI in writing pleadings or briefs, even though Thomson Reuters and other legal service providers want me to (at whatever fee they are charging, of course). This *pro se* litigant is either too lazy to do the work himself, doesn't understand the dangers of using AI to conduct legal research, or just doesn't care that he might be submitting pleadings containing fictional citations. We all learned in first year civil procedure that an attorney is supposed to submit pleadings that have some basis in law or fact, or be subject to sanctions for not doing that. The trial court was justified in holding this *pro se* litigant in contempt for filing AI pleadings containing fictitious citations, and the appellate court correctly held that mandamus cannot be used to interfere with the contempt ruling.

(**Michael Stauffacher**) I have no heartburn with this opinion at all. Relator was not entitled to mandamus relief and he was not unconstitutionally restricted in his ability to access to the courthouse. The problem with AI in the legal world is only going to get worse, and this opinion is merely one of the many opening shots we will continue to see in the battle involving lazy lawyers using troublesome and pernicious (IMO) AI technology as a crutch of malpractice.

(**Michael Falkenberg**) I take a broader view of a district court's authority than the CCA has in the past decades, so it doesn't seem unreasonable to me to require litigants with a history of problem cites to provide a list of authorities. This opinion does a good job of ruling out the circumstances that kind of order could be problematic in this case. I'm a bit hopeless with technology, but I've been persuaded that it is a good reason to try and get a grip on AI before it gets a grip on me. I have lots of professional and personal ethical issues with it, but it has made some of my work better. I still don't know how it will save me significant time in my *appellate* practice, but that's probably my own failure of . . . intelligence. It is already a huge problem already for the courts as its obvious that there are plenty of lawyers and *pro se* litigants who won't use it in an ethical or honest manner.

(**Shana Stein Faulhaber**) This case is not really about artificial intelligence. It is about the unchanged baseline: accountability in legal filings applies equally to lawyers and prolific *pro se* litigants alike. This was the Relator's eighth trip to the Court of Appeals in this case -six mandamus proceedings, one *habeas*, and one emergency stay request. There is nothing inherently improper about volume. Although it is worth noting that all eight were denied. Nevertheless, whether you are a licensed attorney or simply a frequent filer, the governing principle does not shift: you must exercise independent judgment. A tool cannot substitute for that obligation. Artificial intelligence is no exception. It is a tool - not fundamentally different in kind from Lexis, Westlaw, or any other research aid. It can enhance efficiency,

but it does not alter the duty to verify authority and understand the law before placing your name on a filing. The profession is already grappling with this shift. At a recent Bar Leaders Conference, the keynote focused on technological competence under the Texas Disciplinary Rules of Professional Conduct, with the prediction that the issue may soon invert - lawyers may face criticism not for using AI, where neglecting to doing so places the client at a disadvantage. Properly used, AI can streamline drafting, assist with issue identification, organize complex material and assist with research. Courts, however, are responding to misuse. Some jurisdictions, including Denton County, have implemented standing orders requiring parties who use AI to certify that all generated content - citations, quotations, and analysis - has been independently verified through traditional legal sources, with sanctions available for noncompliance. Against that backdrop, the Relator's objection to being required to attach highlighted copies of cited authority carries a certain irony. For many trial practitioners, that was once standard practice - in triplicate. The message going forward is not to avoid AI - it is to use it well. It is a powerful tool, and lawyers who ignore it do so at their own peril. But nothing about it changes the core obligation of the profession: think, verify, and exercise judgment. If you are not willing to do that, AI will not make you a better lawyer - it will simply make you wrong faster.

(**Rob Daniel**) Attorneys who don't use large language models ("LLMs") like ChatGPT to draft pleadings have nothing to worry about. Attorneys who do should not be surprised to find themselves subject to questionable orders issued by frustrated judges. Were this judge's orders overbroad? Probably. But "probably" isn't enough for mandamus relief.

(**David A. Schulman**) As some of you know, my earliest computer gig was a **long** time ago. The first time I turned on a computer, an IBM 1410, was early in 1970. The first legal seminar I hosted was in 1987, and it was all about the use of computers in the law office. I am not opposed to the use of "artificial intelligence" as a research tool, even though I don't believe it to be very helpful to attorneys who are already adept at computer based research. I am, however, opposed to using AI to replace actual research and writing by humans. While this guy is an airline pilot rather than a lawyer, I have seen opinions expressed by several computer journalists who have suggested that regular people can use AI to get answers to legal questions instead of hiring a lawyer. This case exemplifies why that idea is wrong, wrong, wrong.