

**Order entered June 12, 2025**



**In The  
Court of Appeals  
Fifth District of Texas at Dallas**

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**No. 05-24-00123-CV**

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**LAUREN ROCHON-EIDSVIG AND HEIDI ROCHON HAFFER, Appellants**

**V.**

**JGB COLLATERAL, LLC, AS AGENT, Appellee**

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**On Appeal from the 160th Judicial District Court  
Dallas County, Texas  
Trial Court Cause No. DC-20-19011**

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**ORDER**

Before Justices Miskel, Kennedy, and Rossini

Under Rule 1.01(a) of the Texas Disciplinary Rules of Professional Conduct, a lawyer shall not accept or continue employment in a legal matter which the lawyer knows or should know is beyond the lawyer's competence, unless another lawyer who is competent to handle the matter is, with the prior informed consent of the client, associated in the matter. *See* TEX. DISCIPLINARY RULES PROF'L CONDUCT R. 1.01(a). Specifically, Comment 8 to that rule notes that "each lawyer should strive to become and remain proficient and competent in the practice of

law, including the benefits and risks associated with relevant technology.” *Id.*, at cmt. 8. Rule 3.03(a)(1) of these same rules requires a lawyer to not knowingly make a false statement of material fact or law to a tribunal. *See id.* R. 303(a)(1).

This order addresses an attorney’s use of technology to prepare a legal brief that included citations to non-existent cases. While the attorney did not act with intent to deceive, she failed to verify the information before filing it with the court and failed to explain or correct the citations even after the appellee, in its opening brief, pointed out the citations were of non-existent cases. The panel finds that this conduct violated basic duties of competence and candor as contemplated by the rules governing professional conduct. In light of the circumstances, the panel imposes a sanction designed to educate the attorney and uphold the standards of the legal profession.

### **PROCEDURAL HISTORY**

Appellants’ May 16, 2024 Brief cited four cases that could not be located by Appellee or this Court. Additionally, that brief did not contain a certificate of compliance, *see* TEX. R. APP. P. 9.4(i)(3), or a signature of the party or counsel who filed the brief, *see* TEX. R. APP. P. 9.1. By order dated April 10, 2025, we ordered Appellants to file copies of those cases and to supplement their May 16, 2024 Brief with a certificate of compliance, *see* TEX. R. APP. P. 9.4(i)(3), and a signature of the party or counsel who drafted the brief. On April 20, 2025,

Appellants filed a report conceding those identified cases could not be located and offering Appellants' counsel's regrets and acceptance of full responsibility for the error, as well as Appellants' assurances they were prepared to take whatever further action this Court deems necessary to correct the errors made in their May 16, 2024 Brief. Appellants identified appellant Heidi R. Hafer, an attorney licensed in this State, as the counsel who drafted that brief.

On April 24, 2025, we ordered Appellants' counsel Heidi R. Hafer to appear before this Court on May 8, 2025, to discuss Appellants' drafting of its opening brief. At that May 8, 2025 hearing, Appellants' counsel Heidi R. Hafer appeared with retained counsel, former Justice John G. Browning.

After reviewing Appellants' April 20, 2025 response to this Court's April 10, 2025 order and considering the arguments made at the May 8, 2025 hearing, and the parties' post-submission filing, we ordered Appellants to file an amended brief deleting the section relying on the nonexistent cases. On May 29, 2025, Appellants filed their amended brief, and on June 4, 2025, we struck the May 16, 2024 Brief.

### **CONCLUSION**

Regardless of whatever resources are used to prepare a party's brief, every attorney has an ongoing responsibility to review and ensure the accuracy of filings with this and other courts. This includes checking that all case law cited in a brief

actually exists and supports the points being made. It is never acceptable to rely on software or technology—no matter how advanced—without reviewing and verifying the information. The use of AI or other technology does not excuse carelessness or failure to follow professional standards.

Technology can be helpful, but it cannot replace a lawyer’s judgment, research, or ethical responsibilities. The practice of law changes with the use of new technology, but the core duties of competence and candor remain the same. Lawyers must adapt to new tools without lowering their standards.

Having considered the foregoing as well as Appellants’ amended brief, we **ORDER** Appellants’ counsel Heidi R. Hafer to complete and file proof of her completion of **THREE (3) HOURS** of Texas continuing legal education courses on ethics and **FIVE (5) HOURS** of Texas continuing legal education courses on technology. She may satisfy **TWO (2) HOURS** of our ordered technology requirement by filing proof of her completion of the “two hours of Texas continuing legal education courses on the ethical use and dimensions of generative A.I.” she averred she had already completed in her May 19, 2025 Response to Appellee’s Notice of Filing Attorney’s Fees and Business Records Affidavit. We **ORDER** Appellants’ counsel Heidi R. Hafer to file proof of completion of the ordered hours on or before **THIRTY (30) DAYS** from the date of this Court’s order.

We **FURTHER ORDER** Appellants' counsel Heidi R. Hafer to pay **\$2,500** in attorney's fees to Appellee's counsel as a sanction for her misconduct before this Court. *See Utz v. McKenzie*, 397 S.W.3d 273, 281 (Tex. App.—Dallas 2013, no pet.) (acknowledging this Court's inherent authority to sanction attorneys who engage in misconduct before our Court). We **ORDER** Appellants' counsel Heidi R. Hafer to file proof of payment on or before **THIRTY (30) DAYS** from the date of this Court's order.

We **DIRECT** the Clerk to send a copy of this order via electronic transmission to counsel Heidi R. Hafer and to Appellee's counsel. We also **DIRECT** the Clerk to send a copy of the order to Heidi R. Hafer via certified mail at the address listed for counsel in our records.

/s/     NANCY KENNEDY  
         PRESIDING JUSTICE