

COMMONWEALTH OF MASSACHUSETTS
BOARD OF BAR OVERSEERS
OF THE SUPREME JUDICIAL COURT

BAR COUNSEL,

Petitioner,

v.

STEVEN J. MARULLO, Esq.,

Respondent

Public Reprimand No. 2025-2

ORDER OF PUBLIC REPRIMAND

This matter came before the Board on a Petition for Discipline and a Stipulation of the Parties waiving hearing and requesting that the matter be resolved by the imposition of a public reprimand. On April 14, 2025, the Board voted to accept the stipulation of the parties and their joint recommendation. It is ORDERED and ADJUDGED that Steven J. Marullo be and hereby is publicly reprimanded. A summary of the charges giving rise to the reprimand is attached to this order.

Whereupon, pursuant to Supreme Judicial Court Rule 4:01, Section 8(3), and the Rules of the Board of Bar Overseers, Section 3.56, it is ORDERED AND ADJUDGED that Steven J. Marullo be and hereby is PUBLICLY REPRIMANDED.

BY: /s/ William Kennedy
William Kennedy, Member
BOARD OF BAR OVERSEERS

DATED: April 30, 2025

STEVEN J. MARULLO

BBO # 323040

Public Reprimand No. 2025-2

Order (Public Reprimand) entered by the Massachusetts Board of Bar Overseers of the Supreme Judicial Court on April 30, 2025.

By stipulation, the respondent received a public reprimand for failing to supervise his associate who relied upon and included inaccurate case research obtained through the use of artificial intelligence in pleadings.

SUMMARY¹

The respondent represented the personal representative of an estate in a wrongful death lawsuit filed in Norfolk Superior Court. The lawsuit concerned the circumstances surrounding the decedent's apparent suicide. There were multiple named defendants.

During March 2023 through July 2023, four of the defendants filed motions to dismiss the wrongful death lawsuit. The respondent signed and filed oppositions in response that were prepared by an associate and interns. The respondent was unaware that the associate used an artificial intelligence program ("AI") to conduct legal research that was included in the oppositions. The respondent did not check the accuracy of case or statutory citations prior to filing the oppositions. The respondent was unaware that the oppositions contained numerous inaccurate citations, including citations to four nonexistent cases; nonexistent quotations attributed to cases; misrepresentations of propositions of a case; misrepresentations of propositions of a statute; and other citation errors.

On November 1, 2023, the court held a hearing on the motions to dismiss and the respondent's oppositions. The presiding judge asked the respondent to address three nonexistent cases that the judge had identified in the respondent's pleadings. The respondent was unable to provide an explanation. At the request of the judge, the respondent subsequently provided a written explanation of the genesis of the nonexistent cases in which he disclosed that he had learned that members of his office relied on AI to conduct legal research for inclusion in the pleadings.

On December 7, 2023, a sanctions hearing was held in the matter. During the hearing, the judge raised additional concerns about the respondent's pleadings, specifically the inclusion of a fourth fictitious case and a misstatement of the proposition from a case citation. When confronted with this information, the respondent admitted that he had not checked these citations for accuracy.

On December 14, 2023, the respondent filed amended versions of his oppositions in an attempt to correct the record. The respondent failed to check all of the citations in the amended opposition. As a result, his amended oppositions included some of the inaccurate citations and the misstated case proposition that had been identified previously by the judge.

¹ Compiled by the Massachusetts Board of Bar Overseers' Office of General Counsel based on the record of proceedings before the board.

On February 12, 2024, the judge issued his Findings, Rulings and Order Imposing Sanction. The respondent was found to have submitted multiple false and misleading case citations in violation of Mass. R. Civ. P. 11 and 7. He was ordered to pay a \$2,000.00 monetary sanction.

By failing to check the accuracy of the citations in the oppositions or have internal policies and procedures for attorneys and non-lawyer staff in place to ensure that the oppositions were cite checked prior to their filing, the respondent violated Rules 1.1, 1.3, 5.1(a), 5.1(b), 5.3(a), and 5.3(b). Furthermore, by including false, misleading, and inaccurate citations in his original and amended oppositions, the respondent violated Rules 1.1, 1.3, and 8.4(d).

There were no mitigating factors in this matter. In aggravation, the sanction levied against the respondent in Norfolk Superior Court received extensive publicity through news outlets. In neither mitigation nor aggravation, this disciplinary case is a matter of first impression in Massachusetts for misconduct attributable, in part, to a lawyer's misuse of artificial intelligence in the practice of law.

The parties stipulated to a public reprimand for the misconduct. By vote dated April 14, 2025, the Board of Bar Overseers voted to impose a public reprimand.