Neutral Citation Number: [2025] EWHC 1383 (Admin)

Case Nos: AC-2024-LON-003062 and CL-2024-000435

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
DIVISIONAL COURT

Royal Courts of Justice
Strand, London, WC2A 2LL
Date: 6 June 2025

Before :

PRESIDENT OF THE KING'S BENCH DIVISION
and
MR JUSTICE JOHNSON

- -

Between :

The King on the application of Frederick Ayinde	**Claimant**
- and -	
The London Borough of Haringey	**Defendant**
And between :	
Hamad Al-Haroun	**Claimant**
- and -	
(1) Qatar National Bank QPSC (2) QNB Capital LLC	**Defendants**

- -

- -

The Ayinde case
Helen Evans KC and Melody Hadfield (instructed by Clyde & Co LLP) for Sarah Forey (barrister)
Andrew Edge (instructed by Kingsley Napley LLP) for Victor Amadigwe (solicitor),
Sunnelah Hussain (paralegal) and Haringey Law Centre

The Al-Haroun case
David Lonsdale (instructed by Primus Solicitors) for Abid Hussain (solicitor) and Primus Solicitors

Hearing date: 23 May 2025

- -

Approved Judgment

This judgment was handed down by release to The National Archives on 6 June 2025 at 10.30am.

Dame Victoria Sharp P.:

Introduction

1. This is the judgment of the court.

2. These two cases have been referred to a Divisional Court and listed together under the court's *Hamid* jurisdiction. That jurisdiction relates to the court's inherent power to regulate its own procedures and to enforce duties that lawyers owe to the court: *R (Hamid) v Secretary of State for the Home Department* [2012] EWHC 3070 (Admin) [2013] CP Rep 6, *R (DVP) v Secretary of State for the Home Department* [2021] EWHC 606 (Admin) [2021] 4 WLR 75 at [2].

3. The referrals arise out of the actual or suspected use by lawyers of generative artificial intelligence tools to produce written legal arguments or witness statements which are not then checked, so that false information (typically a fake citation or quotation) is put before the court. The facts of these cases raise concerns about the competence and conduct of the individual lawyers who have been referred to this court. They raise broader areas of concern however as to the adequacy of the training, supervision and regulation of those who practice before the courts, and as to the practical steps taken by those with responsibilities in those areas to ensure that lawyers who conduct litigation understand and comply with their professional and ethical responsibilities and their duties to the court.

The use of artificial intelligence in court proceedings

4. Artificial intelligence is a powerful technology. It can be a useful tool in litigation, both civil and criminal. It is used for example to assist in the management of large disclosure exercises in the Business and Property Courts. A recent report into disclosure in cases of fraud before the criminal courts has recommended the creation of a cross-agency protocol covering the ethical and appropriate use of artificial intelligence in the analysis and disclosure of investigative material.[1] Artificial intelligence is likely to have a continuing and important role in the conduct of litigation in the future.

5. This comes with an important proviso however. Artificial intelligence is a tool that carries with it risks as well as opportunities. Its use must take place therefore with an appropriate degree of oversight, and within a regulatory framework that ensures compliance with well-established professional and ethical standards if public confidence in the administration of justice is to be maintained. As Dias J said when referring the case of Al-Haroun to this court, the administration of justice depends upon the court being able to rely without question on the integrity of those who appear before it and on their professionalism in only making submissions which can properly be supported.

6. In the context of legal research, the risks of using artificial intelligence are now well known.[2] Freely available generative artificial intelligence tools, trained on a large

---

[1] Disclosure in the Digital Age, Independent Review of Disclosure and Fraud Offences, Jonathan Fisher KC, recommendation 2 and paragraphs 430-433.

[2] The appendix to this judgment contains examples from different jurisdictions of material being put before a court that is generated by an artificial intelligence tool, but which is erroneous.

language model such as ChatGPT are not capable of conducting reliable legal research. Such tools can produce apparently coherent and plausible responses to prompts, but those coherent and plausible responses may turn out to be entirely incorrect. The responses may make confident assertions that are simply untrue. They may cite sources that do not exist. They may purport to quote passages from a genuine source that do not appear in that source. [3]

7. Those who use artificial intelligence to conduct legal research notwithstanding these risks have a professional duty therefore to check the accuracy of such research by reference to authoritative sources, before using it in the course of their professional work (to advise clients or before a court, for example). Authoritative sources include the Government's database of legislation, the National Archives database of court judgments, the official Law Reports published by the Incorporated Council of Law Reporting for England and Wales and the databases of reputable legal publishers.

8. This duty rests on lawyers who use artificial intelligence to conduct research themselves or rely on the work of others who have done so. This is no different from the responsibility of a lawyer who relies on the work of a trainee solicitor or a pupil barrister for example, or on information obtained from an internet search.

9. We would go further however. There are serious implications for the administration of justice and public confidence in the justice system if artificial intelligence is misused. In those circumstances, practical and effective measures must now be taken by those within the legal profession with individual leadership responsibilities (such as heads of chambers and managing partners) and by those with the responsibility for regulating the provision of legal services. Those measures must ensure that every individual currently providing legal services within this jurisdiction (whenever and wherever they were qualified to do so) understands and complies with their professional and ethical obligations and their duties to the court if using artificial intelligence. For the future, in *Hamid* hearings such as these, the profession can expect the court to inquire whether those leadership responsibilities have been fulfilled.

Existing guidance

10. There is no shortage of professional guidance available about the limitations of artificial intelligence and the risks of using it for legal research.

11. The Bar Council published guidance in January 2024, headed: "Considerations when using ChatGPT and generative artificial intelligence software based on large language models."

12. This document states (at paragraph 17):

> "The ability of LLMs [large language models] to generate convincing but false content raises ethical concerns. Do not

[3] Though in this judgment we use the shorthand to describe this as "false" or "fake" information, the information produced by generative large language model artificial intelligence tools is a result of their operational design. They generate textual responses by predicting what words or phrases come next in a particular context, based on patterns identified from a vast quantity of training data.

> therefore take such systems' outputs on trust and certainly not at face value… It matters not that the misleading of the court may have been inadvertent, as it would still be considered incompetent and grossly negligent. Such conduct brings the profession into disrepute (a breach of Core Duty 5), which may well lead to disciplinary proceedings. Barristers may also face professional negligence, defamation and/or data protection claims through careless or inappropriate use of these systems. As set out above, the data used to 'train' generative LLMs may not be up to date; and can sometimes produce responses that are ambiguous, inaccurate or contaminated with inherent biases. Inherent bias may be invisible as it arises not only in the processing or training, but prior to that in the assembling of the training materials. LLMs may also generate responses which are out of context. For these reasons it is important for barristers to verify the output of AI LLM software and maintain proper procedures for checking the generative outputs."

13. Similar warnings are contained in a document published by the Solicitors Regulation Authority, entitled "Risk Outlook report: the use of artificial intelligence in the legal market, 20 November 2023". This says:

> "All computers can make mistakes. AI language models such as ChatGPT, however, can be more prone to this. That is because they work by anticipating the text that should follow the input they are given, but do not have a concept of 'reality'. The result is known as 'hallucination', where a system produces highly plausible but incorrect results."

14. We were also referred to a blog published by the Bar Standards Board on 8 October 2023 entitled "ChatGPT in the Courts: Safely and Effectively Navigating AI in Legal Practice". It refers to *Mata v Avianca Inc*. an American case, summarised in the appendix to this judgment. The blog says:

> "Two lawyers… used ChatGPT – a large language model AI – to identify relevant caselaw. One prompted the tool to draft a court submission, which they submitted verbatim on behalf of their client. However, unbeknownst to them, the AI-generated legal analysis was faulty and contained fictional citations…
>
> …the AI output was entirely fabricated, falsely attributing nonsensical opinions to real judges and embellished with further false citations and docket numbers held by actual cases irrelevant to the matter at hand….
>
> AI, while a promising tool, is not a replacement for human responsibility and oversight. A lawyer is answerable for their

> research, arguments, and representations under their core duties to the Court and to their client. These duties continue to hold true when utilising AI. This case demonstrates that it is more important than ever to understand the capabilities and limitations of a new technology to ensure that its contributions are genuine aids, not sources of misinformation."

15. Guidance is also given to judges about the use of artificial intelligence. That guidance, first provided in December 2023 and updated in April 2025, is published on the judiciary's website.[4] Its contents are as relevant to the use of artificial intelligence by lawyers as they are to its use by the judiciary. It makes clear that it is necessary to uphold confidentiality and privacy by not entering into a public artificial intelligence tool any information that is not already in the public domain. It also makes clear that it is necessary to check any information that is provided by an artificial intelligence tool before it is used or relied upon. It further emphasises the need to be aware that artificial intelligence tools may make up fictitious cases, citations or quotes, or refer to legislation, articles or legal texts that do not exist, or provide incorrect or misleading information regarding the law or how it might apply, or make factual errors.

16. Importantly, the guidance says that: "All legal representatives are responsible for the material they put before the court/tribunal and have a professional obligation to ensure it is accurate and appropriate." It warns about the risks of using generative artificial intelligence for legal research or legal analysis: "Legal research: AI tools are a poor way of conducting research to find new information you cannot verify independently. They may be useful as a way to be reminded of material you would recognise as correct. Legal analysis: the current public AI chatbots do not produce convincing analysis or reasoning."

Lawyers' regulatory duties: Barristers

17. The Bar Standards Board Handbook [5] contains rules about how barristers must behave and work and the Code of Conduct for barristers. The Code of Conduct includes the ten Core Duties (CDs) which underpin the Bar Standards Board's regulatory framework, and the rules which supplement those Core Duties. Compliance with the Core Duties and the rules is mandatory. The Code of Conduct also identifies the outcomes which compliance with the Core Duties and the rules are designed to achieve.

18. Materially in this context, barristers must observe their duty to the court in the administration of justice (CD 1). They must act with honesty and integrity (CD 3). They must not behave in a way which is likely to diminish the trust and confidence which the public places in the profession (CD 5). They must provide a competent standard of work to each client (CD 7). The outcomes which compliance with these Core Duties are designed to achieve include the following: the court is able to rely on information provided to it by those conducting litigation and by advocates who appear before it

[4] https://www.judiciary.uk/wp-content/uploads/2025/04/Refreshed-AI-Guidance-published-version-website-version.pdf

[5] Version 4.8 came into force on 21 May 2024.

(Outcome 1); the proper administration of justice is served (Outcome 2) and those who appear before the court understand clearly their duties to the court (Outcome 4).

19. Further, barristers are under a duty not to knowingly or recklessly mislead or attempt to mislead the court or anyone else (Rules C3.1 and C9.1). They are under a duty not to draft any document containing a contention which the author does not consider to be properly arguable (Rule C9.2.b) and they are under a duty to provide a competent standard of work (Rule C18).

20. The Bar Standards Board also publishes "The Professional Statement for Barristers" which sets out the knowledge, skills and attributes that all barristers must have on "day one" of practice. They include compliance with regulatory requirements (paragraph 1.16); an ability to draft court documents which are accurate, and skeleton arguments which present the relevant law and cite authorities in an appropriate manner (paragraphs 1.13 and 1.14); and an ability to recognise and operate within the limits of their competence (paragraph 1.18).

21. The Bar Qualification Manual requires pupil supervisors to provide pupils with a suitable training programme that enables them to meet the competences in the Professional Statement. It requires that pupil supervisors are appropriately trained. Documentation must be in place to evidence a pupil's progress against the competencies set out in the Professional Statement. There are specific requirements in relation to evaluation, assessment and appraisal. A pupil must not be signed off as having completed the non-practising or practising period of pupillage unless the defined standards and competencies have been met.

Lawyers' regulatory duties: Solicitors

22. The position is materially similar for solicitors. The Code of Conduct of the Solicitors Regulation Authority (the SRA) describes the standards of professionalism that the SRA and the public expects of individuals authorised by the SRA to provide legal services. The SRA's Rules of Conduct provide in part as follows. Solicitors are under a duty not to mislead the court or others including by omission (Rule 1.4). They are under a duty only to make assertions or put forward statements, representations or submissions to the court or others which are properly arguable (Rule 2.4). They are under a duty not to waste the court's time (Rule 2.6). They are under a duty to draw the court's attention to relevant cases and statutory provisions of which the lawyer is aware and which are likely to have a material effect on the outcome (Rule 2.7). They are under a duty to provide a competent service (Rule 3.2). Further, where work is conducted on a solicitor's behalf by others, the solicitor remains accountable for the work (Rule 3.5).

The court's powers

23. The court has a range of powers to ensure that lawyers comply with their duties to the court. Where those duties are not complied with, the court's powers include public admonition of the lawyer, the imposition of a costs order, the imposition of a wasted costs order, striking out a case, referral to a regulator, the initiation of contempt proceedings, and referral to the police.

24. The court's response will depend on the particular facts of the case. Relevant factors are likely to include: (a) the importance of setting and enforcing proper standards; (b) the circumstances in which false material came to be put before the court; (c) whether an immediate, full and truthful explanation is given to the court and to other parties to the case; (d) the steps taken to mitigate the damage, if any; (e) the time and expense incurred by other parties to the case, and the resources used by the court in addressing the matter; (f) the impact on the underlying litigation and (g) the overriding objective of dealing with cases justly and at proportionate cost.

Referral to the police for a criminal investigation

25. In the most egregious cases, deliberately placing false material before the court with the intention of interfering with the administration of justice amounts to the common law criminal offence of perverting the course of justice, carrying a maximum sentence of life imprisonment. There has been one instance (not involving artificial intelligence) where a member of the Bar was imprisoned for 12 months for perverting the course of justice after deliberately causing a fake authority to be placed before the court by another person. He was subsequently disbarred: Bar Standards Board decision of 10 November 2008. Where there are reasonable grounds to suspect that a lawyer has committed a serious criminal offence, the appropriate response is likely to be that the court will refer the papers to the police to consider undertaking a criminal investigation. Such cases are likely to be extremely rare.

Contempt of court

26. Placing false material before the court with the intention that the court treats it as genuine may, depending on the person's state of knowledge, amount to a contempt. That is because it deliberately interferes with the administration of justice. In *R v Weisz ex p Hector Macdonald Ltd* [1951] 2 KB 611 Lord Goddard CJ, Hilbery J and Devlin J held that an attempt to deceive a court by disguising the true nature of the claim by the indorsement on a writ (a claim for an unenforceable gambling debt dressed up as a claim for "an account stated") amounted to a contempt. As to the requisite state of knowledge, mere negligence as to the falsity of the material is insufficient. There must be knowledge that it is false, or a lack of an honest belief that it is true: *JSC BTA Bank v Ereschchenko* [2013] EWCA Civ 829 *per* Lloyd LJ at [42], *Newson-Smith v Al Zawawi* [2017] EWHC 1876 (QB) *per* Whipple J at [12], *Norman v Adler* [2023] EWCA Civ 785 [2023] 1 WLR 4232 *per* Thirlwall LJ at [61].

27. Proceedings for contempt of court may be initiated under part 81 of the Civil Procedure Rules (CPR) by the court of its own motion, or by a Law Officer, or by anyone with a sufficient interest (such as a party in the case). The maximum term for which a contemnor, on one occasion, may be committed to prison is 2 years: Contempt of Court Act 1981, section 14(1).

28. Where the court considers that a contempt of court may have been committed, it shall, on its own initiative, consider whether to initiate contempt proceedings: CPR 81.6. This is a two-stage process. The first, or threshold, stage is the assessment of whether a contempt may have been committed. The second is an evaluative judgement as to whether contempt proceedings should be initiated: *R (Clearsprings Ready Homes Ltd)*

v Swindon Magistrates' Court [2024] EWHC 3245 (Admin) *per* Warby LJ and Dove J at [15].[6]

Referral to regulator

29. Where a lawyer places false citations before the court (whether because of the use of artificial intelligence without proper checks being made, or otherwise) that is likely to involve a breach of one or more of the regulatory requirements that we have set out above, and it is likely to be appropriate for the court to make a reference to the regulator.

Strike out and costs sanctions

30. A wasted costs order may be appropriate where the conditions in section 51(6) and (7) Senior Courts Act 1981 and paragraph 5.5 of CPR Practice Direction 46 are satisfied. It is necessary to show that the lawyer has acted improperly, unreasonably or negligently, that their conduct has caused a party to incur unnecessary costs and that it is just in all the circumstances to make an order. It is always necessary to apply the important procedural safeguards in CPR 46.8 (including providing the lawyer with a reasonable opportunity to make submissions or, if they prefer, to attend a hearing, before making the order). In principle, and subject to any explanation, we agree with Ritchie J that placing false material before the court with the intention of the court treating it as genuine amounts to improper and unreasonable and negligent conduct. Any lawyer who does this is at risk of the imposition of a wasted costs order.

Admonishment

31. Submissions were made to us as to the salutary effect of public admonishment, thereby mitigating any requirement to refer lawyers to their regulatory bodies or to deal with the matter as a contempt. We do not underestimate the impact of public criticism in a court judgment or indeed of appearing before a Divisional Court in circumstances such as these. However, the risks posed to the administration of justice if fake material is placed before a court are such that, save in exceptional circumstances, admonishment alone is unlikely to be a sufficient response.

The Ayinde case

The background

32. The claimant, Mr Ayinde, brought proceedings for judicial review against the London Borough of Haringey (the defendant) in respect of its failure to provide interim accommodation pending a statutory review of a decision that he did not have a priority need for housing. Mr Ayinde was represented by the Haringey Law Centre. Mr Victor Amadigwe is a solicitor. He is the Chief Executive of the Haringey Law Centre. Ms Sunnelah Hussain is a paralegal working under his supervision. Ms Sarah Forey of counsel was instructed on behalf of the claimant. The grounds for judicial review were settled and signed by Ms Forey.

---

[6] There is nothing new in this. The court has always taken steps to protect the integrity of its proceedings: *Myers v Elman* [1940] AC 282 *per* Lord Wright at 319.

33. In those grounds, Ms Forey wrote:

> "The statutory duty under Section 188(3) of the Housing Act 1996 requires a local authority to provide interim accommodation when an individual has applied for a review of a homelessness decision."

34. This misstates the effect of section 188(3). Section 188(3) provides that:

> "…the authority may secure that accommodation is available for the applicant's occupation pending a decision on review."

35. Ms Forey then wrote:

> "In R (on the application of El Gendi) v Camden LBC [2020] EWHC 2435 (Admin), the High Court emphasized that failing to provide interim accommodation during the review process undermines the protective purpose of the homelessness legislation. The court found that such a failure not only constitutes a breach of statutory duty but also creates unnecessary hardship for vulnerable individuals. The Respondent's similar failure in the present case demonstrates procedural impropriety warranting judicial review."

36. The case that is cited (El Gendi) does not exist. There is no case with that name, held by the National Archives, or anywhere else. The neutral citation number, [2020] EWHC 2435 (Admin), does exist, but it is the citation reference to a different case: *R (Preservation and Promotion of the Arts Ltd) v Greater Manchester Magistrates' Court* [2020] EWHC 2435 (Admin). That case concerns a charity's liability to pay business rates. It has nothing to do with duties under the Housing Act 1996.

37. The grounds settled by Ms Forey included the following further passages:

> "Moreover, in R (on the application of Ibrahim) v Waltham Forest LBC [2019] EWHC 1873 (Admin), the court quashed a local authority decision due to its failure to properly consider the applicant's medical needs, underscoring the necessity for careful evaluation of such evidence in homelessness determinations. The Respondent's failure to consider the Appellant's medical conditions in their entirety, despite being presented with comprehensive medical documentation, renders their decision procedurally improper and irrational.
> …
> The Appellant's situation mirrors the facts in R (on the application of H) v Ealing LBC [2021] EWHC 939 (Admin), where the court found the local authority's failure to provide interim accommodation irrational in light of the applicant's

> vulnerability and the potential consequences of homelessness. The Respondent's conduct in this case similarly lacks rational basis and demonstrates a failure to properly exercise its discretion.
> …
> The Respondent's failure to provide a timely response and its refusal to offer interim accommodation have denied the Appellant a fair opportunity to secure his rights under the homelessness legislation. This breach is further highlighted in R (on the application of KN) v Barnet LBC [2020] EWHC 1066 (Admin), where the court held that procedural fairness includes timely decision-making and the provision of necessary accommodations during the review process. The Respondent's failure to adhere to these principles constitutes a breach of the duty to act fairly.
>
> The Appellant's case further aligns with the principles set out in R (on the application of Balogun) v LB Lambeth [2020] EWCA Civ 1442, where the Court of Appeal emphasized that local authorities must ensure fair treatment of applicants in the homelessness review process. The Respondent's conduct in failing to provide interim accommodation or a timely decision breaches this standard of fairness."

38. The four further cases cited by Ms Forey do not exist either. We note too the Americanised spelling of "emphasized", which contrasts with the English spelling of the same word by Ms Forey in correspondence; and further, the somewhat formulaic style of the prose.

39. On 4 February 2025, the solicitor for the defendant, Mr Greenberg, wrote to Mr Amadigwe (copied to Ms Hussain) and said that they could not find five of the cases set out in the grounds. On the same day, Ms Hussain emailed Ms Forey and asked her to provide copies of the five cases. Mr Amadigwe also wrote to Ms Forey the same day and asked her to provide copies of the five cases. Ms Hussain repeated the request on a call with Ms Forey the next day. [7]

40. Mr Greenberg sent a second letter to Mr Amadigwe (copied to Ms Hussain) under cover of an email dated 18 February 2025. In that letter, Mr Greenberg said that they had conducted searches for the five cases and had also instructed counsel to assist. He explained the outcome of those searches. The cases cited did not exist. He drew attention to *Olsen v Finansiel Stabilitet A/S* [2025] EWHC 42 (KB) (a case summarised in the appendix) and pointed out "the severity of seeking to rely on cases that do not exist." Mr Greenberg also pointed out that the grounds of claim misstated the effect of section 188(3) of the Housing Act 1996. He said that the defendant would be making a wasted costs application against Haringey Law Centre and/or Ms Forey.

[7] We know all of this because the claimant, Mr Ayinde, has waived legal professional privilege.

41. Ms Hussain forwarded Mr Greenberg's second letter to Ms Forey on the same day (18 February). Ms Hussain asked Ms Forey once again for copies of the five cases and for a response she could send to the defendant. On 22 February, Ms Hussain called Ms Forey who said that she was going to meet with a colleague to provide the cases and that she would send them shortly.

42. On 4 March 2025 Ms Forey sent Ms Hussain a draft response to be sent to the defendant. In a call with Ms Hussain after circulating the draft response, Ms Forey said that she was still learning, and asked if Ms Hussain or Mr Amadigwe could review the draft response. Ms Hussain forwarded the draft response to Mr Amadigwe who responded "You can send it, but change 'me' to 'we' and 'I' to 'we'". Ms Hussain made those changes (and no other changes) and on 5 March sent an email to the defendant. This was in terms of Ms Forey's draft, with the changes 'me' to 'we' and 'I' to 'we' only. The email said:

> "We regret to say that we still do not see the point you are making by correlating any errors in citations to the issues addressed in the request for judicial review in this matter. Admittedly, there could be some concessions from our side in relation to any erroneous citation in the grounds, which are easily explained and can be corrected on the record if it were immediately necessary to do so. What you have not done is to refute the veracity of the points and legal arguments that prevailed against your position and any failures of your client to measure up to its obligations under the 1996 Act. Indeed, it appears that you have not only taken any and all of our paraphrases and references out of context, but that you have also misinterpreted the context, scope and authority of section 188(3) of the said Act.
>
> We do not think that our duty of care should go so far as to provide legal interpretation of the laws for your benefit, but we hasten to say that section 188(3) provides for discretionary action in relation to section 202 and so long as that duty falls outside section 189B(2). It is not a broad brushed discretion that results from the 'May' in that subsection. We therefore do not quite grasp in what context you say: Haringey have a discretion. There is no obligation.
>
> So let us agree that the citation errors can be corrected on the record ahead of our April hearing. Apart from adding our deepest apologies, we do not consider that we are obliged to explain anything further to you directly. You may better serve your organisation by giving attention not to the normative discoveries you have made, but whether you can locate the authorities in support of the points raised, which points you are clearly in agreement with, as demonstrated both by conduct in offering the necessary relief to our client and acting in accordance with the mandate of your client.

> We hope that you are not raising these errors as technicalities to avoid undertaking really serious legal research. Treating with citations is a totally separate matter for which we will take full responsibility. It appears to us improper to barter our client's legal position for cosmetic errors as serious as those can be for us as legal practitioners. For the foregoing reasons alone, your claim for costs and the costs of your letters are rejected as without foundation. Your response or arguments in defence cannot rely on errors in citation to prevail but on the evidential and meritorious basis of your points. We will prepare the bundle index and send this to you shortly for your consideration."

43. On 7 March 2025, the defendant made an application for a wasted costs order against Haringey Law Centre and Ms Forey. This was made on the grounds that they had cited five fake cases, they had failed to produce copies of the cases when requested to do so, and they had misstated the effect of section 188(3) of the Housing Act 1996 throughout the grounds.

The hearing before Ritchie J

44. On 3 April 2025, the wasted costs application was heard by Ritchie J. By that stage, the defendant had provided accommodation for the claimant and the underlying claim for judicial review had been resolved.

45. At the hearing, Ms Forey did not formally give evidence, but she did give her explanation for what had happened. According to the judgment of Ritchie J ([2025] EWHC 1040 (Admin)), she said that she kept a box of copies of cases, and she kept a paper and digital list of cases with their ratios. She said that she had "dragged and dropped" the reference to El Gendi from that list into the grounds for judicial review.

46. At [53], Ritchie J rejected this explanation:

> "I do not understand that explanation or how it hangs together. If she herself had put together, through research, a list of cases and they were photocopied in a box, this case could not have been one of them because it does not exist. Secondly, if she had written a table of cases and the ratio of each case, this could not have been in that table because it does not exist. Thirdly, if she had dropped it into an important court pleading, for which she bears professional responsibility because she puts her name on it, she should not have been making the submission to a High Court Judge that this case actually ever existed, because it does not exist. I find as a fact that the case did not exist. I reject Miss Forey's explanation."

47. After describing the email of 5 March 2025 as "remarkable", Ritchie J added, at [46]:

> "I do not consider that it was fair or reasonable to say that the erroneous citations could easily be explained and then to refuse to explain them. Nor do I consider it was professional, reasonable or fair to say it was not necessary to explain the citations. The assertion that they agreed to correct the citations before April never came true, for they never did. The assertion that no further explanation or obligation to provide an explanation was necessary or arose is, in my judgment, quite wrong. Worst of all, the assertion that the citations are merely cosmetic errors is a grossly unprofessional categorisation."

48. Ritchie J found, at [64] to [65], that the behaviour of Ms Forey and the Haringey Law Centre had been improper and unreasonable and negligent:

> "64. …It is wholly improper to put fake cases in a pleading. It was unreasonable, when it was pointed out, to say that these fake cases were "minor citation errors" or to use the phrase of the solicitors, "Cosmetic errors". I should say it is the responsibility of the legal team, including the solicitors, to see that the statement of facts and grounds are correct. They should have been shocked when they were told that the citations did not exist. Ms Forey should have reported herself to the Bar Council. I think also that the solicitors should have reported themselves to the Solicitors Regulation Authority. I consider that providing a fake description of five fake cases, including a Court of Appeal case, qualifies quite clearly as professional misconduct.
>
> 65. On the balance of probabilities, I consider that it would have been negligent for this barrister, if she used AI and did not check it, to put that text into her pleading. However, I am not in a position to determine whether she did use AI. I find as a fact that Ms Forey intentionally put these cases into her statement of facts and grounds, not caring whether they existed or not, because she had got them from a source which I do not know but certainly was not photocopying cases, putting them in a box and tabulating them, and certainly not from any law report. I do not accept that it is possible to photocopy a non-existent case and tabulate it. Improper and unreasonable conduct are finding[s] about which I am sure. In relation to negligence I am unsure but I consider that it would fall into that category if Ms Forey obtained the text from AI and failed to check it."

49. Ritchie J found that this conduct caused the defendant loss and that the justice of the case required him to make a wasted costs order. He ordered Ms Forey and the Haringey Law Centre each to pay £2,000 to the defendant. He also required the matter to be referred to the Bar Standards Board and the Solicitors Regulation Authority. On 9 May 2025, Ritchie J made an order referring the case to the *Hamid* judge, Linden J.

Evidence

50. Ms Forey, Ms Hussain and Mr Amadigwe (who has supervisory responsibilities in respect of Ms Hussain) have each filed a witness statement. Ms Forey filed a second witness statement on the evening before this *Hamid* hearing.

Ms Forey

51. Ms Forey sets out in her first statement her education and background. We have taken that into account, and we do not consider it necessary to recite it in this judgment. Ms Forey was called to the Bar in 2021 and started her pupillage in September 2023. At the time of the hearing before Ritchie J she was still a pupil barrister. She says that she had received little formal supervision during her first six months pupillage. She does not recall attending court with a member of chambers in relation to a claim for judicial review in a homelessness case. She says that during her second six months pupillage she had an extremely busy practice in her own right. She did not receive any supervision. None of her written work was checked.

52. She says that at the time of the application for wasted costs before Ritchie J she was extremely upset. In written and oral submissions advanced on her behalf, it was said, notwithstanding the terms of the defendant's letter of 18 February, that she was "blindsided". She says she did not manage properly to explain to Ritchie J how she worked, and that it was not correct that she "kept a box of copies of cases" and that these were "photocopied in a box". She does not think she said this. She says she has never kept hard copies of cases in a box; all her research is conducted electronically. The list of cases that she put together with their ratios and principles was derived from electronic sources. She says that she has since conducted research "into the wrongly cited cases":

> "I… was able to locate a case *R (Kelly and ORS) v Birmingham* [2009] EWHC 3240 (Admin). Foolishly I did not take a copy of the Judgment to Court I can see from the similarities to what I had wrongly described as being the case of *R (on the application of El Gendi) v Camden London Borough Council* EWHC 2435 (Admin), that this would have been the case that I had been referring to in the Skeleton Argument, but with a wrongful citation. I realise now that this case did not in any event relate to s188(3) of the Housing Act but to s188(1)."

53. She denies using artificial intelligence tools to assist her with legal research and says that she is aware that artificial intelligence "is not a reliable source." She says that once the issue was raised by Haringey Council, she drafted the email that was then sent by Haringey Law Centre on 5 March 2025.

54. Ms Forey fully accepts that she acted negligently, and she apologises to the court for that. In her first witness statement she denied that she acted improperly or unreasonably and denied that she was seeking or intending to mislead the court. During the course of the hearing before us, she maintained that position save that she accepted that she had acted unreasonably.

55. Ms Forey has informed us of a separate incident where she put false material before a court. That was a case before the County Court where she was, again, instructed by the Haringey Law Centre. The hearing was on 10 April 2025, before His Honour Judge Andrew Holmes (the judge). Ms Forey was unable to conduct the hearing and another counsel (from a different set of chambers) was instructed in her stead. That counsel drew attention to the fact that the application before the judge contained false material: specifically the grounds of appeal and the skeleton argument settled by Ms Forey contained references to a number of cases that do not exist. On the day of that hearing, the judge wrote to Ms Forey's Head of Chambers. He raised the question of a referral to the Bar Standards Board. In the event, however, the judge was satisfied with assurances given by Ms Forey and her Head of Chambers and so did not refer the case to the regulator.

56. Ms Forey says that on 22 April 2025 a senior member of her chambers advised her to delete her list of cases/research and instead to use a recognised legal search engine. She accepted that advice. It follows that she has not been able to put her list of cases before us, or explain for that matter where the list of cases and citations derived from.

57. In her second witness statement, Ms Forey says that when she drafted the grounds she "may also have carried out searches on Google or Safari" and that she may have taken account of artificial intelligence generated summaries of the results (without realising what they were). She also says that on 4 March 2025 she told Ms Hussain that she had been unable to find the case reports.

Ms Hussain and Mr Amadigwe

58. Ms Hussain and Mr Amadigwe have also each apologised to the court. Mr Amadigwe explains that the Haringey Law Centre is a charitable organisation that operates with minimal public funding. It has a limited workforce, but a very significant volume of cases. Ms Hussain is a paralegal. She is not a qualified solicitor.[8]

59. Mr Amadigwe says that Haringey Law Centre relies heavily on the expertise of specialist counsel. It has not been its practice to verify the accuracy of case citations or to check the genuineness of authorities relied on by counsel. It had not occurred to either Ms Hussain or Mr Amadigwe that counsel would rely on authorities that do not exist. When Haringey Council raised concerns about the five authorities, Ms Hussain and Mr Amadigwe wrote to Ms Forey and asked her to provide copies of the cases. Ms Forey did not do so, but she did provide the wording for the email that Ms Hussain sent on 5 March 2025. In the light of that wording, Ms Hussain and Mr Amadigwe did not appreciate that the five cases that had been cited were fake – they wrongly thought that there were minor errors in the citations which would be corrected before the court. Ms Hussain denies that Ms Forey told her that she had been unable to find the cases. It was only at the hearing before Ritchie J that they realised that the authorities did not exist. Mr Amadigwe has now given instructions to all his colleagues within Haringey Law Centre that all citations referred to by any counsel must be checked.

---

[8] A paralegal is not, generally, a solicitor or barrister and is thus not subject to the same regulatory requirements. They can only do certain work under the direct supervision of a regulated lawyer.

Submissions

60. Helen Evans KC, for Ms Forey, submits that the threshold for the initiation of contempt proceedings is not met. That is because (a) Ms Forey did not know the citations were false; (b) the errors did not make any difference to the outcome; (c) Ms Forey was very inexperienced and had a difficult working and home environment; (d) she did not appreciate the gravity of what had gone wrong and (e) she now realises the seriousness of her mistakes, apologises for them and has shown insight.

61. Andrew Edge, for Mr Amadigwe, Ms Hussain and the Haringey Law Centre, submits that Ms Forey bears the primary responsibility for what occurred. He accepts that Mr Amadigwe should have appreciated the seriousness of the matter once it was raised by the local authority, and that inadequate steps were taken in response. He stresses that this must be viewed in the context of an overstretched charity with limited resources. He submits that the threshold for initiating contempt proceedings has not been met and that, in the light of the steps that are now being taken, it is not necessary or proportionate to refer Mr Amadigwe to the regulator. In respect of Ms Hussain, he submits that she was blameless. She was a paralegal working with instructed counsel under the supervision of Mr Amadigwe, a solicitor, and had acted in accordance with his directions, including when liaising with counsel.

62. In the light of Ms Forey's evidence in her witness statement as to her training, her chambers were informed by the court of this *Hamid* hearing, provided with the hearing bundle, and invited to attend (or be represented at) the hearing on the basis that the court might wish to consider the extent to which Ms Forey had been properly supervised. Following the hearing, the court received an email communication from the Chambers Director at Ms Forey's chambers, Mr Forjour. This disputes Ms Forey's account that she received inadequate supervision. We arranged for a copy of the email to be sent to Ms Evans and Mr Edge, but without seeking further evidence or submissions.

Our conclusions

63. In our judgment, Ms Hussain is not at fault in any way. She acted appropriately throughout. She referred all matters to Mr Amadigwe, who was supervising her, or to Ms Forey, who was instructed counsel and she acted entirely in accordance with what she was told to do by Mr Amadigwe. Ritchie J could not have known this, because at the time of the hearing before him privilege had not been waived and, on the face of the documents, Ms Hussain had written the email of 5 March 2025. We have the benefit of the contemporaneous attendance notes and internal emails which make the position clear.

64. As for Ms Forey, as we have said, Ritchie J did not accept her account given at the hearing on 3 April as to how she had come to rely on false information (the fake cases) and materially misstate the law.[9]

[9] As to the status of those findings in the context of potential contempt proceedings, Ms Evans drew our attention to *Frain v Reeves* [2023] EWHC 73 (Ch) *per* Joanna Smith J at [33], and *Bailey v Bailey* [2022] EWFC 5 *per* Peel J at [10] to [17]. Subject to admissibility (which Ms Evans conceded), it would be for the court to decide how much weight to attribute to those findings but nothing derogates from the long established principle that contempt must be proved to the criminal standard.

65. Since then, privilege has been waived, the attendance notes and the communications between Ms Forey, Ms Hussain and Mr Amadigwe have been disclosed, and Ms Forey has provided two witness statements.

66. Ms Forey now accepts that she is at fault to a degree, but maintains her denial that she used generative artificial intelligence tools when preparing her list of cases or the grounds for judicial review. She says that her list of cases was compiled from various identified websites. It is not, however, suggested that any of the fake cases that she cited appeared, or have ever appeared, on those websites. In her most recent statement, she says that she would make general internet searches, but is now unable to identify any source for the fake cases anywhere on the internet (Ms Evans told us her instructing solicitors had conducted an internet search but could find no reference to those fake citations save to the reference to them in the judgment of Ritchie J and the subsequent reporting of that judgment). Ms Forey says in her second witness statement that some internet searches (on Google for example) provide a summary response which is produced by a generative artificial intelligence tool. We were not, however, provided with any evidence to support a contention (which in any event, was not directly advanced) that the fake cases that Ms Forey put before the court in Mr Ayinde's claim for judicial review might have emerged in that way.

67. Ms Forey refuses to accept that her conduct was improper. She says that the underlying legal principles for which the cases were cited were sound, and that there are other authorities that could be cited to support those principles. She went as far as to state that these other authorities were the authorities that she "intended" to cite (a proposition which, if taken literally, is not credible). An analogy was drawn with the mislabelling of a tin where the tin, in fact, contains the correct product. In our judgment, this entirely misses the point and shows a worrying lack of insight. We do not accept that a lack of access to textbooks or electronic subscription services within chambers, if that is the position, provides anything more than marginal mitigation. Ms Forey could have checked the cases she cited by searching the National Archives' caselaw website or by going to the law library of her Inn of Court. We regret to say that she has not provided to the court a coherent explanation for what happened.

68. On the material before us, there seem to be two possible scenarios. One is that Ms Forey deliberately included fake citations in her written work. That would be a clear contempt of court. The other is that she did use generative artificial intelligence tools to produce her list of cases and/or to draft parts of the grounds of claim. In that event, her denial (in a witness statement supported by a statement of truth) is untruthful. Again, that would amount to a contempt. In all the circumstances, we consider that the threshold for initiating contempt proceedings is met.

69. However, we have decided not to initiate contempt proceedings or to refer the case to the Law Officers. First, there are a number of factual issues which could not easily be determined in the course of summary proceedings for contempt. Secondly, there are questions raised as to potential failings on the part of those who had responsibility for training Ms Forey, for supervising her, for "signing off" her pupillage, for allocating work to her, and for marketing her services. Those could not be addressed in contempt proceedings brought against Ms Forey alone. Thirdly, Ms Forey has already been criticised in a public judgment; she has been referred to the regulator and her conduct

will be the subject of an investigation by her regulator. Fourthly, she is an extremely junior lawyer who was apparently operating outside her level of competence and in a difficult home and work context. Fifthly, our overarching concern is to ensure that lawyers clearly understand the consequences (if they did not before) of using artificial intelligence for legal research without checking that research by reference to authoritative sources. This court's decision not to initiate contempt proceedings in respect of Ms Forey is not a precedent. Lawyers who do not comply with their professional obligations in this respect risk severe sanction.

70. Though Ms Forey has now been referred to her professional regulator by Ritchie J and has also self-referred, we have decided that the court should also refer her to the regulator. We consider that the following matters, at least, require further consideration by the regulator:

> The circumstances in which Ms Forey came to put false cases before HHJ Holmes and before Ritchie J. The truthfulness of the account given by Ms Forey to Ritchie J and in her witness statements. The circumstances in which her list of cases came to be deleted, and whether it can now be retrieved. Whether those responsible for supervising Ms Forey's pupillage in chambers complied with the relevant regulatory requirements in respect of her supervision, the way in which work was allocated to her, and her competence to undertake the level of work that she was doing.

71. So far as Mr Amadigwe and the Haringey Law Centre are concerned, we accept that they are an overstretched charity providing an important service to vulnerable members of society with limited resources. It could be said however, that in those circumstances, it is all the more important that professional standards are maintained, and they instruct those who adhere to them. Moreover, so far as this particular case is concerned, it was conducted with the benefit of a legal aid certificate which provided funding for both solicitors and counsel.

72. There is no basis however to suspect that Mr Amadigwe deliberately caused false material to be put before the court. There is no question of initiating contempt proceedings in respect of him. He had, however, been put on notice as to what had happened: the letter from the solicitor for the local authority was clear. The steps taken by Mr Amadigwe in response were inadequate. We refer the matter to the Solicitors Regulation Authority. We consider the following matters at least requires further consideration by the regulator: the steps taken by Mr Amadigwe in response to the correspondence from Mr Greenberg; and the steps he took to satisfy himself that Ms Forey had sufficient experience or was competent to undertake the work she had been instructed by Haringey Law Centre to do.

The Al-Haroun case

The background

73. The claimant, Mr Al-Haroun, seeks damages of £89.4 million for alleged breaches of a financing agreement. His solicitor is Abid Hussain of Primus Solicitors. The defendants are the Qatar National Bank and QNB Capital. The defendants filed applications to dispute the court's jurisdiction and to strike out the claim or to enter summary judgment.

Directions were given for the hearing of those applications. In April 2025, Dias J extended the time for the defendants to file and serve evidence in relation to the applications. The claimant applied to set aside that order. He provided a witness statement, and he also relied on a witness statement from his solicitor, Abid Hussain. The parties agreed that the application did not require a hearing. On 9 May 2025, Dias J dismissed the application. She referred the papers for consideration by the *Hamid* judge. She gave the following reasons:

> "The court is deeply troubled and concerned by the fact that in the course of correspondence with the court and in the witness statements of both Mr Al-Haroun and Mr Hussain, reliance is placed on numerous authorities, many of which appear to be either completely fictitious or which, if they exist at all, do not contain the passages supposedly quoted from them, or do not support the propositions for which they are cited: see the attached schedule of references prepared by one of the court's judicial assistants.
>
> It goes without saying that this is a matter of the utmost seriousness. Primus Solicitors are regulated by the SRA and Mr Hussain is accordingly an officer of the court. As such, both he and they are under a duty not to mislead or attempt to mislead the court, either by their own acts or omissions or by allowing or being complicit in the act or omissions of their client. The administration of justice depends upon the court being able to rely without question on the integrity of those who appear before it and on their professionalism in only making submissions which can properly be supported.
>
> Putting before the court supposed "authorities" which do not in fact exist, or which are not authority for the propositions relied upon is prima facie only explicable as either a conscious attempt to mislead or an unacceptable failure to exercise reasonable diligence to verify the material relied upon.
>
> For these reasons, the court considers it appropriate to refer the case for further consideration under the Hamid jurisdiction, pending which all questions of costs are reserved."

74. The schedule of references referred to by Dias J lists forty five citations that had been put before the court. In eighteen instances, the case cited does not exist. In respect of those cases that did exist, in many instances they did not contain the quotations that were attributed to them, did not support the propositions for which they were cited, and did not have any relevance to the subject matter of the application. In the judicial assistant's pithy conclusion "The vast majority of the authorities are made up or misunderstood."

Evidence and submissions

75. Mr Al-Haroun, and Mr Hussain, have each filed a witness statement.

76. Mr Al-Haroun accepts responsibility for the inclusion of inaccurate and fictitious material in the witness statement that he filed with the court. He says that the citations were generated using publicly available artificial intelligence tools, legal search engines and online sources. He had complete (but he accepts misplaced) confidence in the authenticity of the material that he put before the court. He stresses that he did not intend to misstate the law or to cause confusion to the court or the defendants or his own legal representatives. He offers a sincere apology to the court and to the defendants and to his own legal representatives. He seeks to absolve his solicitor from any responsibility.

77. For his part, Mr Hussain accepts that his witness statement contained citations of non-existent authorities. He says that he relied on legal research that Mr Al-Haroun had conducted, without independently verifying the authorities. He accepts this was wrong. He says that he has never before been called before a conduct hearing and has never previously been reported to the Solicitors Regulation Authority. He has reported himself, and he will send them a copy of his witness statement. He stresses that he had no intention to mislead the court. In the light of what has happened he has removed himself "from all litigated matters" and he will undertake a review of best practices regarding legal drafting and the ethical duties of solicitors in the conduct of litigation, and he will attend further continuous professional development training. He gives an assurance that this will never happen again, and he offers an unreserved apology to the court.

78. David Lonsdale, on behalf of Primus Solicitors and Mr Hussain, accepts that their conduct "could not be worse", that it is "very very bad indeed", and that "the very last thing any solicitor should do is to rely on the research of a lay client". He says that Primus Solicitors and Mr Hussain were each "horrified" and that Mr Hussain could not reproach himself more for what had happened. Mr Lonsdale draws attention to two particular points in mitigation of what went wrong. First, it is obvious that Mr Hussain had no idea that the citations and quotations were fake. Secondly, the documents had been provided to counsel who had advised against making the application but who had not drawn attention to the fact that the citations and quotations were fake. In all the circumstances (and particularly in the light of Mr Hussain's self-referral to the Solicitors Regulatory Authority) he submits that no further action is required.

Our conclusions

79. We note what Mr Al-Haroun says, his candour, his apology and his acceptance of responsibility. We accept that he did not have any intention to mislead the court or anyone else. However, the focus of our consideration of these cases is on the conduct of the lawyers rather than the litigants. Mr Al-Haroun's errors do not absolve his legal representatives of responsibility. On the contrary, as Mr Lonsdale recognised, it is extraordinary that the lawyer was relying on the client for the accuracy of their legal research, rather than the other way around.

80. As to counsel who reviewed the material that had been drafted by Mr Al-Haroun, he did not put the material before the court. Having formed an adverse view as to the merits

of the application, and having communicated that view, and having apparently played no further part in the matter, there is scope for argument as to whether he should have advised on the accuracy of Mr Al-Haroun's various citations and quotations. We were not shown any contemporaneous note of the advice given by counsel (indeed we were told in submissions that no attendance note had been taken of it), and there appears to be a factual dispute as to the precise advice given. In all the circumstances, we do not consider that the threshold for a court referral to the Bar Standards Board is met. That does not, of course, prevent Mr Hussain from making a complaint, or from raising the matter in explanation or mitigation before the regulator.

81. As to Mr Hussain, and Primus Solicitors, there was a lamentable failure to comply with the basic requirement to check the accuracy of material that is put before the court. A lawyer is not entitled to rely on their lay client for the accuracy of citations of authority or quotations that are contained in documents put before the court by the lawyer. It is the lawyer's professional responsibility to ensure the accuracy of such material. We are satisfied that Mr Hussain did not realise the true position. It is striking that one of the fake authorities that was cited to Dias J was a decision that was attributed to Dias J. If this had been a deliberate attempt to mislead the court, it was always going to fail. The threshold for the initiation of contempt proceedings is, accordingly, not met. Mr Hussain has referred himself to the Solicitors Regulation Authority. We will also make a referral.

Further steps

82. We have set out some of the guidance that has been promulgated by the regulatory bodies. These *Hamid* cases show that promulgating such guidance on its own is insufficient to address the misuse of artificial intelligence. More needs to be done to ensure that the guidance is followed and lawyers comply with their duties to the court. A copy of this judgment will be sent to the Bar Council and the Law Society, and to the Council of the Inns of Court. We invite them to consider as a matter of urgency what further steps they should now take in the light of this judgment.

Appendix

83. There have been many instances, in countries around the world, of material being put before a court that is generated by an artificial intelligence tool, but which is erroneous. The following selection (many more examples could be given) show something of the extent of the problem.

England and Wales

84. In a case before the First-tier tribunal, *SW Harber v Commissions for His Majesty's Revenue and Customs* [2023] UKFTT 1007 (TC), the appellant had disposed of a property and failed to notify her liability to capital gains tax. She was issued with a penalty. She appealed. She put before the tribunal the names, dates and summaries of what were said to be nine First-tier Tribunal decisions which supported her case. These had been provided to her by "a friend in a solicitor's office" who she had asked to assist with her appeal. None of the authorities were genuine. At [18] to [19] the Tribunal said:

> "18. The Tribunal told the parties that we… had looked at the FTT website and other legal websites and had… been unable to find any of the cases in the Response. We asked Mrs Harber if the cases had been generated by an AI system, such as ChatGPT. Mrs Harber said this was "possible", but moved quickly on to say that she couldn't see that it made any difference, as there must have been other FTT cases in which the Tribunal had decided that a person's ignorance of the law and/or mental health condition provided a reasonable excuse.
>
> 19. Mrs Harber then asked how the Tribunal could be confident that the cases relied on by HMRC and included in the Authorities Bundle were genuine. The Tribunal pointed out that HMRC had provided the full copy of each of those judgments and not simply a summary, and the judgments were also available on publicly accessible websites such as that of the FTT and the British and Irish Legal Information Institute ("BAILLI"). Mrs Harber had been unaware of those websites."

85. In *Olsen v Finansiel Stabilitet A/S* [2025] EWHC 42 (KB) the appellants (who were acting in person) appealed against a decision to register in the High Court a judgment given by a Danish court for just over €5.8 million, plus about 1.25 million Danish Kroner. The appellants relied on a case summary of an authority, with a neutral citation indicating it was a decision of the Court of Appeal, which did not exist. Kerr J said the summary was "written in a style that made me think the author was a lawyer familiar with the Judgments Regulation, but whose first language is not English." The appellants explained that they had been assisted by their "extensive legal network" who had provided the case summary. They stressed that the "key legal principles underpinning the citation remain well-supported by established case law and statutory interpretation." Kerr J said, at [113]:

> "I have narrowly and somewhat reluctantly come to the conclusion that I should not cause a summons for contempt of court to be issued to the appellants under CPR rule 81.6. I do not think it likely that a judge (whether myself or another judge) could be sure, to the criminal standard of proof, that the appellants knew the case summary was a fake. They may have known but they could not be compelled to answer questions about the identity of the person who supplied it."

86. In *Zzaman v Commissioners for His Majesty's Revenue and Customs* [2025] UKFTT 00539 (TC) the appellant, who was acting in person, relied on artificial intelligence to help him produce his written arguments. The resulting document included references to a number of genuine cases, but the Tribunal found (at [19]) that none of the cases that had been cited "materially assisted" and that (at [29]) they did not "provide authority for the propositions that were advanced." The Tribunal said:

> "This highlights the dangers of reliance on AI tools without human checks to confirm that assertions the tool is generating are accurate. Litigants using AI tools for legal research would be well advised to check carefully what it produces and any authorities that are referenced. These tools may not have access to the authorities required to produce an accurate answer, may not fully "understand" what is being asked or may miss relevant materials. When this happens, AI tools may produce an answer that seems plausible, but which is not accurate. These tools may create fake authorities (as seemed to be the case in *Harber*) or use the names of cases to which it does have access but which are not relevant to the answer being sought (as was the case in this appeal). There is no reliable way to stop this, but the dangers can be reduced by the use of clear prompts, asking the tool to cite specific paragraphs of authorities (so that it is easy to check if the paragraphs support the argument advanced), checking to see the tool has access to live internet data, asking the tool not to provide an answer if it is not sure and asking the tool for information on the shortcomings of the case being advanced. Otherwise there is a significant danger that the use of an AI tool may lead to material being put before the court that serves no one well, since it raises the expectations of litigants and wastes the court's time and that of opposing parties."

87. We agree with the Tribunal as to the dangers and the need for caution. We do not, however, consider that the risks are materially reduced by "asking the tool not to provide an answer if it is not sure and asking the tool for information on the shortcomings of the case being advanced." The critical safeguard is to check any output by reference to an authoritative source.

88. *Bandla v Solicitors Regulation Authority* [2025] EWHC 1167 (Admin) was decided just a week before the hearing in these cases. The appellant appealed against a decision of the Solicitors Disciplinary Tribunal to strike him off the roll of solicitors. The appellant cited twenty five cases which did not exist. He denied that he had used artificial intelligence, but he accepted that he had not checked the citations. At [53] Fordham J said:

> "I asked the Appellant why, in the light of this citation of non-existent authorities, the Court should not of its own motion strike out the grounds of appeal in this case, as being an abuse of the process of the Court. His answer was as follows. He claimed that the substance of the points which were being put forward in the grounds of appeal were sound, even if the authority which was being cited for those points did not exist. He was saying, on that basis, that the citation of non-existent (fake) authorities would not be a sufficient basis to concern the Court, at least to the extent of taking that course. I was wholly unpersuaded by that answer. In my judgment, the Court needs to take decisive action to protect the integrity of its processes against any citation of fake authority. There have been multiple examples of fake authorities cited by the Appellant to the Court, in these proceedings. They are non-existent cases. Here, moreover, they have been put forward by someone who was previously a practising solicitor. The citations were included, and maintained, in formal documents before the Court. They were never withdrawn. They were never explained. That, notwithstanding that they were pointed out by the SRA, well ahead of this hearing. This, in my judgment, constitutes a set of circumstances in which I should exercise – and so I will exercise – the power of the Court to strike out the grounds of appeal in this case as an abuse of process."

United States of America

89. In *Mata v Avianca Inc* Case No. 22-cv-1461 (PKC), 2o23 WL 4114965 (SDNY 22 June 2023), a lawyer produced material before the United States District Court for the Southern District of New York which had been generated by ChatGPT. The opposing lawyer, and the court, were unable to find seven of the cases that had been cited. The court made an order requiring the cases to be produced. The lawyer then provided what purported to be excerpts from the cases. Rather than trying to locate the cases, the lawyer had simply asked ChatGPT to summarise the cases it had cited. It was apparent that, as Judge Castel put it, these showed "stylistic and reasoning flaws that do not generally appear in decisions issued by United States Courts of Appeals. Its legal analysis is gibberish." Judge Castel explained some of the consequences of citing non-existent authorities:

> "Many harms flow from the submission of fake opinions. The opposing party wastes time and money in exposing the deception. The Court's time is taken from other important

> endeavors. The client may be deprived of arguments based on authentic judicial precedents. There is potential harm to the reputation of judges and courts whose names are falsely invoked as authors of the bogus opinions and to the reputation of a party attributed with fictional conduct. It promotes cynicism about the legal profession and the American judicial system. And a future litigant may be tempted to defy a judicial ruling by disingenuously claiming doubt about its authenticity."

90. The judge imposed a sanction of $5,000 on each of two lawyers, and on the law firm.

91. In *Ex parte Lee* 673 SW 3d 755 (Tex App Waco 19 July 2023) non-existent cases were cited to the Tenth Court of Appeals for the State of Texas. The court (Chief Justice Gray, Justice Johnson and Justice Smith) "resist[ed] the temptation to issue a show cause order… or report the attorney to the State Bar of Texas for a potential investigation for a violation of the State Bar rules."

92. In *Kohls v Elison* No 24-cv-3754 (D Minn 10 January 2025) the United States District Court for the District of Minnesota was concerned with a case concerning "deepfakes". The parties relied on expert evidence about artificial intelligence. One of the experts had used generative artificial intelligence to draft his report. It included citations of non-existent academic articles. United States District Judge Laura Provinzino said:

> "The irony. …a credentialed expert on the dangers of AI and misinformation, has fallen victim to the siren call of relying too heavily on AI – in a case that revolves around the dangers of AI, no less.
> …
> The Court thus adds its voice to a growing chorus around the country declaring the same message: verify AI-generated content in legal submissions!"

93. Judge Provinzino also referred to *Park v Kim* 91 F 4th 610 (2d Cir 2023) (where the court referred an attorney for potential discipline for including fake, artificial intelligence generated, legal citations in a filing) and *Kruse v Karlen* 692 SW 3d 43 (Mo Ct App 2024) (where an appeal was dismissed because the litigant had filed a brief with multiple fake, artificial intelligence generated, legal citations).

94. *Lacey v State Farm General Insurance Co* CV 24-5205 FMO (MAAx), 6 May 2025, is a judgment of Judge Wilner sitting in the United States District Court for the Central District of California. The attorneys for the plaintiff submitted briefs that contained "bogus" artificial intelligence generated research, comprising fake citations and quotations. When two of these were pointed out by the court, the brief was re-submitted with those two corrected, but with many other fake citations and quotations still included. Judge Wilner referred to other cases where the same thing had happened, and the need for "a fact- and circumstance-specific analysis" before deciding what type of sanction to impose. He said:

> "the conduct of the lawyers at K&L Gates is also deeply troubling. They failed to check the validity of the research sent to them. As a result, the fake information found its way into the Original Brief that I read. That's bad. But, when I contacted them and let them know about my concerns regarding a portion of their research, the lawyers' solution was to excise the phony material and submit the Revised Brief – still containing a half-dozen AI errors. Further, even though the lawyers were on notice of a significant problem with the legal research (as flagged by the brief's recipient: the Special Master), there was no disclosure to me about the use of AI. Instead, the e-mail transmitting the new brief merely suggested an inadvertent production error, not improper reliance on technology. Translation: they had the information and the chance to fix this problem, but didn't take it."

95. Judge Wilner imposed litigation sanctions against the plaintiff and financial payments from the lawyers. In the course of his judgment, Judge Wilner referred to yet further instances of this issue: *United States v Hayes* (E.D. Cal. Jan 17, 2025) (sanctioning criminal defence lawyer for using artificial intelligence; when questioned by the court, the lawyer's response about the source of inaccurate legal citations "was not accurate and was misleading"); *Saxena v Martinez Hernandez* (D. Nev. April 23, 2025) ("Saxena's use of AI generated cases – and his subsequent refusal to accept responsibility for doing so – is just another example of Saxena's abusive litigation tactics, and further explains why the court issued case-terminating sanctions"); *United States v Cohen* 724 F Supp 3d 251 (SDNY 2024) (declining to find bad faith where defence lawyer voluntarily disclosed that she "had been 'unable to verify'" false citations in colleague's brief and lawyer "would have withdrawn the [fake] citations immediately if given the opportunity").

Australia

96. *Valu v Minister for Immigration and Multicultural Affairs (No 2)* [2025] FedCFamC2G 95 was a case before the Federal Circuit and Family Court of Australia seeking judicial review of a Tribunal decision. The written submissions filed by the applicant's legal representative contained citations of cases and quotations that were not genuine. Judge Skaros referred the legal representative to the regulator. At [37], she said:

> "There is a strong public interest in referring this conduct to the regulatory authority in NSW given the increased use of generative AI tools by legal practitioners. The use of generative AI in legal proceedings is a live and evolving issue. While the Supreme Court of NSW has issued guidelines around the use of generative AI, other Courts, including this Court, are yet to develop their guidelines. The Court agrees with the Minister that the misuse of generative AI is likely to be of increasing concern and that there is a public interest in the OLSC being made aware of such conduct as it arises."

New Zealand

97. *Wikeley v Kea Investments Ltd* [2024] NZCA 609 concerned the enforcement of a default judgment. The court (at [199] and footnote 187, *per* Muir J) noted that the appellant withdrew a written argument "after the apparent use of generative artificial intelligence in its drafting was drawn to our attention by respondent counsel", that use being apparent "from the references to apparently non-existent cases." It drew attention to guidance that had been issued by the judiciary as to the use of artificial intelligence in the courts and tribunals.

Canada

98. *Zhang v Chen* [2024] BCSC 285 was a case before the Supreme Court of British Columbia concerning parenting time with children. Ms Ke, the lawyer for the applicant, filed a document which cited non-existent cases. She explained her mistake in a note to a colleague:

> "I made a serious mistake when preparing a recent Notice of Application for my client, Mr Wei Chen, by referring to two cases suggested by Chat GTP (an artificial intelligent tool) without verifying the source of information. I had no idea that these two cases could be erroneous. After my colleague pointed out the fact that these could not be located, I did research of my own and could not detect the issues either. Regardless of the level of reliability of Al aids, I should have used more reliable platforms for doing legal research and should have verified the source of information that was going to be presented in court and/or exchanged with the opposing counsel. I have taken this opportunity to review the relevant professional codes of conduct and reflected on my action. I will not repeat the same mistake again. I had no intention to mislead the opposing counsel or the court and sincerely apologize for the mistake that I made."

99. Masuhara J said:

> "Citing fake cases in court filings and other materials handed up to the court is an abuse of process and is tantamount to making a false statement to the court. Unchecked, it can lead to a miscarriage of justice."

100. He required Ms Ke to pay the costs of the additional effort and expense that had been incurred because of the reliance on fake cases. He also required her to review all her files that were before the court and to inform the court of any that contained citations or summaries that were obtained from generative artificial intelligence tools.

101. *Geismayr v The Owners, Strata Plan KAS 1970* [2025] BCCRT 217 was a case in the Civil Resolution Tribunal in British Columbia in which the applicants sought

retrospective approval for alterations made to a strata lot. Tribunal Member Peter Mennie said, at [25]:

> "The Geismayrs' submissions reference ten decisions where they say courts ruled that a strata could not force the removal of strata lot alterations. These cases have the parties' names and the years published, but no legal citation. Nine of these cases do not exist. The remaining case… has three court decisions published in 2013, however, none of these are related to unauthorized alterations. The Geismayrs listed the source of these cases as a "Conversation with Copilot" which is an artificial intelligence chatbot. I find it likely that these cases are "hallucinations" where artificial intelligence generates false or misleading results."

102. In *Ko v Li* [2025] ONSC 2766, a case before the Ontario Superior Court of Justice, the applicant sought to set aside a divorce order. Ms Lee, counsel for the applicant, submitted a written document which cited non-existent cases. Myers J said, at [14] – [22]:

> "14. This occurrence seems similar to cases in which people have had factums drafted by generative artificial intelligence applications (like ChatGPT). Some of these applications have been found to sometimes create fake legal citations that have been dubbed "hallucinations." It appears that Ms. Lee's factum may have been created by AI and that before filing the factum and relying on it in court, she might not have checked to make sure the cases were real or supported the propositions of law which she submitted to the court in writing and then again orally.
>
> 15. All lawyers have duties to the court, to their clients, and to the administration of justice.
>
> 16. It is the lawyer's duty to faithfully represent the law to the court.
>
> 17. It is the lawyer's duty not to fabricate case precedents and not to mis-cite cases for propositions that they do not support.
>
> 18. It is the lawyer's duty to use technology, conduct legal research, and prepare court documents competently.
>
> 19. It is the lawyer's duty to supervise staff and review material prepared for her signature.
>
> 20. It is the lawyer's duty to ensure human review of materials prepared by non-human technology such as generative artificial intelligence.

21. It should go without saying that it is the lawyer's duty to read cases before submitting them to a court as precedential authorities. At its barest minimum, it is the lawyer's duty not to submit case authorities that do not exist or that stand for the opposite of the lawyer's submission.

22. It is the litigation lawyer's most fundamental duty not to mislead the court."