AILF INSIGHTS · AI AND TECHNOLOGY

Fake citations and AI errors: the lawyer's duty to verify

Courts in several countries have found invented case citations in filings prepared with AI. Why it happens and how Indian lawyers can prevent it.

A new kind of professional embarrassment has appeared in courts around the world. A lawyer files a document citing judgments that support the case perfectly. The judge looks for them. They do not exist. They were produced by a generative AI tool, and nobody checked.

Why it happens

Generative AI systems produce text that is statistically likely. They do not look up facts unless designed and instructed to do so. Asked for a judgment on a point, a tool may assemble a realistic case name, court, year and quotation that are entirely invented. The output looks authoritative, which is exactly the danger.

How courts have reacted

Courts in several jurisdictions, including India, have criticised filings containing non-existent authorities, and some have imposed costs or referred the matter for disciplinary action. Judges have been consistent on one point: the tool is not to blame. The lawyer is.

The duty is not new

An advocate has always been responsible for what is placed before the court. Citing a case without reading it was poor practice before AI existed. The technology has only made the consequences more visible.

Types of error to watch

- Cases that do not exist.
- Real cases cited for propositions they do not support.
- Invented quotations attributed to real judgments.
- Overruled or outdated authorities presented as good law.
- Wrong section numbers, particularly since the new criminal laws replaced the earlier codes.
- Confident but incorrect summaries of facts.

A verification routine

1. Read the source. Open every authority in an official or trusted reporter.

2. Check the citation. Court, year, parties and paragraph.

3. Check the proposition. Does the judgment actually decide the point?

4. Check its status. Has it been overruled, distinguished or stayed?

5. Check quotations word for word.

6. Record who verified.

Supervision

Partners remain responsible for the work of associates and interns. Ask how a draft was prepared. Make it easy for juniors to say that they used a tool.

Firm safeguards

- A written rule that no AI output goes to a client or court unverified.
- Use of research tools that link to real sources.
- Training with real examples of errors.
- A final check of all citations before filing.

Candour

If an error reaches the court, correct it at once and without excuses. The duty of candour to the court outweighs embarrassment.

The lesson

AI can save hours of research. It cannot take responsibility. The signature on the filing belongs to an advocate, and so does the duty to make sure every word of it is true.

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