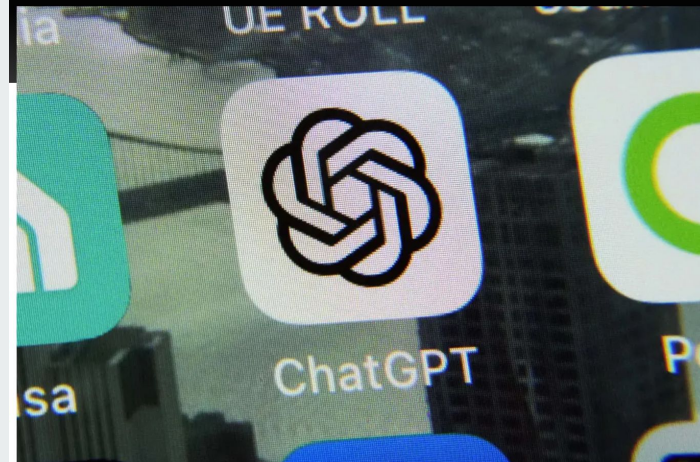


# Case Study: Hallucinations gone wrong in Law

How to use ChatGPT to create content

Lawyers blame ChatGPT for tricking them into citing bogus case law



FILE - The ChatGPT app is displayed on an iPhone in New York, May 18, 2023. A judge is deciding whether to sanction two lawyers who blamed ChatGPT for tricking them into including fictitious legal research in a court filing. The lawyers apologized at a hearing Thursday, June 8, 2023, in Manhattan federal court for their roles in written submissions that seemed to leave Judge P. Kevin Castel both baffled and disturbed at what happened. (AP Photo/Richard Drew, File)



# What happened?

- <https://arstechnica.com/tech-policy/2023/06/lawyers-have-real-bad-day-in-court-after-citing-fake-cases-made-up-by-chatgpt/>
- A lawyer, Steven A. Schwartz and Peter LoDuca, used ChatGPT to generate a legal brief for a law suit against Columbian airline Avianca for an injury on a 2019 flight
- Schwartz used ChatGPT to perform legal research and ChatGPT created fictitious cases that didn't actually exist.
- When Judge Castel read the legal brief, he was surprised with the legal citations since they didn't exist and Aviancas lawyers called them out on this
- "We're talking about the Southern District of New York, the federal district that handles big cases, 9/11 to all the big financial crimes," Shin said. "This was the first documented instance of potential professional misconduct by an attorney using generative AI."



## Who's fault was it?

- “Schwartz told U.S. District Judge P. Kevin Castel he was “operating under a misconception ... that this website was obtaining these cases from some source I did not have access to.”
  - They thought that ChatGPT knew about cases that nobody has ever heard of
- Schwartz used ChatGPT to generate the text and LoDuca, another lawyer, signed off on it. Because LoDuca signed off, he indicated that he read and verified the information in the legal filing. He didn't actually verify this.
- They are potentially at risk of being disbarred for the outcome
- Was it ChatGPT's fault, the lawyers fault, or both?



## What was the outcome?

- Both lawyers were fined \$5,000. The judge ended up crediting their apologies and their remedial step to explain why harsher sanctions were not necessary
- There was a risk of being disbarred (losing their law license)
- Extreme embarrassment



## How could this be avoided

- Schwartz could have avoided this by double checking all the information generated by the LLM
- LoDuca could have avoided this by double checking the work done by Schwartz
- Schwartz could have mitigated the impact by grounding the LLM and grounding the LLM
- Schwartz could have avoided this by using a search engine to perform the research and his own judgement
- Remember that LLMs can hallucinate. The information that is retrieved can be correct and it could also be completely made up. They are not knowledge graphs, they simply regurgitate information.