

# CHICAGO LAWYER

CLIFFORD'S NOTES

## CAUTIONARY TALES

Generative AI hallucinations continue to be a problem for attorneys  
**BY BOB CLIFFORD**



**L**awyers who use generative AI in their practice and are unaware of the possibility of hallucinations are playing with fire.

In 2025, at least three federal courts reviewed the conduct of lawyers and litigants who improperly used AI-generated research in submissions to judges. The emerging consensus is that these submissions violate attorneys' obligations under Rule 11 of the Federal Rules of Civil Procedure. Although some clients may demand use of AI to save money, it is imperative that legal citations filed in any court be checked for accuracy.

One high-profile case that highlighted this issue involved MyPillow (*Coomer v. Lindell, et al.*, No. 22 C 1129). U.S. District Court Judge Nina Wang of the District of Colorado ruled that two lawyers violated court rules when they filed a document in February 2025 with more than 20 mistakes including fake cases made up by AI. The attorneys admitted to the court they used generative AI tools and didn't check case citations.

In the 4th District of Illinois, *In re Baby Boy and A.H., Minors*, Nos. 4-24-1427 and 4-24-1430, a mother appealed a trial court's decision. She argued that the findings of parental unfitness and the best interest of the child were against the manifest weight of the evidence. She also argued ineffective assistance of counsel. The attorney admitted to the court he used AI for writing the briefs and didn't read the cases he cited.

The appellate court found, unrelated to the termination of parental rights issue, the respondent's attorney violated Illinois Supreme Court Rule 375 for citing eight nonexistent cases in his briefs. The attorney was ordered to disgorge his nearly \$7,000 fee to the client, pay a \$1,000 sanction to the clerk of the appellate court and the opinion was referred to the Illinois Attorney Registration and Disciplinary Commission for further action.

The Illinois court cited the American Bar Association's Commission on Ethics and Professional Responsibility, Formal Opinion 512 (2024) and the Illinois Supreme Court Policy on Artificial Intelligence (Jan. 1, 2025) that states in part that "[u]nsubstantiated or deliberately misleading AI-generated content that perpetuates bias, prejudices litigants, or obscures truth-finding and decision-making will not be tolerated."

The court also ruled that the attorney violated Illinois Rule 375(b) for citing frivolous cases. It made clear that it was not discouraging the use of AI in legal research but that lawyers must use it wisely.

These cases are cautionary tales about the evolving role and continuing dangers of using generative AI in pleadings. They raise urgent questions about legal ethics, technology and the potential erosion of judicial trust. Lawyers must recognize that generative AI attempts to please its user, and in doing so may create cases that at first glance appear legitimate, but after a deeper look indicates they are fabrications.

Generative AI tools have seen an explosion in use over the last few years. Attorneys have turned to them for drafting, research and strategy. They have become more sophisticated too. The more instruction and specificity a user provides, the better the output will be. However, unlike traditional legal databases, these models do not rely solely on verified case law. They generate content probabilistically, drawing patterns from vast amounts of information and can fabricate citations that look indistinguishably real. In medicine, education and journalism, hallucinations can result in misinformation or wasted time. In law, they threaten constitutional rights, jeopardize case outcomes and can mislead judges.

Another concern is the potential violation of the attorney-client privilege. For instance, if a user submits information like a client's name, date of birth, specific facts and other personal

data it could potentially be used by other attorneys and non-attorneys in subsequent research. It is imperative that people use generative AI as merely a draft. Some courts require attorneys to disclose the use of AI in any filed documents and certify that all citations have been independently verified through traditional legal databases.

These cases also touch on the tension between technology and access to justice. Many solo practitioners and public defenders are using AI tools out of necessity, facing crushing caseloads, limited resources and the increasing complexity of litigation. In this context, generative AI appears to be a survival mechanism.

Legal futurists argue that the solution is not to abandon AI, but to develop better tools that are transparent, verifiable and embedded with safeguards. Some companies are now integrating case law verification engines that flag hallucinated cases. Others are training models exclusively on vetted legal data. Legal research companies such as Westlaw and LexisNexis attest they are drawing strictly from their own database, but it is still recommended that lawyers use these traditional research tools to check each cited case.

AI can quickly go from tool to liability, but courts are attempting to meet this technological inflection point with clarity, regulation and, above all, human diligence. [CL](#)

**Bob Clifford** is the founder at Clifford Law Offices. He practices personal injury and regularly handles complex damage cases. [rclifford@cliffordlaw.com](mailto:rclifford@cliffordlaw.com)