

Another NY lawyer faces discipline after AI chatbot invented case citation

[Sara Merken](#) January 30, 2024 3:42 PM EST Updated a year ago



The Thurgood Marshall courthouse is pictured in New York, New York, U.S., March 25, 2019. REUTERS/Carlo Allegri [Purchase Licensing Rights](#)

Jan 30 (Reuters) - A New York lawyer is facing possible discipline for citing a non-existent case generated by artificial intelligence, marking AI's latest disruption for attorneys and courts learning to navigate the emerging technology.

The 2nd U.S. Circuit Court of Appeals in a Tuesday [order](#) referred lawyer Jae Lee to its attorney grievance panel after she used OpenAI's ChatGPT for research in a medical malpractice lawsuit and did not confirm that the case she cited was valid.

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The conduct "falls well below the basic obligations of counsel," a three-judge panel for the Manhattan-based appeals court wrote.

Lee, an attorney at three-lawyer New York firm JSL Law Offices, P.C., said in an email that the court's disciplinary referral was a surprise and that she is "committed to adhering to the highest professional standards and to addressing this matter with the seriousness it deserves."

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She included the non-existent state court decision in an appeal to revive her client's lawsuit claiming a Queens doctor botched an abortion.

The court in November ordered the lawyer to submit a copy of the cited decision after it was not able to find the case. She responded that she was "unable to furnish a copy of the decision."

The lawyer admitted to including a case "suggested" by ChatGPT but said there was "no bad faith, willfulness, or prejudice towards the opposing party or the judicial system."

A lawyer for the doctor defendant did not immediately respond to a request for comment on the 2nd Circuit's order, which also upheld dismissal of the underlying case.

The order is the latest example of a lawyer inadvertently including false case citations generated by AI tool in a court filing. Generative AI programs have been found to "hallucinate" information, meaning they can produce text that is convincing but incorrect.

An attorney for Michael Cohen, Donald Trump's former fixer and lawyer, is [seeking to avoid sanctions](#) for similar conduct. In an unrelated case, two New York lawyers were [sanctioned](#) last June for submitting a brief with six fictitious citations. A Colorado lawyer was temporarily suspended from practicing law in November in another such case.

As the 2nd Circuit noted in Tuesday's order, a growing number of judges and courts are [issuing orders](#) or considering new rules to govern how lawyers in cases before them can use AI tools.

The appeals court concluded, however, that "such a rule is not necessary to inform a licensed attorney, who is a member of the bar of this court, that she must ensure that her submissions to the court are accurate."

The 2nd Circuit's rules committee has had "some discussion" about AI, though it has not established a specific panel to examine the issue, circuit

executive Michael Jordan said in an email last week. At least two other appeals courts are [forming committees](#) to examine the issue.

The 2nd Circuit referred Lee to the court's grievance panel for "further investigation." The court also ordered the lawyer to provide a copy of the ruling to her client.

The case is Park v. Kim, 2nd U.S. Circuit Court of Appeals, No. 22-2057

For the plaintiff: Jae Lee of JSL Law Offices

For the defendant: Alejandra Gil of Heidell, Pittoni, Murphy & Bach

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