

Lawyer who used flawed AI case citations says sanctions unwarranted in whistleblower case

[Sara Merken](#) August 27, 2024 5:27 PM EDT Updated 4 months ago



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Aug 27 (Reuters) - A lawyer has asked a Virginia federal judge not to impose sanctions after he used incorrect case citations and quotes in a court filing, arguing the errors were unintentional and stemmed from "good-faith reliance" on artificial intelligence tools.

U.S. District Judge Thomas Cullen in Roanoke, Virginia, last month [ordered](#) plaintiffs' lawyers in a whistleblower suit to explain why they should not be sanctioned for filing a document that he said included apparent "fictitious cases and made-up quotations."

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In a Monday [filing in response](#), one of the lawyers facing sanctions, Thad Guyer, said the cases exist, but acknowledged "several miscitations and misquotations."

Guyer, who represents a client suing federal contractor MSA Security, said in a separate [declaration](#) that an AI tool "miscited" two real cases that he included in his filing. When a separate legal AI tool did not find the cases through an automated check, Guyer said he searched for and found the names of both cases, and did not realize the citations were incorrect.

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In two instances where the filing included quoted phrases that do not appear verbatim in other existing cases, Guyer said in the response filing the phrases were misquoted but "nonetheless accurately reflect[ed] principles discussed in those cases."

"These errors, while regrettable, do not alter the substance of the legal arguments" in the original filing, he wrote.

Lawyers for defendant MSA had first identified what they described as "erroneous case law" in a June court filing, but did not call for sanctions. The judge in his July order said he could not find the cases and quotations through an independent review, and asked the plaintiffs' lawyers to show cause as to why they should not be sanctioned or referred to their state bar associations for professional misconduct.

Guyer, as lead counsel for the plaintiff and author of the filing that contained errors, submitted the Monday response to the order to show cause, and said in the declaration said he was "solely to blame" for the errors.

Lawyers John Kolar and Nate Adams, who also represent the plaintiff, each submitted brief declarations on Monday in support of the response. Kolar on Tuesday declined to comment, and Adams did not immediately respond to a request for comment.

Ryan Berry of Ward & Berry, a lawyer for MSA, declined to comment on the ongoing litigation.

Guyer on Tuesday told Reuters that he was an early adopter of generative AI tools and that he will "redouble" his efforts to use automated systems to validate cases. In his declaration, he laid out his process for using and verifying information from the tools.

The case is the latest example of a judge [weighing sanctions](#) for lawyers who have filed court documents containing citations that appear fabricated by AI. In an early instance, a judge last year [imposed sanctions](#) on two New York

lawyers who submitted a brief that included six fictitious cases. In a more recent case, a judge [declined to sanction](#) Michael Cohen, the former fixer for Donald Trump, for mistakenly giving his lawyer fake case citations generated by AI.

In the underlying case, Guyer's client plaintiff Karen Iovino, who worked as a part-time veterinarian for MSA, alleged that she was fired for reporting mismanagement, abuse of authority and other issues related to its federal contract with the U.S. Department of State. MSA has denied the claims.

The case is Iovino v. Michael Stapleton Associates Ltd, U.S. District Court for the Western District of Virginia, No. 5:21-cv-00064.

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