



COMPETITION

AI-Hallucinated Case Law

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Appellate court to trial judge: You know these cases are made up, right?

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Research is Difficult and Time-Consuming

Over the past year, we have read more than once of lawyers referencing non-existent cases before courts in various countries. Lawyers have made apologies, and judges have been outspoken.

To date, the legal system has effectively addressed potential misapplication of incorrect guidance and its acceptance by our courts. Diligent judges have ensured that fake cases continue to be caught before they result in real concerns.

But what if the system fails to identify and flag *Beavis v. Butthead*, and a busy or apathetic judge rubber-stamps one side's proposed order without thoroughly examining the case law relied upon? The potential consequences of such oversight are significant and should serve as a stark reminder of the need for vigilance.^[1]

During a main trial, held in Georgia (the United States), the Georgia Court of Appeals was confronted with exactly this situation. The trial judge issued an order based on fake cases. While the appellate court put a stop to the matter, the fact that it got that far should terrify the legal fraternity.

The case, *Shahid v. Esaam*^[2], called upon the Georgia Court of Appeals to step in where a final judgment and decree of divorce had been issued. In response to the wife's objection to the judgment due to improper service, the husband's legal team included two fabricated cases in their court submissions. The trial judge accepted the husband's argument, issuing an order based in part on the fake cases.

Interestingly, the Appellate Court did not blame AI for the fake cases, but laid out its theory of the case as follows –

As noted above, the irregularities in these filings suggest that they were drafted using generative AI. In his 2023 Year-End Report on the Federal Judiciary, Chief Justice John Roberts warned that "any use of AI requires caution and humility." Roberts specifically noted that commonly used AI applications can be prone to "hallucinations," which caused lawyers using those programs to submit briefs with cites to non-existent cases.

In a 2023 opinion, a federal district court noted in *Mata v. Avianca, Inc.*^[4], that –

"there is nothing inherently improper about using a reliable artificial intelligence tool for assistance. But existing rules impose a gatekeeping role on attorneys to ensure the accuracy of their filings."

The following is a list of fictitious cases included in the *Shahid v. Esaam* matter –

- *In the Interest of J. M. B.*, 296 Ga. 786 (2015)
- *Miller v. Miller*, 288 Ga. 274 (702 SE2d 888) (2010)
- *Brown v. Brown*, 264 Ga. 48 (1994)
- *Walker v. Georgia*, 309 Ga. 749 (2021)
- *Ramos v. Ramos*, 279 Ga. 487 (2005)
- *McRae v. McRae*, 263 Ga. 303 (1993)
- *Johnson v. Johnson*, 285 Ga. 408 (2009)

But the AI *hallucinations* went further and also produced four citations to real cases that have nothing to do with the proposition stated –

- *Blasingame v. Blasingame*, 249 Ga. 791 (294 SE2d 519) (1982)
- *Wilson v. Wilson*, 282 Ga. 728 (2007)
- *Brown v. Tomlinson*, 246 Ga. 513 (1980)
- *Jones v. State*, 277 Ga. 36 (2003)

For instance, in the matter of *Mavundla v MEC: Department of Co-Operative Government and Traditional Affairs KwaZulu-Natal and Others*^[5], a supplementary notice of application for leave to appeal was submitted to the court. This notice included several case law references to support the arguments raised in support of the grounds of appeal.

During the preparation of her ruling, it became apparent to Bezuidenhout J that no such cases existed in the South African Law Reports, the All South African Law Reports, or on the SAFLII. The legal references cited in the supplementary notice were fictitious. But this goes further. The judge tasked two court law researchers with verifying all the cited cases. Of the nine cases referenced, only two were found to exist, and one of those had an incorrect citation.

In *Northbound Processing (Pty) Ltd v the South African Diamond and Precious Metals Regulator* (Case Number: 2025-072038), the Gauteng High Court delivered a clear warning that neither good intentions nor an apology will excuse lawyers, even though not relied upon, reflecting non-existent cases in submissions to the court.

So be warned, AI sometimes hallucinates. But what is an AI hallucination? According to IBM, this can be defined as follows –

"AI hallucination is a phenomenon wherein a large language model (LLM) – often a generative AI chatbot or computer vision tool – perceives patterns or objects that are nonexistent or imperceptible to human observers, creating outputs that are nonsensical or altogether inaccurate."^[6]

AI offers a powerful set of tools for improving efficiency, but its use must be approached with diligence. Over-trusting AI's capabilities without human oversight is a problem. The responsibility lies with us, the legal professionals, to ensure that AI is used as a tool, not a replacement for human judgment.

The Core Message

Human, check the health of your AI model. To what extent is it prone to hallucination? AI can help, but it won't replace the legal mind, at least not for now. Remember, your judgment is irreplaceable in the legal process.

[1] [Trial Court Decides Case Based On AI-Hallucinated Caselaw – Above the Law](#) (accessed 25 July 2025)

[2] *Court of Appeals of Georgia, First Division June 30, 2025, Decided A25A0196*

[3] *Shahid v. Esaam* 1

[4] 678 FSupp3d 443, 448 (SDNY 2023).

[5] *[2025] ZAKZPHC2*

[6] IBM, <https://www.ibm.com/think/topics/ai-hallucinations> (accessed 9 July 2025)

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