

A lawyer used ChatGPT and now has to answer for its 'bogus' citations

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A filing in a case against Colombian airline Avianca cited six cases that don't exist, but a lawyer working for the plaintiff told the court ChatGPT said they were real.

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OpenAI's ChatGPT is a lot of things, but a lawyer it is not.

Illustration: The Verge

Lawyers suing the Colombian airline Avianca submitted a brief full of previous cases that were just *made up* by ChatGPT, [The New York Times reported today](#). After opposing counsel pointed out the nonexistent cases, US District Judge Kevin Castel

confirmed, “Six of the submitted cases appear to be bogus judicial decisions with bogus quotes and bogus internal citations,” and set up a hearing as he considers sanctions for the plaintiff’s lawyers.

Lawyer Steven A. Schwartz admitted in an affidavit that he had used OpenAI’s chatbot for his research. To verify the cases, he did the only reasonable thing: he asked the chatbot if it was lying.



This case isn't going very well.

Image: SDNY

When he asked for a source, ChatGPT went on to apologize for earlier confusion and insisted the case was real, saying it could be found on Westlaw and LexisNexis. Satisfied, he asked if the other cases were fake, and ChatGPT maintained they were all real.

The opposing counsel made the court aware of the issue in painful detail as it recounted how the Levidow, Levidow & Oberman lawyers’ submission was a brief full of lies. In one example, a nonexistent case called Varghese v. China Southern Airlines Co., Ltd., the chatbot appeared to reference another *real* case, Zicherman v. Korean Air Lines Co., Ltd., but got the date (and other details) wrong, saying it was decided 12 years after its original 1996 decision.

Schwartz says he was “unaware of the possibility that its content could be false.” He now “greatly regrets having utilized generative artificial intelligence to supplement the legal research performed herein and will never do so in the future without absolute verification of its authenticity.”

Schwartz isn't admitted to practice in the Southern District of New York but originally filed the lawsuit before it was moved to that court and says he continued to work on it. Another attorney at the same firm, Peter LoDuca, became the attorney of record on the case, and he will have to appear in front of the judge to explain just what happened.

This once again highlights the absurdity of using chatbots for research without double (or triple) checking their sources somewhere else. Microsoft's Bing debut is now infamously associated with bald-faced lies, gaslighting, and emotional manipulation. Bard, Google's AI chatbot, made up a fact about the James Webb Space Telescope in its first demo. Bing even lied about Bard being shut down in a hilariously catty example from this past March.

Being great at mimicking the patterns of written language to maintain an air of unwavering confidence isn't worth much if you can't even figure out how many times the letter 'e' shows up in ketchup.

Anyway, here's the judge pointing out all the ways the lawyer's brief was an absolute lie fest: