

All lawyers in action removed from the record for misuse of AI (Withers v. Aberdeen (City))

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"[i]f it were ever an excuse to plead ignorance of the risks of using generative AI to draft a brief without verifying its output, it is certainly no longer so."

Fletcher v. Experian Info. Sols., Inc., 168 F.4th 231, 240 (5th Cir. 2026) at 235

The use of artificial intelligence by lawyers to conduct legal research appears to be a runaway train. Notwithstanding the widespread reporting of several cases in which even highly regarded international law firms have been embarrassed by the filing of court submissions which have included fake citations or hallucinated quotations, lawyers continue to use artificial intelligence with reckless abandon to conduct legal research and fail to verify the AI-generated results.

In *Withers v. Aberdeen (City)*, (United States District Court for the Northern District of Mississippi, Aberdeen Division, Civil Action No. 1:24-CV-218-SA-RP, Judge Aycock, June 8, 2026), the citation of hallucinated cases and quotations resulted in the removal of four lawyers from the record for the respective parties.

In the case, the plaintiff commenced a breach of contract claim in Mississippi against the defendant city for legal fees. The plaintiff was represented by a Louisiana lawyer, KMW, who was admitted *pro hac vice* in Mississippi to act for the plaintiff, and a local lawyer, SR. The defendant was represented by a Texas lawyer, KYW, who was also admitted *pro hac vice* in Mississippi to act for the defendant, and a local lawyer, MM.

On October 24, 2025, the plaintiff was awarded reasonable legal fees and expenses in connection with obtaining and defending an entry of default, which was ultimately set aside. Those fees and expenses were ordered to be paid by the defendant's lawyers.

Subsequently, the lawyers for the parties filed a series of submissions on two motions which were commenced by the City. The Court concluded that the filings of both parties contained hallucinatory citations in these submissions. Accordingly, the Court ordered a show cause hearing directing the lawyers to show cause why the Court should not impose sanctions against them.

While all of the lawyers expressed embarrassment for having cited non-existing cases in their respective submissions and apologized to the Court, the Court remained troubled with some of the explanations and the conduct of the lawyers involved.

With respect to KMW, the Louisiana lawyer admitted that she used an AI tool called "First Drafts" in preparing her submissions for the plaintiff and that she failed to verify the AI output.

However, the Court was bothered that she justified her position by explaining that she was unaware that AI could produce hallucinated cases and that she did not even know what a hallucinated case was.

More troubling for the Court was that several of her filings contained hallucinated cases and fake quotes and that she exhibited a pattern of citing non-existent cases in court filings *after* she had been put on notice of her violations in this case. The Court noted that two months after the show cause hearing, KMW was sanctioned by the United States Bankruptcy Court for the Western District of Louisiana for submitting two filings that contained non-existent cases and statutes due to AI hallucinations. In that case, KMW also failed to verify the AI output.

Accordingly, the court in *Withers* concluded that KMW showed an extreme dereliction of her professional responsibility, that her apology to the Court was insincere and that she acted in bad faith.

With respect to KYW, the Texas lawyer explained that her firm used an in-house AI tool that had been built for legal research, that her firm had an AI policy regarding its use, and that the AI tool was not designed for Mississippi law. She also argued that even though she had cited non-existent cases, the legal propositions in materials were correct.

However, the Court found that KYW also acted in bad faith because she disregarded her firm's AI policy and that she attempted to deflect when questioned by the Court about her disregard for the in-house AI tool's design.

As well, the Court noted that the fact a non-existent case cited a correct legal proposition was irrelevant to KYW's failure to verify her sources.

Lastly, the Court was troubled that KYW had attempted to evade appearing at the show cause hearing by misrepresenting her availability. While KYW represented to the Court that she had a scheduling conflict with a New Jersey court, this representation was found to be untruthful.

The two local lawyers, SR and MM, were both responsible under the local Mississippi court rules for the conduct of the proceeding before the court. However, both of them failed to verify the submissions of their respective out-of-state colleagues. Although the Court explained that neither of the local lawyers acted in bad faith, their conduct was negligent and careless and in violation of the rules. In making these findings, the Court warned that local counsel could not simply rubberstamp the filings prepared by the out-of-state lawyers when acting as local counsel.

Given the findings of bad faith conduct on the part of the out-of-state lawyers and conduct of the local lawyers, in addition to removing all of them from the record, the Court held:

- pursuant to Local Rule 83.1(d) and (d)8, the *pro hac vice* admissions of the out-of-state lawyers were revoked;
- pursuant to rule 11 of the Federal Court Rules, the out-of-state lawyers were barred from acting in any case in the Northern District of Mississippi for two years and to pay fines of \$2,500 for KMW and \$3,500 for KYW. KMW was also ordered to attend and complete, within 60 days of the court's order, a continuing legal education program on artificial intelligence with an ethics component;
- pursuant to rule 11 of the Federal Court Rules, SR and MM were ordered to pay a fine of \$1,000 each; and
- all of the lawyers were referred to their applicable disciplinary body for disciplinary proceedings.

This case demonstrates once again that the use of artificial intelligence by lawyers for legal research exposes them to potentially significant penalties and discipline. The bad faith conduct of lawyers in the misuse of artificial intelligence is clearly frustrating the courts, who are now more willing to impose restrictive sanctions against lawyers who engage in such conduct and to refer them to disciplinary hearings.

In my view, a lawyer who is caught citing non-existent cases or hallucinated quotes should fully accept responsibility at an early stage for their misuse of artificial intelligence and in no way whatsoever attempt to deflect from their duties and obligations or be evasive when questioned by a court about the use of AI in a submission.

As well, a lawyer who is ordered to attend a show cause hearing to explain the potential misuse of AI should immediately report themselves to their respective professional regulatory body for potential discipline, rather than wait for the court to order the lawyer's referral thereto..

It is unknown whether any of these lawyers will be disciplined by their respective professional regulatory body or what the extent of any penalties might be. A PDF version is available to download [here](#).

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