



AI MISUSE IN COURTS

Lessons from Sanctions
and Judicial warnings

Lessons from global AI litigation scandals: Compliance risks under Uganda's Advocates (Professional Conduct) Regulations.



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Virtual Zoom online training

Introduction

- AI tools are rapidly transforming legal practice, enabling fast document summaries, drafting, and legal research.
- AI systems may hallucinate, producing false citations, misquoting precedents, or exposing confidential client data.
- Courts worldwide have reported scandals arising from reliance on AI-generated legal content.
- A database by Damien Charlotin records **1,004 cases (as of 6 March 2026)** where courts found AI generated fake authorities or quotations.
- These incidents reflect growing global concern about the reliability, accountability, and ethical use of AI in legal practice.

Global & Africa's Adoption of AI in Legal Practice

AI is becoming a mainstream tool for lawyers worldwide.

The 2025 Thomson Reuters *Future of Professionals Report* drew on **2,275** responses to a survey sent to professionals in the legal, risk, compliance, tax, accounting, audit, and trade industries.

- 80% believe AI will have a high or even transformational impact on their profession within five years.
- 53% believe their organization is already experiencing at least one type of benefit from AI adoption.
- The report shows that legal professionals expect to free up nearly 240 hours per year as a result of AI adoption.

Why this Matters for Uganda

- Ugandan courts have not yet issued major decisions on the misuse of artificial intelligence in legal proceedings.
- The risks are increasing as Uganda adopts more digital systems in legal practice and the administration of justice.
- Uganda does not yet have a national artificial intelligence policy or regulatory framework.
- Accountability and ethical use of AI therefore fall under existing professional obligations in the **Advocates (Professional Conduct) Regulations (Statutory Instrument 267-2)** and the **Advocates Act, Cap. 295**.

AI Risks in Legal Practice



- **Hallucinated Citations:** AI tools may generate non-existent cases, statutes, or quotations, leading to inaccurate legal submissions and potentially misleading the court.
- **Misinterpretation of Authorities:** AI may misquote or misinterpret judicial decisions, distorting legal reasoning and weakening legal arguments.
- **Confidentiality Risks:** Uploading client information into AI systems may expose confidential data and breach professional duties of confidentiality.

AI Risks in Legal Practice – Cont’d

- **Lack of Source Verification:** AI may produce legal conclusions without reliable sources, making independent verification necessary.
- **Overreliance on AI:** Lawyers who rely on AI outputs without verification risk undermining professional competence and judgment.
- **Inaccurate Data:** AI systems may reflect biases or rely on outdated or incomplete legal information, resulting in flawed legal analysis.
- **Regulatory and Ethical Gaps:** The absence of clear legal frameworks governing AI use in legal practice creates compliance and ethical challenges for practitioners.

AI Scandals In Litigation

Ayinde v. The London Borough of Haringey; Al-Haroun v Qatar National Bank QPSC [2025] EWHC 1383 (Locus Classicus Case)

- This was the first case where AI use in courts was seen happening. The claimant submitted a witness statement citing **eighteen fictitious cases**, as well as several genuine cases that did not support the arguments for which they were invoked. The claimant's solicitor adopted the same citations in his own witness statement **without independently verifying their accuracy**.
- The court described the solicitor's failure to check the citations as **lamentable**, stating that **a lawyer cannot delegate responsibility for the accuracy of legal authorities or quotations to a lay client when submitting documents to the court**. The judge was anxious that the court's leniency should not set a precedent, noting that **lawyers who do not comply with their professional obligations in this respect risk severe sanction**.



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AI Scandals In Litigation - Cont'd

Northbound Processing (Pty) Ltd v. South African Diamond and Precious Metals Regulator & Others (High Court of South Africa, Gauteng Division, Johannesburg, Case No: 2025-072038

- Lawyers submitted heads of argument citing non-existent authorities.
- Citations were generated by an AI legal research tool.
- The court held that failure to verify citations was negligent.
- The lawyers were referred to the Legal Practice Council. (Same as Law Council)

Mavundla v. Member of the Executive Council, Department of Co-operative Government and Traditional Affairs (KwaZulu-Natal 2025 (3) SA 534 (KZP)

- Court discovered that most of the cited cases did not exist, and others were misrepresented or irrelevant. Upon investigation, it emerged that the citations were drafted by a candidate attorney (Ms Farouk) without proper verification and incorporated into submissions by counsel (Ms Pillay) and the attorney of record (Mr Singh) without review. The court repeatedly adjourned proceedings to give the legal team an opportunity to substantiate the citations, which they failed to do.
- The court found the conduct of the applicant's lawyers irresponsible, unprofessional, and a breach of their duty to the court. It stressed that lawyers must independently verify any authority cited and cannot rely on unverified research from juniors or clients. The judgment also noted that some of the fabricated authorities appeared to have come from AI-generated research, despite denials.

Compliance and Ethical Risks for Ugandan Advocates When Using AI

- Although most AI misuse cases arise abroad, the principles apply in Uganda where advocates remain bound by statutory and ethical obligations and courts have powers to address misconduct.
- **Section 17 of the Advocates Act** empowers courts to discipline advocates who violate professional ethics or engage in misconduct. Reliance on fabricated authorities or negligently presenting inaccurate legal material generated by AI may amount to misconduct.
- **Section 18 of the Advocates Act** establishes the **Disciplinary Committee of the Law Council**, which handles complaints relating to professional misconduct, unethical conduct by advocates, and breaches of professional obligations.

Compliance and Ethical Risks for Ugandan Advocates When Using AI

- Advocates have a fundamental obligation **not to mislead the court**. Advocates should ensure that their submissions do not mislead the court. Submitting AI-generated fictitious cases may therefore amount to misleading the court.
- Advocates must not include in affidavits any matter they believe to be false. AI-generated misinformation included in affidavits, witness statements, or pleadings may therefore violate this provision.
- **Regulation 2 of the Advocates (Professional Conduct) Regulations** requires advocates to conduct clients' affairs with due diligence; reliance on fabricated or hallucinated authorities without verification may undermine this duty.

Compliance and Ethical Risks for Ugandan Advocates When Using AI

- Advocates must exercise **competence, skill, care, and diligence** in legal work. Failure to verify AI-generated authorities may amount to professional negligence or lack of competence.
- **Regulation 6 of the Advocates (Professional Conduct) Regulations** provides that an advocate remains personally responsible for work undertaken on behalf of a client, meaning responsibility cannot be delegated to technological tools.
- **Regulation 7 of the Advocates (Professional Conduct) Regulations** prohibits disclosure of information obtained in the course of acting for a client; the use of AI platforms may therefore raise confidentiality concerns where client materials are uploaded to external systems.

Best Practices for Lawyers

- Verify all AI-generated citations.
- Treat AI outputs only as drafts.
- Train juniors and legal staff on AI risks.
- Avoid entering confidential information into public AI systems.
- Always exercise professional judgment.

Conclusion

- AI can improve efficiency in legal practice.
- However, misuse can undermine justice.
- Professional responsibility remains with the lawyer.
- Technology should support, not replace, legal judgment.



THANK YOU FOR LISTENING

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