Cases Involving Improper Use of AI in Court Proceedings - CANADA

Case	Jurisdiction	Summary
Zhang v Chen, 2024 BCSC 285	British Columbia	[2]　…She also seeks special costs against Mr. Chen's counsel, Ms. Ke, on the basis that Ms. Ke inserted into the notice of application two non-existent cases, which were discovered subsequently to have been invented by ChatGPT.… [32]　In my view, the circumstances do not justify the imposition of a special costs award against Ms. Ke which include the significant negative publicity to which she has been subjected. I accept her evidence that she was naïve about the risks of using ChatGPT and that she took steps to have the error corrected.… [39]　While I have dismissed the request for special costs, I recognize that as a result of Ms. Ke's insertion of the fake cases and the delay in remedying the confusion they created, opposing counsel has had to take various steps they would not otherwise have had to take. [43]　Additional effort and expense were incurred because of Ms. Ke's insertion of the fake cases. This additional effort and expense is to be borne personally by Ms. Ke. [44]　Ms. Ke is also to review all of her files that are before this court. If any materials filed or handed up to the court contain case citations or summaries which were obtained from ChatGPT or other generative AI tools, she is to advise the opposing parties and the court immediately. Otherwise, a report confirming her review of her files is to be provided within 30 days of the date of these reasons for judgment. [45]　Prospectively, consistent with the guidance of the Law Society referenced above, it would be prudent for Ms. Ke to advise the court and the opposing parties when any materials she submits to the court include content generated by AI tools such as ChatGPT.
_Ko v. Li_, 2025 ONSC 2766	Ontario	[7]　During her oral submissions, Ms. Lee referred me to these cases to support her client's arguments. When the hyperlinks did not take me to the cases cited, I searched the CanLII website to try to find the cases. I could not find them. [24]　… Here, counsel actively relied on two of the suspicious cases as part of her submissions in open court. In the few days that have past since the oral hearing, I have not received any communication from Ms. Lee explaining, correcting her factum, or otherwise acknowledging an issue. [31]　I order Ms. Lee to show cause why she should not be cited for contempt. Despite the traditional wording of this notice, Ms. Lee is protected by the presumption of innocence and other procedural rights as discussed by the Court of Appeal in Cohn. She will have a fair opportunity to submit evidence to explain what happened if she wishes to do so.
_Ko v. Li_, 2025 ONSC 2965	Ontario	[1]　By order dated May 6, 2025, I required the applicant's counsel, Ms. Jisuh Lee, to show cause why she should not be held in contempt of court.… [8]　…before and at the scheduling conference, Ms. Lee forthrightly admitted the facts, apologized, and proposed positive steps to address the issues.

Case	Jurisdiction	Summary
		[9] I take judicial notice of the fact that Ms. Lee has gained notoriety as a result of the widespread publication of reports concerning the show cause order in both the legal and the general press. [11] Ms. Lee has already adequately purged any possible contempt of court that could be found. [12] Therefore, on the conditions ordered below on consent of Ms. Lee, I withdraw the show cause order and deem it satisfied.
_Ko v. Li_, 2025 ONSC 6785	Ontario	[1] By letter dated October 6, 2025, the court ordered lawyer Jisuh Lee to show cause why she should not be held in contempt of court for admitting to deliberately making untruthful and misleading oral and written statements to the court in the course of a prior contempt of court proceeding. [13] As part of her brief for the December 2, 2025 case conference, Ms. Lee has provided a copy of correspondence to her from the Law Society of Ontario from June of this year. The Law Society advised Ms. Lee that it was investigating her conduct in this matter. [15] Ms. Lee then sent an unsolicited letter to the court dated September 30, 2025. In this letter Ms. Lee advises that some of her statements to the court in the contempt of court proceeding were not true. She wrote: In truth, I prepared the factum in question solely and entirely by myself, without any involvement from staff or any other individual. I personally used ChatGPT to assist in drafting portions of the document, including the preliminary legal research and composition. I failed to verify the citations independently, leading to the inclusion of inauthentic case law and hyperlinks. The misrepresentation in my May 9 letter- implying that staff were involved- was made out of fear of the potential consequences and sheer embarrassment at having to admit my solitary responsibility for this grave lapse in judgment. I recognize that this attempt to deflect accountability only compounded my initial error and further undermined the trust the Court places in counsel. [53] I raised with Mr. Webb whether this might be a good case in which to appoint amicus curiae. Appointing a lawyer to act "as a friend of the court" would not be forcing a lawyer on Ms. Lee nor paying for a lawyer to act for her. Rather, an experienced criminal lawyer may be better able to guide the court with submissions from the perspective of ensuring a fair process and proper outcome. Mr. Webb fairly accepted that in his case, amicus may well provide useful assistance to the court to carrying this charge forward in a principled and fair manner.
Reddy v Saroya, 2025 ABCA 322	Alberta	[3] This appeal also requires us to address the use of a form of artificial intelligence known as a large language model by the appellant's counsel to prepare the appellant's original factum, which contained references to cases that do not exist. The appellant was permitted to file an amended factum, and the respondent filed a supplemental factum in response. [83] The time needed to verify and cross-reference cited case authorities generated by a large language model must be planned for as part of a lawyer's practice management responsibilities, especially during busy times and recognizing that exigencies may arise. Further, if a lawyer engages another individual to write and prepare material to be filed with the court, the lawyer whose name appears on the filed document bears ultimate responsibility for the material's form and contents, as well as ensuring compliance with the October 2023 Notice. [84] The consequence of failing to adhere to the October 2023 Notice is within the discretion of the panel or the individual judge involved with the matter. However, counsel and self-represented litigants should not expect leniency where they have failed to adhere to clear and unambiguous requirements. In most situations, courts will likely consider

Case	Jurisdiction	Summary
		remedies available under the Rules, including striking submissions or imposing some form of cost award against the party or counsel who failed to follow the requirements of the October 2023 Notice. A court may also determine that a penalty should be imposed, contempt proceedings should be initiated, or that a referral to the Law Society of Alberta is warranted. Maintaining the integrity and credibility of court processes justifies the imposition of proportionate and meaningful sanctions. [87]　　In the circumstances of this case, the panel is considering imposing a cost award to be paid by appellant's lead counsel, up to the amount requested by the respondent. The parties, and appellant's lead counsel specifically, are invited to provide further submissions on whether the panel should direct that appellant's lead counsel pay a cost award, and if so, in what amount….
Turgut v. Canada (Citizenship and Immigration), 2025 FC 1951	Federal	[6] While reviewing the record, I noticed the Applicant's Memorandum of Argument [MOA] contained non-existing case law, thus raising a concern that counsel for the Applicant may have used Artificial Intelligence [AI] to generate his MOA without any accompanying declaration, contrary to the Federal Court Practice Direction The Use of Artificial Intelligence in Court Proceedings dated May 7, 2024. [10] Although there is no evidence before the Court that counsel used AI to generate the MOA, his reliance on non-existing case law nevertheless reflects poorly on counsel. Such conduct undermines counsel's ability to represent his client competently. It also calls into question whether counsel is fulfilling his duties, with full candor, both to the Court and to the administration of justice. [13] In the case before me, counsel for the Applicant has taken full responsibility for his actions. The Court decides not to impose any sanction on counsel. However, the Court reminds counsel the importance of reviewing cases before submitting them to the Court and not submitting case law that does not exist. The Court may not look upon such conduct so kindly should counsel were to engage in similar conduct again in the future.
Hussein v. Canada (Immigration, Refugees and Citizenship), 2025 FC 1138	Federal	[1] In my Order of April 28, 2025, I indicated that consideration was being given to whether it would be appropriate to direct Applicant's counsel to pay any costs awarded on the motion personally and provided the Applicant ten days to serve and file any written submissions on this issue. That decision sets out the facts, which are, essentially, that several cases were relied upon by Applicant's counsel which did not exist and, further, that four directions of the Court were required before Applicant's counsel admitted that generative AI had been used and had resulted in the error. For the reasons that follow, I find that a modest amount of costs payable by Applicant's counsel personally is warranted. [17] …I am ordering a modest amount of $100 to be payable by Applicant's counsel personally.
Yuehong v. Canada (Citizenship and Immigration), 2025 FC 1837	Federal	[107] Frankly, the conduct of Applicant's counsel in this matter is concerning. Applicant's counsel could have simply admitted to, and corrected, the errors in her case references and addressed the assertion that artificial intelligence may have been used in the preparation of her further memorandum, thereby potentially refuting the Respondent's costs submission. However, she instead has expended considerable resources of the Court and of the Respondent in addressing her ill-advised and misguided allegation of professional misconduct on the part counsel for the Respondent which she then expanded upon in her post-hearing correspondence. [108] Pursuant to Rule 400, the Court has full discretionary power over the amount and allocation of costs and the determination of by whom they are to be paid. In this case I am satisfied that special reasons, which imply behaviour that is unfair, oppressive, improper or involving bad faith, exist so as to justify an award of costs in the amount of $500 against Applicant's counsel personally. I also decline her request that, in the event of such an award, her identity be anonymized.

Case	Jurisdiction	Summary
R. v. Chand, 2025 ONCJ 282	Ontario	[2] One of the cases cited appears to be fictitious. The court was unable to find any case at that citation. There was no case by that name with that content at any other citation. [3] Several case citations led to unrelated civil cases. Some case names were potentially related to self-defence, but the citations were for completely different cases. Other citations led to the case named, but the case did not provide authority for the point cited. The errors are numerous and substantial. [5] … Mr. Chand is entitled to the benefit of full submissions on all aspects of the case. I find it necessary to order that Mr. Ross personally prepare a new set of defence submissions within the following guidelines: … • case citations must include a pinpoint cite to the paragraph that illustrates the point being made; • case citations must be checked and hyperlinked to CanLII or other site to ensure accuracy; • generative AI or commercial legal software that uses GenAI must not be used for legal research for these submissions.
Mazaheri v Law Society of Ontario, 2025 ONLSTH 186	Ontario	The Lawyer commenced a motion to vary or remove the interlocutory suspension ordered on November 12, 2024 – He objected to evidence filed by the Law Society and asked the panel to recuse itself because it reviewed that evidence, and also because of the panel's response to the Lawyer's use of generative AI – The Lawyer's materials were produced with the assistance of generative AI and substantial parts made no sense, referring to non-existent and misleading authorities – The Lawyer admitted to using generative AI and failing to verify the output – He took responsibility for the errors. The materials filed by the Law Society were relevant and the Lawyer did not show that they were inadmissible – The Lawyer did not demonstrate that the panel was biased by reviewing the filed materials before ruling on their admissibility or in its response to the issues raised by the use of generative AI – The Lawyer's motion on admissibility and bias was dismissed.
Pennytech Inc v Superior Building Group Limited, 2025 ONLTB 52666	Ontario	20. As stated by the Court1, it is the licensee's professional obligation to ensure human review of materials prepared by non-human technology and, at a bare minimum, not to submit case authorities that do not exist or that stand for the opposite of the licensee's submission. Mr. Sabbah, at best, failed to check the citations, Rules and legislation he was relying on in his review request. At worst, Mr. Sabbah submitted false citations in an attempt to mislead the Board. Even if the former is to be the circumstance in this case, Mr. Sabbah's failure to exercise due diligence in preparing and submitting the review request is a clear and serious breach of his professional obligations. Mr. Sabbah's failure caused unnecessary additional time to be spent on the review request. Similar future submissions from the representative may be viewed as an abuse of process and may be cause for an order against the representative personally to pay costs to the Board.