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NEWS > POLITICS

# Lawyers who misuse AI subject to blowback from courts, Grievance Commission, experts say



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A recent **accusation** that the City of Annapolis might have allowed unchecked use of **artificial intelligence in a legal filing** — including fabricated citations and quotes — has raised questions of who sets standards for lawyers' AI use and who holds them accountable.

Plaintiffs' attorneys made the allegation last week in two cases claiming racial discrimination in how Annapolis public housing units were inspected. The city withdrew the filing on Thursday.

The incident is at least the third time this year that a Maryland attorney has been accused of using AI-fabricated material in legal briefs.

Experts say lawyers are increasingly using AI, though they say the profession must learn how to balance the efficiency provided by the technology with the problems it can create. In Maryland, lawyers who misuse AI may be subject to penalties from the judge overseeing their case, or discipline by the state's Attorney Grievance Commission, those experts say.

While the state's legal bodies do not prohibit AI use, the experts said that AI-induced "hallucinations," if included in court filings, could be subject to review.

"It's a time saver. Legal research, writing, preparing for arguments, is a time-consuming business, and [AI is] ... a shortcut," said Robert Rubinson, a law professor at the University of Baltimore. "It has its place, but it has its place as a tool,

not as an end product, and using it as an end product, using whatever emerges from AI, is where problems start.”

#### **City of Annapolis accused of AI misuse**

In a federal class-action case against the city and the Housing Authority of the City of Annapolis, plaintiffs accused the city on Dec. 9 of including several false citations and quotes in a motion to decertify the class.

Mayor Jared Littmann on Wednesday fired City Attorney D. Michael Lyles, the lead attorney on the case, citing the desire to pick his own city attorney. He said the decision was unrelated to any legal matter.

Lyles has not responded to multiple requests for comment on the AI allegations and his firing.

The city [pulled the motion Thursday](#). The law office was unable to comment for this story, according to city public information officer Mitchelle Stephenson, because the case is ongoing.

Asked about the city’s AI policy, Stephenson said the government is looking to peer jurisdictions and industry groups to develop a framework.

“The use of Artificial Intelligence (AI) is a complicated topic, but its use can be harnessed to improve the customer service experience and potentially save staff time if used responsibly,” Stephenson said in a statement to the Capital Gazette. “The new administration is looking at ways to enhance responsible usage while avoiding the pitfalls of AI hallucinations and privacy concerns. It will be an evolving field for individuals at all levels of both government and the private sector.”

The attorneys in the city’s law office are expected to follow standards under the Maryland Attorneys’ Rules of Professional Conduct, Stephenson said.

The plaintiffs in the case accused the city of including “fabricated citations and quotations, misstatements of law” — called “hallmarks” of AI use — in the city’s motion to decertify the class. The cases revolve around Annapolis’ former refusal to inspect public housing units in the city, which the plaintiffs claim is racial discrimination. The parties in the case decided on Friday to move to mediation, where a settlement may be negotiated.

“Every lawyer has an obligation to make sure that everything they file with the court has been checked and is being put forth with a good faith basis,” said Peter Holland, an attorney for the plaintiffs.

#### **What regulatory bodies say about AI in the legal field**

Markus Rauschecker, an associate professor at the University of Maryland School of Law, said that the role for setting AI policies is with bar associations and other legal institutions, not city policy.

In a July 2024 ethics opinion, the American Bar Association argued lawyers must consider their ethical obligations when using generative AI — or AI used to create content like text or photos — related to legal proceedings. The association’s ethics opinion discussed possible violations of attorney-client privilege with the use of open language models, as well as concern that including AI-generated information without checking its accuracy “could violate the duty to provide competent representation.”

The Maryland Bar Association released an overview of ethical considerations related to using AI in the legal field this year. Among its concerns was the requirement for lawyers to provide “competent representation,” which using AI could prevent. The overview also called on law firms in the state to create internal policies for how AI can and cannot be used in their practice.

As when junior attorneys draft documents, AI-produced research needs to be reviewed by a senior attorney, Rauschecker said.

“We’re seeing this happen more and more frequently across the country where lawyers are submitting official documents, legal briefs to the courts, and it turns out that these documents have inaccuracies in them, outright hallucinations,” said Rauschecker, who is also the executive director of the university’s Center for Health and Homeland Security.

There are several ways in which attorneys in Maryland can be held accountable for including false information in legal filings, according to UB’s Rubinson. Courts can impose legal fees and financial penalties on lawyers, Rubinson said, or the lawyers can face disciplinary proceedings, such as through the Attorney Grievance Commission. The commission is a state board to “oversee the discipline of Maryland attorneys and review the conduct of attorneys to determine the need for alternatives to discipline.” Lawyers can also be sued for malpractice by their clients, Rubinson said.

The Maryland Bar Counsel, the office under the grievance commission, declined to comment for this story. Press officers for the Supreme Court of Maryland did not respond to a request for comment.

The Annapolis incident is just one of several instances of lawyers in Maryland being accused of using AI due to false citations in court documents.

The Maryland Appellate Court, in a decision in October referring a [Harford divorce lawyer](#) to the Attorney Grievance Commission, argued: “the signature of an attorney on a pleading or paper constitutes a certification that the attorney has read the pleading or paper; that to the best of the attorney’s knowledge, information, and belief there is good ground to support it; and, that it is not interposed for improper purpose or delay.” The decision argued that citing fake cases implicated multiple rules that govern law professionals in the state.

The divorce lawyer was referred to the Attorney Grievance Commission when an appeal he filed included references to cases that did not exist, after his law clerk used AI to research.

Another attorney, [Matthew Reeves](#), was defending the state of Maryland but withdrew from the case in May after 11 citations hallucinated by AI.

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