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# Artificial Intelligence, a Dangerous and Disruptive Marvel: A Case for Traditional Legal Luddites. Part 1

***Abstract***

The advent of artificial intelligence is a stark manifestation of the wizardry and ingenuity of the human race; a silver bullet that has enhanced legal and non-legal academic research for scholars, students, and professionals in a seamless manner. As invaluable as it is in providing hands-on accessible knowledge at the click of a button, comes with it a disruptive effect that has rendered lazy many previously hardworking people in the intellectual realm. This article will briefly examine the dangerous and disruptive effect of this manipulative industry that has failed to recognise and compensate authors for their labour; it will also examine how deceptive it is. It is a known fact that no artificial intelligence tool can provide any information on a prompt without being fed with such information by its manufacturer. The information provided to its users by ChatGPT,[1] Meta AI, Microsoft Copilot, Midjourney, Google Gemini, and every other generative artificial intelligence tool is not unique or original.[2] This is information extracted from textbooks, academic journals, tokens, and other articles downloaded from shadow libraries to train AI tools which they do not hold the copyright.

## *The Lawyer's Duty to the Court*

In the Sierra Leone legal ecosystem, legal practitioners owe several duties to the court, and some of those duties as described in Rule 4 Sub-rule (1) of the Legal Practitioners (Code of Conduct) Rules, 2010 are to demonstrate the highest level of honesty, competence, and professionalism in the preparation and conduct of their cases. Honesty, competence, and professionalism here denotes that, legal practitioners must ensure the authorities (i.e. case laws, citations, and statutes) cited in their court documents are carefully sourced, and not fictitious. The excessive dependence on these technological tools has reduced lawyers to knowingly or recklessly deceive the court thereby violating an essential obligation imposed on them in Rule 5 Sub-rule (1) of the

[1] GPT stands for Generative Pre-Trained Transformer

[2] B.J Copeland 'Artificial Intelligence' (*Britannica,* 22 August 2025*)* <https://www.britannica.com/technology/artificial-intelligence> accessed 25 August 2025

Legal Practitioners (Code of Conduct) Rules, 2010. Essentially, the judiciaries of developed countries (USA, UK, Australia, Canada, and New Zealand) have dealt with quite a number of incidents wherein legal practitioners cited cases, and or prepared court documents using artificial intelligence tools. When this happens, the question now remains if the court has inherent powers to punish a legal practitioner who appeared before it and submitted fictitiously generated cases, hallucinated arguments, and misleading court documents. Two cases involving incidents of lawyers who cited fictitious case laws with the help of AI was referred to the High Court of Justice, King's Bench Division and the Divisional Court of England. One of those cases is ***Frederick Ayinde v The London Borough of Haringey***,[3] where Dame Victoria Sharp P. noted in an obiter that:

> ***In the most egregious cases, deliberately placing false material before the court with the intention of interfering with the administration of justice amounts to the common law criminal offence of perverting the course of justice; carrying a maximum sentence of life imprisonment. There has been one instance (not involving artificial intelligence) where a member of the Bar was imprisoned for 12 months for perverting the course of justice after deliberately causing a fake authority to be placed before the court by another person. He was subsequently disbarred: Bar Standards Board decision of 10 November 2008. Where there are reasonable grounds to suspect that a lawyer has committed a serious criminal offence, the appropriate response is likely to be that the court will refer the papers to the police to consider undertaking a criminal investigation. Such cases are likely to be extremely rare***.[4]

The obiter of Dame Victoria Sharp, President of the King's Bench Division of the English High Court in the Ayinde case above, exemplifies the inherent powers of the court to punish a lawyer who appears before it with fake, non-existent, and fictitious authorities in his documents. In the context of the legal practice in Sierra Leone, such a conduct by a lawyer may be considered unprofessional, dishonourable, and unworthy conduct under Section 38 of the Legal Practitioners Act, 2000. Perhaps the lawyer should take the necessary steps to correct any erroneous document submitted to the court as required in Rule 5 Sub-rule (2) in order to demonstrate sincere inadvertence, or risk receiving the wrath of the Disciplinary Committee in exercise of it powers in Rule 55 of the Legal Practitioners (Code of Conduct) Rules, 2010. Even though the court can exercise its inherent powers to punish a lawyer for misleading it, it may as well refer the matter to the Disciplinary Committee established for legal practitioners in Sierra Leone

[3] [6 June 2025] EWHC 1383 AC-2024-LON-003062
[4] Dame Victoria Sharp P. p. 25

in Section 6 Subsection (1) of the LPA, 2000. Consequent upon a successful inquiry into the conduct of a lawyer, the committee can exercise its disciplinary powers under Section 36 of the LPA, 2000, by suspending, imposing a fine, or by deleting the name of the lawyer in question from the Roll of Court. In some cases, the court may also **'commit for contempt'** the lawyer who deceives the court. Dame Victoria Sharp, P. stated further in the Ayinde case that 'Placing false material before the court with the intention that the court treats it as genuine may, depending on the person's state of knowledge, amount to a contempt. That is because it deliberately interferes with the administration of justice'.[5]

## ***Brief Facts of the Ayinde Case***

Ms Sarah Forey of counsel was instructed by the Haringey Law Centre to represent the claimant Mr Frederick Ayinde in an action for judicial review against the London Borough of Haringey (the defendant). Mr Frederick Ayinde was homeless and wanted a house to be provided by the London Borough of Haringey as required under Section 188 Subsection (3) of the Housing Act, 1996. When the local authority refused to provide accommodation, Mr Frederick Ayinde brought an action against them and was represented by Ms Sarah Forey. In her statement of claim for the claimant (Mr Frederick Ayinde), Ms Sarah Forey cited five cases with full neutral citations which she sought to rely on in her argument. Mr Greenberg, counsel for the defendant (the London Borough of Haringey) did a thorough search of the five cases cited and relied on by Ms Sarah Forey but could not find them in any of the law reports, or the National Archives. Apart from citing five fake and non-existent cases, Ms Sarah Forey Also misstated the effect of Section 188 Subsection (3) of the Housing Act, 1996 which also formed the basis of her claim against the local authority. She was asked by Mr Greenberg repeatedly to supply hardcopies of the five cases cited, but refused to do so. It was as a result of her refusal to provide the cases that Mr Greenberg brought a 'wasted costs' application before Ritchie J. against the Haringey Law Centre and Ms Sarah Forey for having cited and relied on five fake cases.[6]

In her defence, Ms Sarah Forey submitted that the five cases were correct, only the citations were wrong, and she further submitted that those were merely cosmetic errors.

[5] Frederick Ayinde v London Borough of Aringey [6 June 2025] EWHC 1383 AC-2024-LON-003062

[6] A wasted costs application is one brought by a party in respect of costs incurred which is caused by the improper, unreasonable, and negligent conduct of the other party in an action

Ritchie J. rejected her argument. Furthermore, Ritchie J. described the conduct of Ms Sarah Forey in the following words:

> ***It is wholly improper to put fake cases in a pleading. It was unreasonable, when it was pointed out, to say that these fake cases were "minor citation errors" or to use the phrase of the solicitors, "Cosmetic errors". I should say it is the responsibility of the legal team, including the solicitors, to see that the statement of facts and grounds are correct. They should have been shocked when they were told that the citations did not exist. Ms Forey should have reported herself to the Bar Council. I think also that the solicitors should have reported themselves to the Solicitors Regulation Authority. I consider that providing a fake description of five fake cases, including a Court of Appeal case, qualifies quite clearly as professional misconduct.***[7]

In his judgment, Ritchie J. ordered Ms Forey and the Haringey Law Centre each to pay £2,000 to the defendant; He also required the matter to be referred to the Bar Standards Board,[8] and the Solicitors Regulation Authority. Ritchie J noted further in obiter that:

> ***On the balance of probabilities, I consider that it would have been negligent for this barrister, if she used AI and did not check it, to put that text into her pleading. However, I am not in a position to determine whether she did use AI. I find as a fact that Ms Forey intentionally put these cases into her statement of facts and grounds, not caring whether they existed or not, because she had got them from a source which I do not know but certainly was not photocopying cases, putting them in a box and tabulating them, and certainly not from any law report. I do not accept that it is possible to photocopy a non-existent case and tabulate it. Improper and unreasonable conduct are finding[s] about which I am sure. In relation to negligence I am unsure but I consider that it would fall into that category if Ms Forey obtained the text from AI and failed to check it.***[9]

In her concession statement before Ritchie J., Ms Sarah Forey admitted before the court that she was called to the Bar in 2021 and started her pupillage in 2023. She also admitted that during the first six months of her pupillage, she received little supervision from senior members of her chambers. (An allegation the head of chambers denied). She admitted that she did her research electronically, but denied ever using artificial intelligence tools for legal research. From the facts of the case, it was clearly discernible that Ms Sarah Forey of counsel was incompetent and inexperienced to have undertaken the 'brief' of a case on judicial review. In the context of the legal practice in Sierra Leone, it is provided in Rule 23 Sub-rule (1) of the Legal Practitioners (Code of Conduct) Rules, 2010 that a legal practitioner shall not undertake a 'brief' that is beyond his competence.

[7] ([2025] EWHC 1040 (Admin)) obiter
[8] The Bar Standards Board is responsible for regulating the professional conduct of Barristers in England and Wales
[9] Ibid [2025]

Further to this, it is also the duty of a legal practitioner as required in Rule 2 of the Legal Practitioners (Code of Conduct) Rules, 2010 to uphold the standards, dignity, and high standing of the legal profession in Sierra Leone.

Another case where an inquiry was conducted against a lawyer who cited dozens of non-existent case laws is ***Hamad Al-Haroun v Qatar National Bank QPSC and QNB Capital LLC***.[10] The case involves a claim for damages for breach of financing agreement brought before Dias J. The Judge noted that 18 out of the 45 cases cited did not exist. The claimant admitted having used AI and other unreliable search engines to do his research. But what was shocking about this case was the fact that it was the client, Mr Al-Haroun who did the research and submitted the cases which the lawyer relied on in his statement of claim. When it was discovered by the court and counsel for the defendant that 18 out of the 45 cases cited did not exist, counsel for the claimant, Mr Hussain apologised to the court and reported himself to the Solicitors Regulation Authority of England.[11]

## ***The Common Law: A Call for Judicial Vigilance***

In the common law tradition, where the doctrine of stare decisis is accorded the greatest reverence, every judgment delivered by a judge (until overturned) remains binding or persuasive on courts having original, limited, unlimited or parallel jurisdiction.[12] Therefore, it becomes dangerous to follow a judgment of a case in which the substance of the argument, and the content of the documents submitted during trial are all artificially and fictitiously generated. The writer of this article being concerned about the spate of the over dependence on these technological contraptions hereby signals a clarion call for **judicial vigilance** with the greatest amplitude. Our judges must devise the highest level of shrewdness with superlative tactfulness to detect fake, fictitious, and non-existent case laws cited and relied on by lawyers while conducting their cases in court. This legal-professional indolence must be frustrated with a cumbersome penalty. Judges must not be unmindful about their constitutional role of judging the society which is a human affair. If the task of settling disputes in courts is delegated to machines with artificial intelligence capabilities, this will invariably erode public confidence in the administration of justice, and the constitutional and democratic fabric

[10] [6 June 2025] EWHC 1383 AC-2024-LON-003062

[11] The Solicitors Regulation Authority (SRA) is the body that regulates the professional conduct of Solicitors in England and Wales

[12] Mathew Hale, *The History of the Common Law of England* (E. and R. Nutt and R. Gosling, (assigns of E. Sayer), (3rd edn, the New York Public Library, 1739)

of our court system will be affected. In other words, to prevent incidents of deceiving the courts, let up-and-coming lawyers prepare their court documents, source out their cases from reliable sources in order to support their argument. The traditional method of legal research, though time consuming, must be preferred, and the knowledge that is generated or derived from it can be reliable. Every legal researcher (lawyers, law students, and judges) must deploy their supreme research techniques and put their **natural intelligence** capabilities in action to get accurate, reliable, and cogent information from authoritative law textbooks, no matter how long it takes.

***The Economic and Social Menace of AI: A Time to Incarcerate it***

The growth of the AI industry is currently threatened by a plethora of lawsuits not only from authors, and media houses, but also its users. Currently, there is a lawsuit of wrongful death that is before the Superior Court of California, United States, brought by the family of Adam Raine. The sixteen year old Adam Raine committed suicide by hanging after receiving a step-by-step suggestion from OpenAI's ChatGPT on how to commit suicide with a noose.[13] This case is quite interesting, and I am of the view that the legal community is quite curious to see what the judgment would be. Notwithstanding that the lawsuit against OpenAI is civil, a couple of legitimate questions that are worthy to ask are: Did ChatGPT commit a crime in encouraging, soliciting, and assisting Adam Raine in his suicidal enterprise? Can a non-natural person—a machine in the form of a Large Language Model such as ChatGPT be held criminally responsible for aiding and abetting? Can the founder of OpenAI, Sam Altman be charged with aiding and abetting ChatGPT for suggesting a step-by-step suicide plan to Adam Raine?[14] When asked about whether he would pursue a criminal action against OpenAI, the lawyer for the family of Adam Raine said 'No'.

The disruptive effects of all generative artificial intelligence tools on the creative industry are their capacity to generate and produce literary work of the same or similar nature with an original literary work within a minimal fraction of time.[15] Also, the capacity of these AI tools to flood the market with a replica of original literary works tends to diminish the original works' economic-market value thereby discouraging the

[13] Robert Booth, 'Teen Killed Himself after Months of Encouragement from ChatGPT' (The Guardian, 27 August 2025) <https://www.theguardian.com/technology/2025/aug/27/chatgpt-scrutiny-family-teen-killed-himself-sue-open-ai> accessed 29 August 2025

[14] The writer promises to provide answers to these questions in part 2 of this article

[15] Mathew Sag, 'Fairness and Fair Use in Generative' (2024) Vol. 92 Fordham LR 1891

incentive for authors and other creative minds to create expressive original works.[16] It should be noted that the capacity of any AI tool to generate, regurgitate, or reproduce any content that is copyrighted without permission is inconsistent with the spirit of intellectual property law.[17]

The issue as to whether users of Meta's Llama can reproduce a significant portion of texts from textbooks written by authors came up for determination in the case of ***Richard Kadrey et, al v Meta Platforms Inc.***,[18] before the United States District Court, Northern District of California, USA.

***Facts***

The plaintiffs in this case are thirteen published authors who have written, and who hold copyright in various literary works. Those works are mostly novels, but also include plays, short stories, memoirs, essays, and nonfiction textbooks. They filed a lawsuit seeking to represent a class of all owners of copyrighted works used for training data for Llama.[19] They brought claims for direct copyright infringement (based on Meta's reproduction of their books), vicarious copyright infringement, removal of copyright management information in violation of the Digital Millennium Copyright Act (DMCA), 1998, unfair competition, unjust enrichment, and negligence. The plaintiffs seek damages, restitution, injunctive, and declaratory reliefs.

***Plaintiffs' Argument***

The plaintiffs filed a motion for summary judgment against Meta Platforms Inc., claiming that Meta's conduct of feeding their textbooks to train their AI tool called Llama without their permission amounted to copyright infringement. The plaintiffs also argued that the ability of Meta's AI tool to reproduce, or regurgitate textbooks which are similar to the plaintiffs' amounted to market dilution thereby harming the market and the demand for their textbooks. They relied on the case of ***Hachette Book Group Inc. v Internet Archive***.[20] In this case, the United States District Court for the Southern District of New York held that the conduct of Internet Archive, (the defendant) of scanning, lending, and allowing copyrighted textbooks to be downloaded by the public amounted to copyright infringement, and the defence of 'Fair Use' would not hold.

[16] Ibid (n 1) 1891
[17] Ibid 1891-90
[18] (25 June 2025) 23-cv-03417-VC CA
[19] Llama is a family of advanced large language models developed by Meta AI
[20] (2nd Cir. 2024) 115 F 4th 163, 193

***Defendant's Argument***

The defendant (Meta) argued that their conduct of extracting the contents of copyrighted textbooks and feeding them to their AI tool (Llama) was for transformative purposes rather than duplicative purposes. They also argued that they downloaded the said textbooks from shadow libraries, such as Z-Library and LibGen, and they were entitled to raise the defence of 'Fair Use'.[21]

***Judgment***

Justice Vince Chhabria dismissed the claims of the plaintiffs and held that they were unable to support their argument with sufficient evidence that Meta's Llama was capable of reproducing large portions of their textbooks on a prompt. Justice Vince Chhabria recognised in his judgment the '**market dilutive effect** of the contents that are generated by AI tools, especially when they tend to substitute the original work of an author'. The effect of market dilution is 'diminished economic value of the original literary work created by authors as a result of the abundant existence of similar literary works created by generative AI'.[22] He also noted in his judgment that Meta's use of the plaintiffs' textbooks was for transformative purposes and not for commercial purposes, and that did not harm the market for their textbooks. On that basis, he held that Meta Platforms Inc. was entitled to the defence of 'Fair Use' and the claims of the plaintiffs must fail.

***Recommended Tips on how to Detect AI Generated Research Work***

The legal community in the United Kingdom is quite troubled about the rise in the use of AI for legal research, preparation of court documents, and development of skeleton argument. The community noted the irresponsible use of AI by many lawyers, particularly up-and-coming lawyers. It is on that note that the General Council for the Bar for England and Wales published guidelines entitled 'Considerations When Using ChatGPT and Generative Artificial Intelligence Software Based on Large Language Models'.[23] The Judiciary of the United Kingdom also published guidelines for responsible use of AI in courts and tribunals entitled 'Artificial Intelligence (AI): Guidance for Judicial Office Holders'.[24] Since pupil barristers, lawyers, and law students have learnt to do their research work online and have relentlessly relied on AI tools,

[21] Fair Use which can be raised as a defence against a copyright infringement lawsuit is a right to use copyrighted work under certain conditions without the permission of the copyright holder

[22] Vince Chhabria (United States District Judge for the Northern District, CA.) Richard Kadrey, et al v Meta Platforms, Inc. 2025 p.32

[23] 30 January 2024

[24] 14 April 2025

judges, and lecturers should as well learn to deploy another kind of technological tool to detect AI generated research work that lacks natural writing cadence, human creativity, and expression. Apart from deploying sophisticated technological tools to detect the involvement of artificial intelligence in their research work, judges and lecturers can also deploy their natural inclinations to unravel it. Accordingly, the following are recommended tips which may be used:

**AI Detectors:** These are software that are highly sophisticated and powered by advanced algorithms capable of showing remarkable indicators that a research work was not done by a human.[25] There are a number of AI detectors, but some of the commonly used AI detectors are GPTZero and Winston AI. However, as sophisticated as these AI detectors can be, studies have also shown that they can also be unreliable. Additionally, it must be noted also that these AI detectors can be bypassed by clever users, and humanizer AI is just another tool that makes AI research work feels and appears real.

**Detection by Human Intelligence:** AI generated contents have typical features that can be easily detected. The tone, cadence, structure of the language has a non-natural progression which is discernible and can be noticed in the answers it provides for prompts of different academic disciplines. All AI tools respond to prompts and anticipate or predict the next question that comes from the user. Their intelligence is limited to the quantity of the data that it was fed, and thus usually incapable of giving rational answers like human beings do. They have general sentences like **'Overall, this topic is a complex issue and requires multifaceted approach that addresses the root cause'**. Sentences like this are common with all AI tools when providing responses to prompts, and this goes to emphasising how lazy these tools are, and how much they lack linguistic creativity.

Be that as it may, law students, lawyers, and law academic researchers are encouraged to refer to SierraLii in order to identify and download accurate and cogent case laws,

[25] Alexa Fitzpatrick, How do AI Detectors Work? Easy AI Workarounds to Improve Writing Quality, (WriteHuman, 11 April 2024) <https://www.google.com/aclk?sa=L&pf=1&ai=DChsSEwjsqvqjr8qPAxV5ynkEHczpAEkYACICCAEQAxoCd2Y&co=1&ase=2&gclid=CjwKCAjw_fnFBhB0EiwAH_MfZoTuwGVZZrHggyq6uUYqdjpZoCkMFkm5xaqySHv40C2-TlVBaIYilRoCzdgQAvD_BwE&cce=2&category=acrcp_v1_32&sig=AOD64_3XBGR6jMrEYAgGcib9XPPKJrx0OQ&q&nis=4&adurl=https://writehuman.ai/blog/how-do-ai-detectors-work?utm_source%3Dgoogle%26utm_medium%3Dmaxnov24%26gad_source%3D1%26gad_campaignid%3D21859593546%26gbraid%3D0AAAAAqDD2zpxQHpD9QpxF6_ejrbF9Gvi5%26gclid%3DCjwKCAjw_fnFBhB0EiwAH_MfZoTuwGVZZrHggyq6uUYqdjpZoCkMFkm5xaqySHv40C2-TlVBaIYilRoCzdgQAvD_BwE&ved=2ahUKEwi7o_Wjr8qPAxVSSaQEHYbWKwYQ0Qx6BAgNEAE> accessed 9 September 2025

and statutes for their research. The General Legal Council and the Judiciary of Sierra Leone should also provide guidelines on the use of AI and roll out further safeguards with penalties attached for persons who negligently, or recklessly rely on AI generated legal research work without doing the necessary verification of the authenticity of the information received.

## Conclusion

From a utilitarian standpoint, the importance of AI and its capacity to accelerate academic research, particularly legal research using a miniscule fraction of time, cannot be gainsaid, but its use must be subjected to strict scrutiny to ascertain accuracy. It is the duty of senior legal practitioners, or pupil masters to thoroughly scrutinise every research work given to Pupil-Barristers or up-and-coming lawyers. Developed countries have seen the importance of AI and how it has revolutionised cutting-edge techniques in science and medical research, but they have not lost sight of its potential risks to personal safety, data protection, privacy, and threat to national security. It is against this backdrop that the Department for Science, Innovation and Technology of the United Kingdom government presented to the UK Parliament in 2023 a White Paper entitled '*A Pro-innovation Approach to AI Regulation*'.[26] The UK government White Paper as a regulatory framework for AI is underpinned by five core principles and they are: Safety, Security and Robustness, Appropriate Transparency and Explainability, Fairness, Accountability and Governance, Contestability and Redress.

Meanwhile, enthusiastic apologists of AI have described it as having anthropomorphic aptitude which has sufficiently surpassed human intelligence, but this proposition is only pretentious. No artificial intelligence tool, no matter how sophisticated it is, can outperform the natural intelligence of human beings, (None).[27] The idea that AI tools have become intelligent than human beings is wrong; it is merely placing them at a degree of importance greater than their merit, and it also shows the dangerous aspect of the use of AI. It is dangerous because it is disruptive, and it is disruptive because it has redefined and to a large extent altered the traditional methods of academic and professional research.[28]

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[26] <A pro-innovation approach to AI regulation - amended (print-ready PDF)> accessed 8 September 2025

[27] Emphasis

[28] Vidhi Kapoor, 'Innovation and Disruptive Technologies in AI: Shaping the Future' (Robert Kennedy College Blog, 26 November 2024) <https://blog.college.ch/artificial-intelligence/innovation-and-disruptive-technologies-in-ai-shaping-the-future/> accessed 8 September 2025