

As AI content mars legal cases, states want guardrails

BY MADYSON FITZGERALD
Stataline.org

Last spring, Illinois county judge Jeffrey Goffinet noticed something startling: A legal brief filed in his courtroom cited a case that did not exist.

Goffinet, an associate judge in Williamson County, looked through two legal research systems and then headed to the courthouse library – a place he hadn't visited in years – to consult the book that purportedly listed the case. The case wasn't in it.

The fake case, generated by artificial intelligence, came across Goffinet's desk just a few months after the Illinois Supreme Court's policy on the use of AI in the courts took effect. Goffinet co-chaired a task force that informed that policy, which allows the use of AI as long as it complies with existing legal and ethical standards.

"People are going to use [AI], and the courts are not going to be able to be a dam across a river that's already flowing at flood capacity," Goffinet said. "We have to learn how to coexist with it."

As more false quotes, fake court cases and incorrect information appear in legal documents generated by AI, state bar associations, state court systems and national law organizations are issuing guidance on its use in the legal field. A handful of states are considering or enacting legislation to address the issue, and many courts and professional associations are focused on education for attorneys.

From divorce cases to discrimination lawsuits, AI-generated fake content can cause evidence to be dismissed and motions to be denied.

While some states urge attorneys to lean on existing guidance about accuracy and transparency, the new policies address AI concerns related to confidentiality, competency and costs. Most policies and opinions encourage attorneys to educate themselves and to use proprietary AI tools that prevent sensitive data from being entered into open source systems. Since AI tools could also increase efficiency, several policies advise attorneys to charge less if they spend less time on cases.

Some states, such as Ohio, also ban the use of artificial intelligence for certain legal tasks. In Ohio, courts are prohibited from using AI to translate legal forms, court orders and similar content that may affect the outcome of a case.

Several states have also advised legal professionals



MADYSON FITZGERALD TNS

More people in the legal field are using AI to automate repetitive tasks and save time, but hallucinations have led to fake cases and false information in legal documents.

to adhere to the American Bar Association's formal opinion of ethical AI use in law.

Artificial intelligence can help attorneys and law firms by automating administrative tasks, analyzing contracts and organizing documents. Generative AI can also be used to draft legal documents, including court briefs. Experts say the use of AI productivity tools can save legal professionals time and reduce the risk of human error in everyday tasks.

But law professionals nationwide have faced fines and license suspensions, among other consequences, for submitting legal documents citing false quotes, cases or information.

Many legal professionals are likely to not notice instances in which an AI system is "hallucinating," or confidently making statements that are not true, said Rabihah Butler, the manager for enterprise content for Risk, Fraud and Government at the Thomson Reuters Institute. The institute is a research subsidiary of the Thomson Reuters company, which sells an AI system meant to help lawyers.

Courts and law organizations will need to consider education, sanctions and punitive actions to ensure law professionals are using AI appropriately, Butler said.

"AI has such confidence, and it can appear so polished, that if you're not paying attention and doing your due diligence, the hallucination is being treated as a factual piece of information," she said.

Since the beginning of 2025, there have been 518 documented cases in which generative AI produced hallucinated content used in U.S. courts, according to a database by Damien Charlotin, a senior research fellow at the HEC Paris business school.

"So far, if we're looking at the institutional response, there's not a lot because people are not

very sure how to handle this kind of issue," Charlotin said. "Everyone is aware that some lawyers are using artificial intelligence in their day-to-day work. Most people are aware that the technology is not very mature. But it's still hard to prevent a mistake."

STATE GUIDANCE

As of Jan. 23, state bar associations or similar entities have issued formal guidance on the use of AI in at least 10 states and the District of Columbia, typically in the form of an ethics opinion. Those aren't enforceable as law but spell out proper conduct.

In February, for example, the Professional Ethics Committee for the State Bar of Texas issued an ethics opinion that outlines issues that may arise from law professionals using AI. Texas lawyers should have a basic understanding of generative AI tools and guardrails to protect client confidentiality, it said. They should also verify any content generated by AI and refrain from charging clients for the time saved by using AI tools.

Legal professionals must be aware of their own competency with AI tools, said Brad Johnson, the executive director of the Texas Center for Legal Ethics.

"A really important takeaway from the opinion is that if a lawyer is considering using a generative AI tool in the practice of law, the lawyer has to have a reasonable and current understanding of the technology because only then can a lawyer really evaluate the risks that are associated with it," he said.

Court systems in at least 11 states – Arizona, Arkansas, California, Connecticut, Delaware, Illinois, New York, Ohio, South Carolina, Vermont and Virginia – have established policies or issued rules of conduct regarding AI use by law professionals.

US leads world in long COVID-19 related brain fog

BY STEPHEN BEECH
Talker News

Brain fog linked to long COVID-19 is far more common in people living in high-income countries, according to new research.

The study of more than 3,100 patients in the United States, Colombia, Nigeria and India is the first to compare long COVID brain symptoms across continents.

The findings showed that brain fog affected 86% of non-hospitalized American patients, compared with 15% in India.

Symptom patterns clustered by income level rather than geography, say scientists.

Patients with long COVID in the U.S. reported far higher rates of brain fog, depression and cognitive symptoms than pa-

tients in the other countries covered by the study.

The higher reported symptom burden in the United States may reflect lower stigma and greater access to neurological and mental health care, rather than more severe disease, according to the research team.

The study, led by scientists at Northwestern Medicine, tracked more than 3,100 adults with long COVID evaluated at academic medical centers in Chicago; Medellín, Colombia; Lagos, Nigeria; and Jaipur, India.

Among patients who were not hospitalized while infected with COVID-19, the majority in the study, 86% in the U.S., reported brain fog, compared with only 63% in Nigeria, 62% in Colombia and 15% in India.

Rates of psychological

distress showed a similar pattern, according to the findings published in the journal *Frontiers in Human Neuroscience*.

Nearly 75% of non-hospitalized American patients reported symptoms of depression or anxiety, compared with only 40% in Colombia and less than 20% in Nigeria and India.

Study senior author Dr. Igor Korolnik said: "It is culturally accepted in the US and Colombia to talk about mental health and cognitive issues, whereas that is not the case in Nigeria and India."

"Cultural denial of mood disorder symptoms as well as a combination of stigma, misperceptions, religiosity and belief systems, and lack of health literacy may contribute to biased reporting.

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