THE FUTURE OF CITATION IN THE ERA OF ARTIFICIAL INTELLIGENCE (AI): HALLUCINATED CASES AND LEGAL SCHOLARSHIP

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Received: 29/10 /2025 Accepted: 23/04/2026 Published: 30/06/ 2026

Abstract:

Artificial intelligence is a fact of contemporary life. It is not only being used to assist daily life matters but has become a tool to carry out tasks of professional matters. In the context of law professions, it is observed that artificial intelligence is often being used to do legal research and draft petitions. There is a tendency to over trust the content artificial intelligence is generating, even though artificial intelligence is often found to be hallucinating. Law professionals who fail to verify the content generated by artificial intelligence, especially the cases and legal scholarship cited by it, are violating applicable law as cases and scholarship are sources of law. There is a need to raise the awareness about artificial intelligence hallucination and train this technology with already verified cases and scholarship to avoid it to generate non- existing or distorted citation. The future of citation is, perhaps, brighter than thought.

Keywords: Artificial Intelligence, AI Hallucination, Legal Scholarship, Cases, Citation.

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INTRODUCTION

Artificial intelligence ("AI") has become a fact of daily life. It is, by definition, a technology that enables computers and machines to simulate human learning, comprehension, problem solving, decision making, creativity and autonomy [1]. Depending on one's need, AI steps into the role of a tutor, medical doctor, lawyer, life coach, business consultant, thesis advisor, lover and so forth. For businesses, AI is a tool to decrease operation costs, including cost of hiring, training and monitoring employees.

In the context of law professions, AI is used to do legal research, draft petitions, write and review articles, create and answer exams, and answer enquiries. However, persons using AI for these ends often disregard the fact that AI may be wrong or biased[2]. AI may also hallucinate, as confessed by the AI itself[3]. AI hallucination is a phenomenon where AI perceives patterns or objects that are non- existent or imperceptible to human observers, creating outputs that are non- sensical or altogether inaccurate[4]. AI hallucination is particularly an important problem when it happens

while drafting petitions to be filed with competent authorities, especially the courts. A lawyer who fails to verify the accuracy of the text generated by the AI may easily find herself citing a non- existing or distorted court decision or legal scholarship in her petition to the court or a state authority[5]

With no doubt, AI hallucination is igniting the political debate of "reality versus perception". For legal professionals though, it creates an opportunity to discuss the future of citation with respect to cases and legal scholarship. It is important to remember that citation, in the context of law, is not merely an act done to support one's claim or academic ethics; it is an act done to use and benefit from the law's sources. In this contemporary world of "too many" information and ideas, citation may earn its honor back thanks to AI hallucination.

1. UNDERSTANDING VERIFIED CITATION'S ROLE

Over trusting someone else is always a problem. This is why the proverb "trust but verify" is present in different forms in many cultures[6]. Over trusting artificial intelligence is no different. However, one cannot be expected to verify the content generated by someone else, including the AI, unless he is aware of the risks of his over trust to AI. Interestingly, AI itself is aware of the importance of verification; when answering "it is claimed that you sometimes hallucinate and cite fake court cases, is this true?" question, it says "Yes- that claim is true in part…If you ever need real case law or scholarly references, it's best to ask me to verify them via web search or provide direct source links".[7]

According to a court in the United States of America, "there is nothing inherently improper about using a reliable AI tool for assistance, but existing rules impose a gatekeeping role on attorneys to ensure the accuracy of their filings"[8]. These existing rules, arising primarily from rules of procedure and professional conduct, require lawyers to act truthfully and diligently in their actions before courts and competent authorities[9]. Similarly, rules of academic conduct, as well as copyright law, dictates refraining from plagiarism; using hallucinated scholarship or cases is considered as an act of plagiarism[10]. Being called out for fake or distorted citation also damages one's reputation, that is hard to build but easy to lose.

In practice, courts are sanctioning lawyers for usage of fake or distorted material in their petitions through citation. However, it is important to highlight that courts are more concerned with the conduct of the lawyer than the actual use of AI in generating petitions or legal arguments; while using AI may be proper, the way AI is used may be improper. This distinction becomes particularly important in law professions, as cases and scholarship are sources of law. After all, when AI hallucinates, it distorts sources of law and the person who is using the AI turns into a person using a distorted or wrong law source.

It is important to be careful about where to search sources of law. While some lawyers and students find it easy and useful to read and copy the first website content appearing on their search engine search result, many lawyers and students value reaching to verified and high-quality sources of law. This is why legal source databases are still being purchased by professionals, despite free of charge websites, search engines and AI tools. In practice, these public or private databases collect legal cases mostly directly from courts or other competent authorities, thus naturally avoid any unverified cases ending up in their library.

On the other hand, finding verified legal scholarship is not that simple. After all, scientific verification is necessary for deeming a work of scholarship verified and this is generally only possible by way of peer review process[11], which is facing problems due to lack of funding, and incentives for academics, as well as explicit or implicit bias. When peer review is not done properly, non- existing or distorted cases and scholarship may easily find its way to get published in academic journals and books which are then used by law databases that professionals pay to use, and by AI to generate content for law professionals.

2. THOUGHTS ON JURISDICTIONAL DIFFERENCES

Detecting hallucinated cases and scholarship is a problem for courts and other competent authorities, as it requires some effort. Without doubt, this effort can be reduced by technology. Still, court or competent authority awareness is the primary essence as a judge or a public officer unaware of AI hallucination would not be inclined to check the accuracy of citations appearing in a petition before the authority. A good example of high level of awareness is found within the academic community with respect to plagiarism, as academics check the papers before them by way of peer and editorial review.

It is fair to state that the level of awareness about AI hallucination and the verification of citations would be different across jurisdictions. According to a private database, as of 13/10/2025, 292 out of 439 identified cases where hallucinated case citations were used are from the United States, 31 from Australia, 32 from Canada and 15 from the United Kingdom[12]. Then, more than half of the citations arising from hallucinations are found in common law jurisdictions. This is not because common law professionals have the tendency to cite without verifying or because courts have better tools to detect. The main reason is the difference of position of cases and legal scholarship within the sources of law in across legal traditions.

To recall, in the hierarchy of sources of law, both case law and legal doctrine have a place[13]. Without doubt, depending on the legal tradition (common law or civil law) a legal system belongs to, the legal value of these sources would change[14]. While cases,

or court decisions, are important in all legal traditions as they show how the law is interpreted and applied, court decisions are awarded a higher legal value as a source of law than legal doctrine (i.e., legal scholarship) in common law jurisdictions[15]. On the other hand, legal doctrine is formed by the writings of primarily academic commentators and judges are not only willing but also (in some legal systems) legally obligated to consider it when establishing their opinion about a case. [16]

Common law courts are, for now, appear to be more successful in finding non-existing or distorted cases, probably because lawyers are citing cases more than legal scholarship. Put differently, irrespective of the difference of level between cases and scholarship as a source of law, lawyers find it better to cite cases than scholarship when building their arguments before courts of common law. Meaning that, when the fact that the number of occasions to assess accuracy of cases have been more than the number of occasions to assess accuracy of scholarship is thought together, along with the position of case law in common law jurisdictions, this statistic becomes easier to perceive.

The difference between how cases and legal scholarship is viewed in different legal traditions causes (or will cause) a difference between how courts are handling AI hallucinations. It is fair to state that common law jurisdiction judges are and will be more interested in verifying a court decision cited in a petition. To the contrary, in civil law jurisdictions, judges will be more interested in verifying the legal scholarship cited in a petition, as much as they check cases, if not more.

CONCLUSION:

In the context of law professions lawyers, academics and law students are prone to AI hallucination due to their tendency to use AI in their works. Accordingly, raising awareness about AI hallucination and how it erodes citation principles is an important matter. It is good that the progress is positive; some universities and law firms have begun to adopt AI usage policies[1]. However, there is a need to see more bar associations contributing to this progress[2]. Likewise, the judiciary, irrespective of the legal tradition it operates in, should adopt tools and review their approaches to detect non- existing or distorted cases and scholarship. Judges should also be better trained to be able to use those tools and embrace citation principles. "*Trust but verify*" proverb will continue to be important in the life of law professionals.

It is important to highlight that the value of legal scholarship may increase in a near future, as it will help AI to be trained to be better and not to hallucinate. After all, AI is widely depending on the already circulated information available online, and unless the information made available to AI is true and accurate, AI will not have the

opportunity to become truthful and accurate, thus would be prone to hallucination. A way to better train AI is to create collection of content comprising of already verified cases and scholarship[1]. In this context, scientific verification of scholarship, which is generally only possible by peer or editorial review process, may gain momentum if AI companies choose to fund scientists or publishers holding the rights of this pre- verified scholarship. All in all, the future of citation may be brighter than what AI has caused people to think.

Marginalization:

[1]What is AI?", IBM, https://www.ibm.com/think/topics/artificial-intelligence#:~:text=Artificial%20intelligence%20(AI)%20is%20technology,decision%20making%2C%20creativity%20and%20autonomy (Last Visited: 29/10/2025).

[2] Murat Can Pehlivanoğlu/Bilge Yıldız/Aytek Gücüyener, "Measures That University Administration Can Take in the Use of Generative Artificial Intelligence by Students in Higher Education", Maltepe Üniversitesi MYO Disiplinlerarası Akademik ve Sektör Çalışmaları Sempozyumu, Özet Bildiriler Kitabı, İstanbul 2025, s. 7.

[3] See, ChatGPT's 13/10/2025 Answer on record with the author

[4] What are AI hallucinations?", IBM, https://www.ibm.com/think/topics/ai-hallucinations (Last Visited: 29/10/2025).

[5] See, "High Court Tells UK Lawyers to Stop Misuse of AI After Fake Case- law Citations", The Guardian, https://www.theguardian.com/technology/2025/jun/06/high-court-tells-uk-lawyers-to-urgently-stop-misuse-of-ai-in-legal-work (29/10/2025).

[6] The English version of this proverb is often attributed to the past United States President Ronald Reagan, see, "Remarks on Signing the Intermediate- Range Nuclear Forces Treaty" , Ronald Reagan Presidential Library and Museum, https://www.reaganlibrary.gov/archives/speech/remarks-signing-intermediate-range-nuclear-forces-treaty (Last Visited: 29/10/2025).

[7] See, ChatGPT's 13/10/2025 Answer on record with the author.

[8] Mata v. Avianca, Inc., 2023 WL 4138427 (S.D.N.Y. June 22, 2023).

[9] See, Christopher F. Lyon, "Fake Cases, Real Consequences: Misuse of ChatGPT Leads to Sanctions", https://www.goldbergsegalla.com/app/uploads/2023/10/Fake-Cases-Real-Consequences-Misuse-of-ChatGPT-Christoper-F.-Lyon-NY-Litigator.pdf (Last Visited: 29/10/2025).

[10] Plagiarism and Generative Artifical Intelligence (genAI)", ETH Zürich Library, https://library.ethz.ch/en/researching-and-publishing/scientific-writing-at-eth-zurich/plagiat-und-kuenstliche-intelligenz-ki.html (Last Visited: 29/10/2025).

[11] For a criticism about peer review process, see, Tara G. McAllister, et. al., "Decolonize Scientific Institutions, Don't Just Diversify Them", Nature Magazine, 08/08/2025.

[12] Damien Charlotin, "AI Hallucination Cases", https://www.damiencharlotin.com/hallucinations/ (Last Visited: 29/10/2025).

[13] Sjef van Erp/Bram Akkermans/Dimitri Droshout, Property Law, Bloomsbury, Portland 2012, p. 8.
[14] Neil Duxbury, Law's Sources, Oxford University Press, Oxford 2025, p. xvi.
[15] Erp/Akkermans/Droshout, p. 4
[16] Hüseyin Hatemi, Medeni Hukuka Giriş, On İki Levha Yayıncılık, İstanbul 2021, p. 81.

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