

APPELLATE AND COMPLEX LITIGATION BLOG

# Lawyerless Appellant Takes a Bad Trip in Missouri: AI Hallucinations Result in \$10,000 Sanction for Frivolous Appeal

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Earlier this month, Judge Kurt Odenwald on behalf of the Missouri Court of Appeals, Eastern District penned Missouri's first appellate dismissal and award of sanctions for a brief that cited bogus cases generated by artificial intelligence—a phenomenon commonly referred to as “Artificial Intelligence Hallucinations.” *Kruse v. Karlen*, Case No. ED111172 (Mo. App. E.D. Feb 13, 2024).

Below we discuss what happened in the case, how it illustrates the remarkable limitations of AI, and the risk of trying to work inside the legal system without a lawyer.

## The Sometimes High Cost of Trying to Save Money

The lawyerless (*pro se*) appellant apparently thought he could save money by hiring an online legal “consultant” to author the required brief for a fee that was less than 1% of what an attorney might have charged. In an apology to the Court, the appellant claimed he was unaware that his brief contained non-existent authorities.

As a result of the appellant's actions, the Court and attorneys on the other side were forced to dissect the brief and its bogus citations, an effort that required significant time and money. The Court reinforced the importance of following the rules of appellate procedure, and made clear the disastrous consequences of violating the rules—whether one is an attorney or not. The penalty in this particular situation? Ten grand.

## Not Ready for Prime Time

This case is Missouri's first appellate “horror story” on the perils of relying too much on the new and sometimes impressive technology behind generative AI.

Though reading something generated by AI may seem convincing and even perhaps logical, relying blindly on what is generated can be a prescription for an embarrassing (and costly) failure. Courts have made clear they will not tolerate ignorance of AI's limitations when attempting to state one's case.

## Other Risks of Not Hiring an Attorney

Another consideration is the possibility of sanctions against non-lawyers (and non-humans, or at least the companies behind them) for the unauthorized practice of law. Consider the company DoNotPay, which is being sued by “clients” who paid for a “robot lawyer” but received unenforceable contracts and other documents instead.

#### **The Takeaway**

As AI becomes more accessible and we continue to navigate a brave new world with generative AI at our disposal, lawyers must continue to play their vital role in the system, guiding clients in the right direction and giving them viable options.