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CASE STUDY · MARLUC SYNOPSIS

Mata v. Avianca court filing

IMPLEMENTED 2023 · PROFESSIONAL SERVICES · US · BAND F · PROVED

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A lawyer used ChatGPT for legal research and the firm filed a court paper citing six cases that did not exist. A federal judge sanctioned both lawyers and the firm.

ABOUT THIS SYNOPSIS

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Facts and figures are as reported by the sources listed below, which may be incomplete, self-reported or out of date. Check the original source before relying on any figure.

The impact band, proof marker and SEAM view are MarLuc's opinion. The organisation is not a MarLuc client and has not reviewed or endorsed this synopsis. Names and trademarks belong to their owners.

NOTICE WORDING LAST UPDATED 16 NOVEMBER 2026

AT A GLANCE

What went wrong: AI output or malfunction; Weak oversight or controls.

AI used: Generative AI chat assistant: ChatGPT, used by a lawyer for legal research.

Implemented: 2023. Grade: band F, Failure, Proved.

Headline result, as reported: Federal court sanctioned two lawyers and their firm US$5,000 for filing fake cases generated by ChatGPT, June 2023

1 · The case

The facts, as reported by the 3 sources listed at the end. Where a source is silent, the field says "Not reported".

Organisation

Levidow, Levidow & Oberman. New York law firm that primarily practises in the New York state courts, with one equity partner. Staff numbers: Not reported. The sanctions were ordered by the US District Court for the Southern District of New York. Canvas block: 8. Governance and risk. Also 5. People and skills, 6. Data and technology.

Business challenge

The challenge. The firm acted for a passenger suing the airline Avianca over an injury on a flight. Avianca moved to dismiss the claim as out of time under the Montreal Convention. The lawyer doing the work practised in state court and had no prior experience of the Montreal Convention or bankruptcy stays. The firm used the research service Fastcase, and its account had limited access to federal cases.

Who implemented it

No implementation: one lawyer used the public ChatGPT website.

Technology (SEAM pillar E)

SEAM types: T1 Chat assistants. Deployment: Vendor SaaS. Vendors and products: ChatGPT.

Where it was built in: Not built into the firm's systems. One lawyer used the ChatGPT website for legal research after the firm's Fastcase account proved to have limited access to federal cases.

What changed

Before: research by one lawyer using ChatGPT, signed off by a colleague who checked the paper for style only. After: the court sanctioned both lawyers and the firm. The firm expanded its Fastcase subscription and arranged mandatory training on technological competence and artificial intelligence programs, as recorded by the court. [1] [2] [3]

Cost of failure

US$5,000 penalty, imposed jointly and severally on the two lawyers and the firm and payable into the court's registry within 14 days. The court also ordered letters to the client and to each judge falsely named as the author of a fake opinion. Avianca's counsel did not seek fees. The firm's own legal and remedial costs: Not reported.

What it saved

Not reported [1] [2] [3]

Governance and control

The court held that attorneys have a gatekeeping role to ensure the accuracy of their filings. It found that the signing lawyer did not review any of the cited authorities and made no inquiry about the research. It held the firm jointly responsible under Rule 11. The firm's sole equity partner acknowledged responsibility and described remedial measures. A policy on AI use before the incident: Not reported.

S2 · Accountable owner · Evidenced
The court held the firm jointly and severally liable for its lawyers' Rule 11 violations, and its sole equity partner acknowledged responsibility. [1]

A1 · Safe use · Missing (independent source shows it was absent)
The lawyer told the court he falsely assumed ChatGPT was like a super search engine; the firm arranged training on AI programs only after the incident. [1]

A2 · Human in the loop · Missing (independent source shows it was absent)
The court found the lawyer who signed and filed the paper did not review any of the authorities cited in it. [1]

A3 · Monitoring and assurance · Missing (independent source shows it was absent)
No respondent sought to withdraw the filing or explain it after the opposing party and the court could not find the cases, the court found. [1]

A4 · Vendor AI · Not reported
Not reported.

A5 · Agent controls · Not reported
No agents described.

A6 · Standards and regulation · Outside scrutiny (a regulator, court, auditor or similar body acted)
The court sanctioned the two lawyers and the firm under Rule 11 of the Federal Rules of Civil Procedure and, alternatively, its inherent power. [1]

What worked, what did not, what is unproven

WORKED

– Not reported

DID NOT

– ChatGPT generated six decisions that do not exist, and they were cited to the court.

– The signing lawyer reviewed the paper for style and did not review any of the authorities cited.

– When the opposing party and then the court questioned the cases, the lawyers stood by them; the court found bad faith by both.

– The research lawyer asked ChatGPT whether the cases were real, and it answered that they were.

UNPROVEN

– Whether the firm had any rule on the use of AI tools before March 2023: Not reported.

– How the firm's practice changed after the training it arranged: Not reported.

Timeline

Jan 2023 Avianca moves to dismiss the claim as time-barred under the Montreal Convention [1]

Mar 2023 The firm files an affirmation citing decisions generated by ChatGPT; Avianca's reply says it cannot locate most of them [1]

Apr 2023 The court orders copies of the cited decisions; the lawyers file purported excerpts on 25 April [1]

May 2023 The court orders the lawyers and the firm to show cause; an affidavit of 25 May first acknowledges the cases came from ChatGPT [1]

Jun 2023 Sanctions hearing on 8 June; opinion and order of 22 June imposes a US$5,000 penalty on the two lawyers and the firm [1]

2 · Grade and SEAM assessment

MarLuc's opinion, made on the evidence above. How cases are graded: marluc.co.uk/case-studies/how-we-rate

Level of change and impact

Claimed: Not applicable. Grade: F, Failure. Proof: Proved. Level of change: Not graded.

No level assessed: band F, a proved failure in professional work filed with a court. The opinion shows a court holding lawyers and their firm responsible for AI output they did not check.

The SEAM view and lessons learnt

The tool was used for a task it could not be trusted to do alone, by a lawyer who misunderstood what it was. The failure sat at the join between the technology and professional review: one lawyer researched, another signed, and nobody read the cases. The court treated the checking duty as an existing rule and held the firm jointly responsible. For a larger organisation, the point is that a second signature is only a control if the signer checks the substance.

1. Check every AI-supplied citation against an authoritative source before it leaves the firm.
2. Make the person who signs read what they sign.
3. When an error is raised, investigate and correct it at once.

Evidence

Score 3 of 4. Independent: a federal court opinion with findings of fact after a hearing under oath.

Evaluation method. Court or tribunal finding: Mata v. Avianca, Inc., 22-cv-1461 (S.D.N.Y.), opinion and order on sanctions after a hearing on 8 June 2023.

Status. Closed: sanctions ordered on 22 June 2023. The firm said it would comply and that it disagreed with the finding of bad faith, per ABA Journal.

3 · Original sources

Read these in full. To challenge a fact or a grade, use the contact form at marluc.co.uk or the link on https://marluc.co.uk/case-studies/levidow-chatgpt-court-filing

[1] US District Court, Southern District of New York: Mata v. Avianca, Inc., Opinion and Order on Sanctions, 22 June 2023 (via CourtListener)
https://storage.courtlistener.com/recap/gov.uscourts.nysd.575368/gov.uscourts.nysd.575368.54.0_1.pdf

[2] ABA Journal: Lawyers who 'doubled down' and defended ChatGPT's fake cases must pay $5K, judge says
https://abajournal.com/web/article/lawyers-who-doubled-down-and-defended-chatgpts-fake-cases-must-pay-5k-judge-says

[3] LawSites: Court Imposes Sanctions on Lawyers Who Filed Bogus Cases After Relying on ChatGPT for Legal Research
https://www.lawnext.com/2023/06/court-imposes-sanctions-on-lawyers-who-filed-bogus-cases-after-relying-on-chatgpt-for-legal-research.html

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VERSION HISTORY

v1.1 15 November 2026 Method update: standards and regulation (A6) relabelled "outside scrutiny" because the evidence is a regulator, court, auditor or similar body acting, not the organisation's own compliance.
v1.0 15 November 2026 First published