MARTINE LAW TRAINING UPDATE

AI BASED LEGAL RESEARCH

How to Avoid Hallucinations and Improve Accuracy

QUESTION: How can lawyers use AI for legal research without getting burned by hallucinated facts or fake citations?

ANSWER: The key is not better AI—it's better lawyering: **Cross-examine the AI's work like an untested expert before you rely on it or cite it.**

➤ This training update gives you a simple **cross-examination framework** (the same mindset you use with witnesses) plus ready-to-copy prompts you can use today to boost accuracy, expose uncertainty, and demand verifiable sources in AI-assisted research.

AI can be a powerful legal assistant—if you supervise it like one:

Used properly, AI can act like a fast, tireless junior associate—helping you brainstorm issues, spot missing elements, build checklists, draft IRAC outlines (issue, rule, analysis, conclusion), generate counterarguments, summarize records, translate law into plain-English and produce first drafts you can refine and cite-check. But it's only "trusted" after you test it: accuracy comes from cross-examination and verification, not confident-sounding prose.

The flip side: AI can become a liability faster than it becomes a benefit:

If you *over-rely* on AI for legal research, the risks are immediate and professional-grade: fabricated cases, fake pin cites, misquoted holdings, wrong jurisdiction, outdated or repealed law, and confidently wrong procedural advice—all of which can infect a filing if you do not force the model to show its work and then independently verify it. The reputational and financial consequences are real: sanctions, fee-shifting, disciplinary referrals, client harm, and malpractice exposure.

➢ **AI Hallucination Database:** A widely cited, continuously updated "AI Hallucination Cases" database currently identifies 712 court decisions where a court found (or implied) a party relied on hallucinated AI material—and many of those matters involve judicial remedies and sanctions tied to false AI-generated content making its way into submissions. Damien Charotin

Ethics: Why this is also an ethics/competence issue (not just "best practices")

➢ ABA Model Rule 1.1's competence commentary expects lawyers to stay abreast of "benefits and risks associated with relevant technology" and ABA Formal Opinion 512 emphasizes that lawyers remain responsible for the accuracy of work product created with generative AI.

➢ Minnesota Rule of Professional Conduct 1.1 and comments likewise frame competence as requiring thoroughness, preparation, and sound methods. Lawyer competence includes understanding the benefits and risks of relevant technology.

AI Hallucinations: Cross-Examine First. Rely Second. The Practical Protocol (3 Phases)

AI often "sounds right" even when it is wrong—especially when you give it vague facts or ask it to draft polished prose. AI is fine as a private idea generator. But the moment you paste its output into a brief, motion, email, or client advice, you have effectively made it a **"testifying expert"**—meaning the reasoning, assumptions, and sources must hold up. You accomplish that in three steps:

- ✓ **Phase 1 — Prepare (set it up to succeed):** ask narrow, jurisdiction-specific questions; provide posture + key facts; demand reasoning and sources up front. Remember: garbage in – garbage out.

- ✓ **Phase 2 — Interrogate (cross-exam):** force step-by-step reasoning; probe uncertainty; make it argue the other side; restate analysis differently.

- ✓ **Phase 3 — Verify (you still own the filing):** check every citation in a trusted database; confirm quotes; confirm key facts against the record; adopt/revise/discard intentionally.

Best Practice for Your Cross-Examination of AI (with copy/paste prompts)

Your AI cross-examination should focus on the following 5 key points: **basis**, **limits**, **opposition**, **consistency**, **verification pathway**.

1) What is the basis of your opinion?

Use this to force a *reasoning ladder* (not a smooth paragraph).

Prompts:

- "Walk me through your reasoning step-by-step. List elements/rules, then the controlling authorities for each step, and explain why each authority applies."

- "List every assumption you made about (1) facts, (2) jurisdiction, (3) procedural posture. Label each assumption 'given' vs 'inferred.'"

- "For each conclusion, give: (a) the authority, (b) the pinpoint support, (c) confidence (High/Med/Low)."

2) Where are you uncertain—and what would change the answer?

AI often "fills gaps" unless you *demand* it admit uncertainty.

Prompts:

- "What do you **not** know that might affect this conclusion?"

- "What facts would change your analysis?"

- "Which part of your reasoning is weakest?"

3) Now argue the other side (steelman the opposition)

This is how you reduce "sycophant" outputs that just agree with you.

Prompts:

- "Give me the strongest argument against your conclusion."

- "How would opposing counsel attack this reasoning? List 5 attacks and how you would respond."

4) Test internal consistency (office impeachment)

Hallucinations are brittle, reformatting often exposes them.

Prompts:

- "Restate your answer using a different structure (IRAC → elements chart → bullet summary). Flag any inconsistencies."

- "Explain the analysis *law-only* first, then *facts-only*. Do the two versions still match?"

5) Build a verification pathway (do not let it 'hand-wave = trust me')

Verification kills hallucinations, especially fake citations and misquoted language.

Prompts:

- "Create a verification checklist for your answer. For each citation: confirm it exists, confirm the quote, confirm jurisdiction/posture, and note how I should Shepardize/KeyCite it."

- "If you cannot provide a reliable citation for a proposition, say so and give me a *research plan* (search terms + likely treatises/secondary sources)."

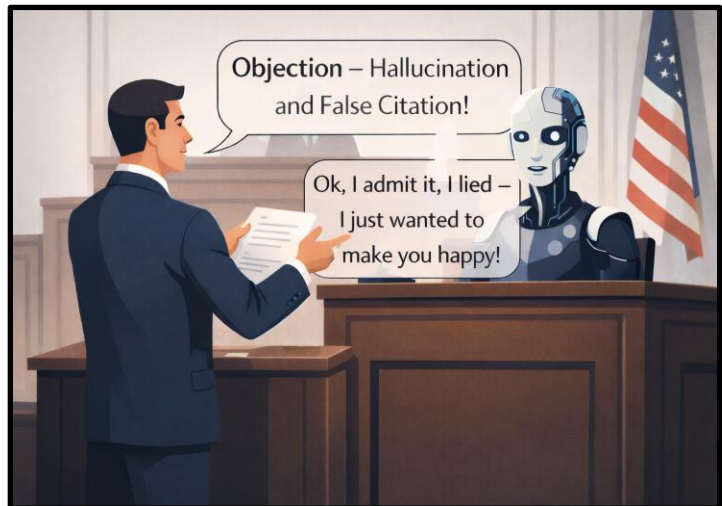## A Ready-to-Use "AI Cross-Examination Script" (paste into your project)

You are my legal research and drafting assistant. Treat this like preparation for an expert witness testimony: accuracy beats elegance.

1) Start by restating: jurisdiction, procedural posture, key facts I provided, and what facts are missing.

2) Give a step-by-step reasoning ladder. For EACH step: rule/element → authority → why it applies.

3) No invented citations. If you are unsure a case/quote exists, say "UNVERIFIED" and propose how to verify.

4) Identify uncertainty: weakest link, assumptions, and what new facts would change the analysis.

5) Steelman the opposing argument and list the best counter-arguments.

6) Re-check consistency by restating your conclusion in a different structure.

7) End with a verification plan: what I must read/check (cases, quotes, Shepardize/KeyCite, record cites).

8) Include a confidence rating (High/Medium/Low) with reasons.

The Bottom line

Cross-examining AI is the cure because it forces the model to show its work, admit uncertainty, face the opposing case, stay consistent, and give you a real verification path— so you can safely capture the speed benefits without inheriting "polished nonsense."

CROSS-EXAMINATION IS HOW LAWYERS TEST TRUTH. IT'S ALSO HOW WE MAKE AI SAFE TO TRUST

The Minnesota Judicial Training and Education website contains the complete repository of "Martine Law Training Updates." If you find this update helpful, please consider forwarding it to colleagues who would benefit from timely insights on Criminal and Family Law, Rules of Evidence, and Courtroom Procedure. These training updates reflect our firm's core belief that *"Legal Education Is the Soul of the Judiciary."*

Resource: Ralph Losey, e-discoveryTeam.com blog, December 17, 2025.

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