



**LAW SOCIETY TRIBUNAL
HEARING DIVISION**

Citation: *Law Society of Ontario v Lee*, 2026 ONLSTH 136

Date: July 16, 2026

Tribunal File No.: 26H-012

BETWEEN:

Law Society of Ontario

Applicant

- and -

Mary Hyun-Sook Lee

Respondent

Before: Sophie Martel (chair), Murray Klippenstein, François Turpin

Heard: March 24, 2026, by videoconference, and by written submissions

Appearances:

Amanda Pinto, for the applicant

Nadia Liva, for the respondent

Summary:

LEE – Dishonesty – Irresponsible use of Artificial Intelligence (AI) – The Lawyer admitted to professional misconduct by failing to serve her client to the standard of a competent lawyer with the irresponsible use of AI and failing to act with integrity by misleading the court – The Lawyer also failed to be honest with the Law Society – The panel accepted the joint submission of the parties and suspended the lawyer for six months finding it to be a proportionate penalty – Costs of \$10,000 to be paid to the Law Society.

REASONS FOR DECISION

- [1] Sophie Martel (for the panel):– Mary Hyun-Soon Lee, the Lawyer, relied on a factum in a court proceeding she prepared with artificial intelligence (AI), which contained non-existent case law and which misrepresented what one case stood for. She then misled the court and the Law Society when asked about her preparation of the factum. This matter thus raises two issues: a lawyer’s misuse of AI and a lawyer’s dishonesty with the court and the Law Society.
- [2] The Lawyer admitted and we found that she engaged in professional misconduct as alleged. She failed to serve her client by relying on a factum prepared by AI containing only non-existent and misrepresented case law. She then deliberately misled a court multiple times when asked about her use of AI. She further failed to be honest with the Law Society during its initial investigation related to the factum and the court events.
- [3] The parties jointly proposed as penalty a suspension of six months. We reserved on the penalty and costs. After considering the evidence and submissions, including post-hearing written submissions, we accept the joint proposal and order a suspension of six months. We also accept the joint proposal that the Lawyer pay costs of \$10,000 in two instalments. These are our reasons.

HOW THE HEARING UNFOLDED

- [4] Given the rapidity with which the hearing events unfolded, and how that affected the joint proposal, it is useful to comment on the process.
- [5] The application proceeded by way of a request to admit. Except for some minor clarifications in respect of the underlying Ontario Superior Court of Justice proceeding, the Lawyer admitted the truth of the facts found in the request to admit prior to the hearing. She also admitted the authenticity of the documents attached to the request to admit.
- [6] The parties advised that the Lawyer had instructed her counsel to prepare an agreed statement of facts prior to the hearing but that the Law Society had been

unable to review the draft prior to the hearing, which had been scheduled in short order after the notice of application was filed. While the matter did not ultimately proceed based on an agreed statement of facts, on March 20, 2026, two business days prior to the hearing, the parties advised the Tribunal by email that the Lawyer was admitting to the professional misconduct as alleged in the notice of application.

- [7] At the hearing, the Lawyer indicated that she had advised the Law Society that she was joining it in respect of its proposed penalty and costs.
- [8] The parties submitted that we should accept the proposed penalty as a joint submission that would be subject to the public interest test set out in *R v Anthony-Cook*, 2016 SCC 43.
- [9] At the hearing, we made findings on the professional misconduct, concluding that the Lawyer engaged in professional misconduct as alleged in the notice of application. We then heard submissions on penalty and costs; we reserved our decision.
- [10] Following the hearing, we released an endorsement in which we stated that we had reservations about the proposed penalty and were considering imposing a different penalty, including a longer suspension, permission to resign, or revocation. As a result, we requested post-hearing submissions on two main issues:
 - 1) Does the *Anthony-Cook* public interest test (*R v Anthony-Cook*, 2016 SCC 43, [2016] 2 S.C.R. 204) apply in this case where the joint submission on penalty has arguably not been made in exchange for a guilty plea/admission of misconduct? If the public interest test does not apply, what level of deference or weight should we give to the proposed penalty?
 - 2) The professional misconduct may invoke the *Bolton* principle (*Bolton v Law Society* [1993] EWCA Civ 32) where the most serious proven dishonesty leads to revocation. How does the proposed suspension of six months for the level of dishonesty at issue address the *Bolton* principle and the penalty principles, in particular general deterrence and the need to maintain public confidence in the profession? How does it proportionately compare to other cases of serious dishonesty, especially those not decided based on a joint submission on penalty? We would appreciate additional case law on penalties ordered in serious dishonesty cases, including similar or comparable fact scenarios.

- [11] The parties provided us with post-hearing written submissions as requested. These reasons address our conclusions regarding professional misconduct, penalty, and costs.

EVIDENCE

Lawyer's background

- [12] The Lawyer was called to the bar in February 1995 and practised as a sole practitioner.

The factum

- [13] The Lawyer was representing a client in a family law proceeding. The client had been referred to her through the Korean Canadian Women's Association. The Lawyer initially represented the client through a Legal Aid certificate. Upon the death of the client's husband, the family law proceeding became more complex, as the client was now dealing with the estate rather than her husband. Legal Aid also stopped funding the litigation once it became an estate matter. Since the client was impecunious, the Lawyer was essentially representing her on a pro bono basis.
- [14] The Lawyer brought an urgent motion before the Superior Court for various relief, including leave to bring a claim for the equalization of net family properties, support from the estate, removal of an estate trustee, and exclusive possession of a family home.
- [15] The motion was originally scheduled to be heard March 25, 2025, but was adjourned to May 1, 2025.
- [16] On April 24, 2025, the Lawyer served a motion factum, which she subsequently filed with the court.
- [17] The factum included citations and hyperlinks to four cases:
- *Johnson v Lanka*, 2010 ONSC 4124;
 - *Meschino Estate v Meschino*, 1998 Can LII 14734 (ONSC);
 - *Alam v Shah*, 2023 ONSC 1772; and
 - *DaCosta v DaCosta*, 2010 ONSC 2178.
- [18] With respect to the *Johnson v Lanka* case, the factum stated that the court removed an estate trustee for conduct that eroded beneficiary confidence and for failing to account. However, the case stated the opposite: the court had declined to remove the estate trustee and rejected allegations of misconduct.

- [19] The three remaining cases cited in the factum do not exist. Hyperlinks for the *Meschino* and *Alam v Shaw* case took the reader to different reasons for decisions in other areas of law, whereas the hyperlink to the *DaCosta* decision took the reader to a page with an error message. Online searches for these three cases did not yield a result.
- [20] The Lawyer used ChatGPT, an AI tool, to draft the factum. The four cases cited in the factum were AI hallucinations. The term “AI hallucinations” refers to false outputs generated by AI algorithms or tools such as ChatGPT. In the legal context, AI hallucinations include outputting non-existent case law, or incorrectly stating what cases stand for.

The motion hearing

- [21] The Honourable Justice Myers presided over the motion on May 1, 2025.
- [22] During her oral submission, the Lawyer referred Justice Myers to the four cases in support of her client’s position. She was not then aware that the cases were AI hallucinations.
- [23] At or prior to the motion, Justice Myers was unable to locate the four cases and questioned the Lawyer about them at the motion hearing. He advised the Lawyer that the cases seemed to be AI hallucinations and asked her if she used ChatGPT to write the factum. The Lawyer replied, “I did not.” Justice Myers then asked the Lawyer if someone in her office had used ChatGPT. The Lawyer responded, “I cannot say, Your Honour. I – we do not normally use ChatGPT.”
- [24] The motion was completed although Justice Myers indicated that he would address the AI hallucinations in his endorsement.
- [25] The client was partially successful in respect of the relief sought in the motion. In his endorsement of May 6, 2025, Justice Myers granted some of the relief requested by the Lawyer on behalf of her client. He also addressed the AI issue. He noted that the factum may have been created by AI and that the Lawyer may not have checked to ensure that the cases were real or supported the legal propositions she submitted to the court in writing and orally. Justice Myers ordered the Lawyer to “show cause” as to why she should not be cited for contempt of court and requested that she attend a case conference to discuss contempt proceedings.

The Lawyer’s written and oral representations to Justice Myers after the motion hearing

- [26] On May 9, 2025, after the motion hearing of May 1, the Lawyer delivered a letter to Justice Myers, in which she explained that upon inquiry, her staff had

confirmed that the factum was in part drafted with the assistance of an AI-based tool. Her letter stated:

After my attendance at the motion hearing on May 1, 2025, I made necessary inquiries with my staff and confirmed that the factum in question was, in part, drafted with the assistance of an AI-based tool (ChatGPT) for preliminary legal research and composition. Regrettably, I failed to independently verify the case law citations before finalizing and filing the document. I did not realize that some of the citations and hyperlinks were fictitious until it was raised at the hearing. I take full responsibility for this failure.

At no point did I intend to mislead the Court or submit fictitious authorities. My reliance on these materials resulted from inadvertence and an overestimation of the reliability of emerging legal technology. I now understand and acknowledge that such tools must never substitute for personal verification by counsel, especially in documents submitted to the Court.

- [27] In her letter, the Lawyer also apologized, undertook to complete at least six hours of continuing professional education in legal ethics and technology and asked that no finding of contempt be made against her.
- [28] The Lawyer then attended a case conference before Justice Myers on May 16, 2025, to address the possible contempt of court proceeding. During this case conference, she advised Justice Myers that a law student had prepared the factum using ChatGPT. The Lawyer advised that she had not instructed her law student to use an AI tool and had been shocked once informed that the factum had been prepared with an AI tool.
- [29] On May 20, 2025, Justice Myers released an endorsement ruling that the Lawyer's expressions of accountability and regret, coupled with the withdrawal of the offending factum, purged any contempt of court that might have been found. He also noted that as the first lawyer to have filed AI hallucinations before the Superior Court, she had already suffered a public shaming near the end of an unblemished career. He accordingly dismissed the show cause proceeding on condition that the Lawyer fulfill her commitment of taking the professional development courses as undertaken and that she not bill her client for the research, factum writing, and attendance at the motion of May 1, 2025 (in the event the client received assets to give her a means to pay for services rendered).
- [30] Justice Myers was not aware at the time of his May 20 endorsement that some of the representations that the Lawyer had made to him in the contempt

proceedings were themselves false and deliberate misrepresentations by the Lawyer.

The Law Society investigation

- [31] The Law Society commenced an investigation because of Justice Myers' endorsement of May 6, 2025. In her written representations to the Law Society on June 26, 2025, the Lawyer accepted responsibility for the documents filed with the court for the motion hearing of May 1, 2025, and repeated what she had told the court - that a staff member had used an AI tool:

I accept full and sole responsibility for all documents filed with the Court under my name. Although a staff member used an AI tool to assist in drafting the original factum, it was ultimately my duty, and mine alone, to verify each authority cited before filing. ...

I respectfully submit that this was an isolated incident arising from a single error in verification, not from an intent to deceive, a pattern of misconduct, or a disregard of my professional obligations.

- [32] The Law Society investigator then asked the Lawyer to provide the contact information for the staff member who had used the AI tool. On July 24, 2025, the Lawyer responded, stating, "I, respectfully, deny your request for witness contact information."
- [33] On July 30, 2025, the Law Society investigator advised the Lawyer that she was not entitled to deny a request for contact information as it was a request made pursuant to s 49.3(c) of the *Law Society Act*, RSO 1990, c L.8 (the Act). Later that same day, the Lawyer admitted to the Law Society investigator that she, not another staff member, prepared the factum with ChatGPT. The Lawyer's representations of June 26, 2025 to the Law Society on a key point had been false.
- [34] The Lawyer then fully co-operated in the Law Society's investigation. During her interview with the Law Society investigator on August 21, 2025, she admitted her misconduct and expressed remorse. She indicated that she had not employed an associate since 2020 or a law student since the summer of 2024. She did not attempt to excuse her misconduct but explained to the investigator the context in which it occurred. She said she was pressed for time for the motion of May 1, 2025, and ended up serving the factum at the last possible minute. She also explained that she did not understand how AI worked and did not even know about hallucinations until questioned by Justice Myers at the motion hearing. She was, therefore, taken aback, embarrassed, and did not know how to respond appropriately.

- [35] The Law Society investigator asked her what steps she had taken to address her misrepresentations to the court. She replied that she not yet taken any steps but indicated that she intended to write a letter to Justice Myers.
- [36] On September 30, 2025, the Lawyer wrote a letter to Justice Myers informing him of and apologizing for her misrepresentations.
- [37] Justice Myers has referred carriage of a contempt of court proceeding to the Attorney General, which remains ongoing. In October 2025, the Lawyer withdrew as counsel of record for her client.

PROFESSIONAL MISCONDUCT

Failure to serve her client

- [38] Rule 3.1-2 of the *Rules of Professional Conduct* states that a lawyer shall perform any legal services undertaken on a client's behalf to the standard of a competent lawyer. The Commentary of the Rule states that competence is founded upon ethical and legal principles.
- [39] Also relevant is Rule 4.06.1 of the *Rules of Civil Procedure*, which requires that citations in a factum include a reference to the relevant paragraph, provision, or page number of the authority. The Rule further requires that the factum include a statement signed by the party's lawyer certifying that the person is satisfied of the authenticity of every authority cited in the factum.
- [40] In preparing a factum that included non-existent authorities and an authority that did not support the proposition the Lawyer argued it did, the Lawyer failed to perform legal services for her client to the standard of a competent lawyer.
- [41] To be clear, it is not professional misconduct for a lawyer to use AI to assist in the preparation of a factum. Indeed, there will likely be many instances where the competent use of AI by a lawyer will be beneficial to the lawyer, the client, and the court. The failure to perform legal services competently in this case lies in the Lawyer's failure to verify the authenticity of the authorities generated by AI.
- [42] We note that the Law Society's website includes helpful resources on the use of technology, including AI. All licensees who use or are interested in using AI should refer to these resources and practice tips. Most importantly, the use of AI should be done in a manner that is consistent with one's professional and legal obligations.

Misleading the court

- [43] Rule 5.1-2(e) of the *Rules of Professional Conduct* states that when acting as an advocate, a lawyer shall not knowingly attempt to deceive a tribunal or influence the course of justice by misstating facts or law.
- [44] The Lawyer knowingly deceived the court on three occasions. She misled the court on May 1, 2025, when she replied that she had not used ChatGPT to prepare the factum when specifically questioned by Justice Myers on this point.
- [45] She again misled the court in her letter of May 9, 2025, to Justice Myers. In this letter, she indicated that she had made necessary inquiries with her staff and confirmed that the factum in question was in part drafted with the assistance of an AI tool. It was misleading and false for the Lawyer to write that she had discovered that the factum was prepared in part with the use of AI upon making inquiries with her staff when the Lawyer knew that she alone had used AI in the factum's preparation.
- [46] Finally, the Lawyer continued to deliberately and seriously mislead the court on May 16, 2025, when attending the case conference. She advised Justice Myers that the law student to whom she had delegated the factum's preparation confirmed that the factum was prepared using ChatGPT. She further advised the court that she did not instruct her law student to use an AI tool and was shocked when informed that an AI tool was used. It was deliberately and seriously misleading for the Lawyer to advise Justice Myers that a law student had used AI when she knew that she alone had used AI in the factum's preparation.
- [47] The misleading and false statements occurred on three occasions over a span of about two weeks. We are especially troubled by the Lawyer's misleading of the court in her letter of May 9, 2025, and in her appearance on May 16, 2025, by which time she had had the opportunity to think about her responses and had an opportunity to honestly explain what occurred. Her continued dishonesty on these two occasions was premeditated.
- [48] Furthermore, the Lawyer did not advise the court of her three occasions of dishonesty and misrepresentations until September 30, 2025, more than four months later, and she only did so after the Law Society investigator asked her about steps she had taken to address her misrepresentations.
- [49] We repeat, adopt, and emphasize Justice Myers' statements in his endorsement of May 6, 2025, regarding a Lawyer's duties to his client and to the court:

All lawyers have duties to the court, to their clients, and to the administration of justice.

It is the lawyer's duty to faithfully represent the law to the court.

It is the lawyer's duty not to fabricate case precedents and not to mis-cite cases for propositions that they do not support.

It is the lawyer's duty to use technology, conduct legal research, and prepare court documents competently.

It is the lawyer's duty to supervise staff and review material prepared for her signature.

It is the lawyer's duty to ensure human review of materials prepared by non-human technology such as generative artificial intelligence.

It should go without saying that it is the lawyer's duty to read cases before submitting them to a court as precedential authorities. At its barest minimum, it is the lawyer's duty not to submit case authorities that do not exist or that stand for the opposite of the lawyer's submission.

It is the litigation lawyer's most fundamental duty not to mislead the court.

Failing to act with honour and integrity

- [50] Rule 2.1-1 of the *Rules of Professional Conduct* states that a lawyer has a duty to carry on the practice of law and discharge all responsibilities to clients, tribunals, the public and other members of the profession honourably and with integrity.
- [51] The Law Society has a legislated duty to protect the public interest. This includes maintaining the public's trust and confidence. To maintain this trust and confidence, the Law Society must be able to investigate its members, who are expected to co-operate and be honest in such investigations.
- [52] The Lawyer failed to act honourably and with integrity when she seriously and deliberately misled the Law Society on the key issue as to who had used AI in preparing the factum. In her written representations of June 26, 2025, the Lawyer falsely stated that a staff member had used AI tool when in fact she alone had used AI. She continued not to be forthcoming with the Law Society on July 24, 2025, by refusing a request for witness contact information. She only admitted that she had prepared the factum herself using ChatGPT on July 30, 2025, after being reminded that under the Act, she was legally compelled to answer the Law Society's request.
- [53] Additionally, the Lawyer failed to act honourably and with integrity in misleading the court, as discussed in the previous section.

JOINT SUBMISSION

- [54] The parties jointly submitted that the Lawyer be suspended for six months and that she pay costs of \$10,000 in two instalments.

PENALTY

Application of the *Anthony-Cook* public interest principle

- [55] The parties submitted that the principle regarding a joint submission by the parties as set out in *R. v Anthony-Cook* applies. That principle provides that we should only depart from a joint submission by the parties if the jointly proposed penalty would bring the administration of justice into disrepute or is otherwise not in the public interest. This stringent test reflects the benefits to the parties and to the administration of justice in having a high degree of sentencing certainty in exchange for a guilty plea. It incentivizes negotiation and agreement, which spares witnesses and lengthy court proceedings. The case of *Bradley v Ontario College of Teachers*, 2021 ONSC 2303, states that this principle, initially applied in criminal cases, also applies to discipline proceedings such as this one. A disciplinary body that rejects a joint submission on penalty must explain why the proposed penalty is so unhinged from the circumstances of the case that it must be rejected under the above test.
- [56] This matter arrived before us somewhat differently than most joint submissions on penalty, which are usually based on an agreed statement of facts, an admission of professional misconduct and a joint submission on penalty. In this case, instead of an agreed statement of facts, there is a response to a request to admit that admits all the relevant facts in the request to admit. While not identical to an agreed statement of facts, these admissions are akin to the factual agreement found in an agreed statement of facts. Furthermore, the Lawyer also admitted professional misconduct prior to the start of the hearing. The Lawyer's admission to the facts and to alleged professional misconduct obviated the need for the testimony of witnesses at the hearing and significantly shortened the hearing.
- [57] On the other hand, it is not clear that the professional misconduct admission was provided in exchange for, or as a *quid pro quo* for, a joint submission on penalty, which is often a feature of such joint submissions. The Law Society advised us that while its starting point on penalty had been revocation, it had changed its position. It was of the view that a six-month suspension was an appropriate penalty considering the Lawyer's insight and remorse. It was advised prior to the start of the hearing that the Lawyer was joining it on this penalty submission. As noted earlier, in consideration of the seriousness of the repeated misrepresentations to the court and the Law Society in this matter, we requested additional post-hearing submissions regarding the application of the

Anthony-Cook public interest principle in respect of the penalty submission in this case.

- [58] In their post-hearing submissions, both parties maintained that the *Anthony-Cook* principle applies in respect of their joint submission on penalty.

Law Society's post-hearing submissions

- [59] The Law Society's submissions acknowledge that it had been unable to find a case that specifically addresses whether the public interest test applies where a joint submission on penalty was not made in exchange for a guilty plea or an admission. However, it submits that the reality of negotiations between parties on sentence is that joint penalty submissions can be made not only in exchange for an admission of guilt but also in exchange for not giving viva voce evidence, for not calling witnesses and for agreeing to costs, which all contribute to an abridged hearing. In essence, it is not only the question of whether a guilty plea was made in exchange for a specific sentence, but the complete circumstances in which the guilty plea was made, that informs whether the *Anthony-Cook* public interest test is engaged.
- [60] The Law Society submitted that appellate courts have highlighted that the benefits of joint submissions include saving time, resources and expenses, thereby allowing the justice system to function efficiently and effectively. In this matter, the Law Society noted that the Lawyer had made a concession in forfeiting her right to contest penalty, which should signal to us that this was done in exchange for the certainty that should flow from joining in the Law Society's position on finding, penalty, and costs.

Lawyer's post-hearing submissions

- [61] The Lawyer submitted that our suggestion that the joint submission had arguably not been made in exchange for an admission of misconduct is speculative and risks an impermissible review of the negotiations between the parties. She submitted that while we are entitled to inquire into the circumstances of the joint submission, counsel are not required to inform us of their negotiating positions nor the substance of their discussions leading to the agreement. We should not engage in a re-examination of the costs and benefits achieved by each side.
- [62] The Lawyer set out the circumstances leading to the joint submission on penalty advising that it was the result of negotiations that began earlier in the year between experienced counsel. She repeated the Law Society's submissions at the hearing that its starting point was originally revocation but that it had changed its position because of the Lawyer's insight and remorse as she expressed it in the investigation and in the discipline proceeding leading up to

the hearing. In turn, the Lawyer had indicated through counsel that while she was of the view that the proposed suspension was at the high end of the range of cases presented, she was joining the Law Society in recommending a six-month suspension.

- [63] The Lawyer also highlighted that the benefits of arriving at a mutually agreed upon submission on penalty flow not only to the licensee but to the Law Society and to the administration of justice. Both parties obtain certainty of outcome and can minimize legal costs. She highlighted that this Tribunal has repeatedly accepted joint submissions, recognizing that they are a proper and necessary part of the system and benefit the administration of justice and all participants, saving the justice system time and expenses. Ultimately, in this case a merits hearing was avoided because the Lawyer admitted to professional misconduct in advance of the hearing. This was not a case like *Law Society of Ontario v McCallum*, 2024 ONLSTH 103, where the parties presented a joint submission on penalty only after a contested hearing and a finding of professional misconduct had been made by the panel. In that case, it could not be said that a high bar was required to provide sufficient comfort in negotiations that a joint penalty submission would likely be accepted following an admission of misconduct that could not be withdrawn.

Conclusion

- [64] First, we note the Licensee's submission that a hearing panel should not look behind and re-evaluate the negotiations between the parties. We agree that the panel should not normally require disclosure of the back-and-forth negotiations. However, our inquiry as to the applicability of the *Anthony-Cook* test in this case required us to understand the process of the joint submission because it was not presented in the usual package fashion. The circumstances in this case included admissions following a request to admit, late notice to us of the admission of professional misconduct, and the Lawyer's "joining" of the Law Society in the Law Society's penalty proposal on the eve of hearing.
- [65] Satisfying ourselves that an agreement was reached is a different matter than examining the exchanges that led to the agreement. It is also important for us to be able to assess the benefits and concessions that the parties obtained. As observed in para 53 of *Anthony-Cook*, "when faced with a contentious joint submission, trial judges will undoubtedly want to know about the circumstances leading to the joint submission — and in particular, any benefits obtained by the Crown or concessions made by the accused."
- [66] We note that an important benefit in this case was that the Lawyer's factual and legal admissions obviated the need for witnesses, including her own oral evidence on professional misconduct and penalty. As a result, the hearing was significantly shortened.

- [67] In our view, in the circumstances of this case, it matters not that the factual admissions were made in response to a request to admit, as compared to a full-fledged agreed statement of facts. The Lawyer admitted all the relevant facts in her response to the request to admit. She had also instructed her counsel to prepare an agreed statement of facts but the parties ran out of time to finalize it.
- [68] The lateness of the professional misconduct admission and the joinder on penalty, do not lessen the need for high deference on our part to a joint penalty submission in the face of a professional misconduct admission. For example, if the matter had been scheduled as a contested hearing and at the designated start time, the parties had requested a brief recess to discuss settlement, and subsequently arrived at a settlement, the *Anthony-Cook* public interest test would still apply. A high bar for rejection of joint submissions is required to provide sufficient comfort to the parties in negotiations, regardless of their timing, that a joint penalty submission will be accepted following an admission of misconduct that cannot be withdrawn. Both parties advised that there were ongoing exchanges prior to the hearing about the penalty leading up to the six-month suspension proposal.
- [69] Ultimately, we accept that the parties arrived at an agreement that included an agreement on the facts, the professional misconduct and penalty. Taking into consideration the entire circumstances of this case, we conclude that we are bound by the *Anthony-Cook* principles and accordingly should only depart from the jointly proposed six-month suspension if we are of the view that this proposed penalty would bring the administration of justice into disrepute or is otherwise contrary to the public interest.

Does the proposed penalty bring the administration of justice into disrepute?

- [70] In considering whether the proposed penalty would bring the administration of justice into disrepute, we have considered, among other factors, the seriousness of the misconduct, which involves relying on AI hallucinations and repeated dishonesty, and whether the proposed penalty is proportionate with similar cases.

Reliance on AI hallucinations

- [71] The use of AI in the preparation of legal documents is relatively new, and counsel were unable to provide us with any Ontario cases that address penalty when a lawyer or a paralegal has relied on an AI document containing hallucinations.
- [72] The Law Society referred us to a case from Colorado, USA: *People v Zachariah C. Crabill*, 23PDJ067, November 22, 2023. In that case, a junior lawyer (of about one-and-a-half years) filed motion documents with cited case law that he

found through an AI platform. He did not verify that the citations were accurate prior to filing the documents but discovered that they were incorrect or fictitious prior to the motion hearing. However, he did not alert the court to the hallucinations nor did he withdraw the motion. When the judge expressed concerns about the accuracy of the cases, the lawyer falsely attributed the mistakes to a legal intern. Six days after the hearing, the lawyer filed an affidavit with the court explaining that he had used AI when he drafted the motion materials. In a subsequent disciplinary proceeding, the lawyer was found to have violated his professional duties to his client, to the court, and to the legal profession. The penalty ordered was a one-year plus a day suspension, with all but 90 days stayed upon successful completion of a two-year probation period. During the period of probation, the lawyer was to complete an ethics course and not engage in any further violations of the governing rules of professional conduct.

- [73] There are significant differences between the Colorado case and this one. In this case, the Lawyer was a senior rather than junior lawyer and did not “come clean” unilaterally. Rather, she continued the misrepresentations and only admitted her use of AI to Justice Myers after the Law Society investigator asked her what she intended to do about her misrepresentations. We are not familiar with Colorado jurisprudence on matters of professional misconduct, so we have difficulty assessing the imposed penalty in the *Crabill* case as compared with other cases. We recognize that the Colorado case treated this type of misconduct, which included lying to the Court when asked about the case law accuracy, very seriously.
- [74] We also recognize that the Lawyer in this case had almost no experience with AI and that while she was reckless in not verifying AI’s output, she did not knowingly rely on non-existent cases when she first appeared in court.

Repeated dishonesty

- [75] While we are concerned by the Lawyer’s reckless reliance on the non-existent cases produced by AI, we are extremely troubled by the Lawyer’s subsequent repeated lies to the Court and to the Law Society, which are serious integrity failures.
- [76] For professional misconduct involving dishonesty, Tribunal panels have frequently cited the English Court of Appeal case *Bolton v Law Society*, [1993] ECWA Civ. 32. That decision considered the appropriate penalty to be imposed when a lawyer engages in fraudulent or dishonest conduct, concluding that the most serious proven dishonesty should lead to revocation. This Tribunal has held that there is a presumptive penalty of revocation in dishonesty cases that involve the misappropriation of client assets.

- [77] There is Tribunal jurisprudence on other types of dishonesty and integrity failures such as the falsification of affidavits and *jurats*. *Law Society of Ontario v Manilla*, 2021 ONLSTA 25, was a case where the Lawyer forged his client's name on five court documents and signed *jurats* on the documents falsely confirming that they had been sworn or affirmed by his client. He served the documents on opposing counsel and filed them with the court. After his misconduct was discovered by a motions judge and he knew that his misconduct would be reported to the Law Society, he self-reported, co-operated and expressed remorse.
- [78] The panel in *Manilla* discussed the importance of a lawyer's integrity not only in respect of affidavit evidence but also generally, explaining how such failures compromise confidence in the integrity of the legal professions, stating at para 116:
- The integrity of lawyers and paralegals is not only required in the context just described. Failures of integrity in the administration of justice are generally corrosive. The administration of justice depends in many ways on the integrity of legal representatives and on public confidence in that integrity. By definition, there are winners and losers where disputes are resolved in courts and tribunals. It is fundamentally important that parties to a dispute can have confidence in the integrity of that process. Dishonest practices such as were committed here compromise confidence in the administration of justice by compromising confidence in the integrity of the legal professions.
- [79] The panel rejected Mr. Manilla's argument on appeal that a three-month suspension was a disproportionately high penalty and should be replaced with a more lenient reprimand. The panel stated at para 118 that a reprimand would be an unfit penalty as this type of misconduct must be seen by the professions and the public as being taken very seriously: "A reprimand would not achieve this. Even a three-month suspension may not be enough to sufficiently address multiple forgeries and false *jurats* used to submit evidence in court proceedings."
- [80] As stated earlier in our professional misconduct findings, the integrity concerns in this case include not only the Lawyer's misstatements to the court but also to the Law Society. *Law Society of Ontario v Field*, 2022 ONLSTH 153, is a case about a paralegal who repeatedly misled the Law Society during its investigation of his membership in a white nationalist group which promotes anti-Semitic, anti-immigrant, racist, and sexist ideology. The issue before the Tribunal was not the paralegal's membership in this group, but rather his repeated false denials to the Law Society that he was a member of the group and had no awareness of its activities. The matter proceeded based on an

agreed statement of facts and joint submission on penalty, which was a proposed four-month suspension. The Law Society acknowledged in that case that a four-month suspension was at the high end of the range of penalties imposed in cases involving misleading the Law Society. While several previous cases had imposed suspensions of two months, the Tribunal agreed that in the context of that case, imposing only a two-month suspension would corrode public confidence in the professions and would put the professions' role in the administration of justice at significant risk.

- [81] In response to our questions at the hearing about the proposed six-month suspension and whether it was sufficiently lengthy to deter members of the legal professions from similar misleading conduct, and to maintain the public's confidence in the legal professions, the Law Society referred us to *Law Society of Ontario v Khakhan*, 2022 ONLSTH 103. The Law Society submitted that that case stands for the proposition that a six-month suspension is considered a significant suspension in the legal professions. While *Khakhan* was about the mishandling of trust funds including taking unfair and unreasonable fees, at para 69 the Tribunal commented on the jointly proposed six-month suspension:

A six-month suspension is a significant suspension. There are relatively few cases in which a suspension of more than six months is ordered, although nine-month to 12-month suspensions and 18- to 24-month suspensions have been ordered. In 2020, 2021 and 2022, suspensions of more than six months have been ordered in only eight cases. Revocation and permission to surrender are much more common penalty orders than suspensions of more than six months.

Decisions relied upon by the parties in their post-hearing submissions

- [82] As noted earlier, we also requested post-hearing submissions in which we asked the parties to address how the proposed penalty submission proportionately compared to other cases involving serious dishonesty.
- [83] In particular, both parties referred us to *Law Society of Ontario v Mazinani*, 2021 ONLSTH 72, which was a contested penalty decision following a lengthy contested conduct hearing. The misconduct included repeatedly misleading the court as to whether a costs order had been paid. Additionally, the Lawyer's misconduct included misleading opposing counsel, failing to serve a client, breaching confidentiality, failing to comply with a court order, and threatening a Law Society complaint against opposing counsel to gain a benefit in litigation. The panel ordered a six-month suspension, which it considered sufficient to provide specific and general deterrence.
- [84] The Lawyer also referenced *Law Society of Ontario v Chung*, 2021 ONLSTH 44, in which the paralegal was found to have engaged in misconduct that included

failing to co-operate with Law Society investigations, failing to serve clients, presenting a forged client signature, commissioning/forging false affidavits, misleading the Law Society, misleading the court, misleading a third party, and knowingly presenting false information to other licensees. The matter proceeded on an agreed statement of facts and joint submission on penalty. The licensee had a prior disciplinary record of failing to co-operate with a Law Society investigation. The panel noted that while a greater penalty might be seen as reasonable, it was not prepared to conclude that the proposed 12-month suspension was unreasonable or unconscionable in the circumstances.

- [85] The Lawyer also referred us to two cases from British Columbia. In *Penty (Re)*, 2015 LSBC 51, a senior lawyer admitted to having made three misrepresentations to the court in respect of his legal assistant's involvement in a file. He had a discipline history for swearing a false affidavit and swearing an affidavit containing a misleading statement. The panel accepted the jointly proposed four-month suspension. In *Ahuja (Re)*, 2017 LSBC 26, the hearing panel imposed a one-month suspension on a young lawyer who misled the court and his client as to the reason why he was unable to attend a hearing in person.

Conclusion

- [86] As can be seen from the above, a six-month suspension is a serious penalty and is proportionate with other cases that have involved serious integrity failures including dishonesty before the court. This is important in our consideration as to whether, in accordance with the *Anthony-Cook* principle, we should accept the joint submission on penalty in this case.
- [87] In determining whether the proposed six-month penalty would bring the administration of justice into disrepute in respect of the serious misconduct, we have also considered the following:
- The Lawyer is a sole practitioner, which means that a suspension will have a very serious effect on her practice, likely more so than in a firm where colleagues may be able to step in to take over some of her files. The suspension is therefore a very serious penalty for her.
 - Similarly, the Lawyer is nearing the end of her career, and it will be difficult for her to close her practice and restart it six months from now.
 - The client matter that led to the misconduct initially began in an altruistic manner, in the best traditions of professional service by a lawyer. The Lawyer's client was referred to her by a charitable women's association, serving women in need. The client initially had access to Legal Aid for the family proceeding, but that source of funding ended once the proceeding turned into an estate proceeding. To her credit, the Lawyer continued to

represent the client even though the client was impecunious and would more than likely be unable to pay the Lawyer for her work.

- The Lawyer's dishonesty arose in unique circumstances, rooted in a failure to understand an emerging technology, of which she had little to no experience.
- The Lawyer is remorseful, as demonstrated in the transcript of her interview with the Law Society investigator. At the outset of the interview, which she attended without counsel, she advised that her goal was to be as transparent and honest as could be and that she was willing to accept the consequences of whatever befell her. It is obvious from the transcript of the rest of the interview that the Lawyer stuck to her goals of transparency and honesty, given her detailed explanations of how she used ChatGPT in creating the factum. It is the Law Society's position that the Lawyer's remorse is genuine.
- The Lawyer has been practising for 30 years and has no discipline history. The evidence suggests that her integrity lapses in this case, while serious, are out of character.
- In addition to these discipline proceedings, the Lawyer is facing other adverse consequences. We were advised that the matter has received attention from the press with adverse reputational consequences. Most significantly, the Lawyer is facing contempt of court proceedings, to be held later this year.
- The Lawyer has admitted that her behaviour constitutes professional misconduct. Since July 30, 2025, when she acknowledged to the Law Society that she is the one who prepared the factum using AI, she has repeatedly admitted her misconduct. She admitted it to the Law Society investigator during their interview in August 2025, she admitted it to Justice Myers in her letter of September 30, 2025, and she admitted it to the Tribunal in this hearing.

[88] As the Appeal Division stated in *Manilla*, failures of integrity are serious matters for the legal professions; public confidence in the legal professions depends on confidence in the integrity of lawyers and paralegals. While this does not mean that all failures of integrity should result in loss of licence, careful attention needs to be paid to the public interest in considering the penalty objectives of specific deterrence, general deterrence, and maintaining confidence in the legal professions.

[89] Certainly, the repeated instances of dishonesty with the court and the Law Society are extremely serious integrity lapses in this case, going to the heart of a lawyer's responsibility to the court system. We are nevertheless persuaded that in the unique circumstances of this case, the six-month suspension

adequately meets the penalty objectives. The suspension will have serious consequences for this particular lawyer. We accept the genuineness of the Lawyer's remorse such that we are confident that specific deterrence has already been achieved, especially noting that the Lawyer has faced and continues to face other adverse consequences. We also accept that the six-month suspension respects the goals of general deterrence and maintaining public confidence in the professions. The Lawyer admitted her misconduct, there are other mitigating factors as noted above, and the six-month suspension, a relatively lengthy suspension, is proportionate with other past dishonesty cases.

- [90] This was a novel case, and it may be that subsequent cases of such serious misrepresentations to the court or to the Law Society merit a longer suspension or even revocation of licence. In the unique circumstances of this case, however, we conclude that the jointly proposed penalty would not bring the administration of justice into disrepute and is not otherwise contrary to the public interest. We therefore accept that the agreed-upon penalty is appropriate under the principles of *Anthony-Cook*.

COSTS

- [91] The parties jointly submitted that the Lawyer pay costs of \$10,000 in two equal instalments, due December 31, 2026, and December 31, 2027.
- [92] According to its bill of costs, the Law Society's actual costs are just shy of \$40,000. The parties submitted that the reduction to \$10,000 recognizes the Lawyer's admissions and her financial circumstances, including the fact that the Lawyer will be suspended for six months during which she will not be able to practise.
- [93] The parties submit that costs of \$10,000 are proportionate with other non-summary conduct applications that required one hearing day or less, and which proceeded with agreed statements of facts, as set out in *Law Society of Ontario v Goldfinger*, 2021 ONLSTH 53. The hearing panel in *Goldfinger* indicated that the general range of costs in such cases should be approximately \$6,000 to \$10,000. *Goldfinger* was decided in March 2021, such that the costs of prosecuting conduct applications may have increased since then with inflation.
- [94] In any event, we accept the parties' joint submission on costs, which is within the range of similar one-day hearings. The costs reflect the efficiency in which this matter proceeded, shortly after the notice of application was issued, and based on the Lawyer's admissions and a joint submission on penalty.

ORDER

[95] We order:

1. The respondent's licence to practise law is suspended for a period of six months, commencing on July 17, 2026.
2. The respondent shall comply with the terms of the Law Society's *Guidelines for Lawyers Who Are Suspended or Who Have Given an Undertaking Not to Practise* while suspended pursuant to this order.
3. The respondent shall pay costs to the Law Society in the amount of \$10,000 in two equal instalments of \$5,000 each. The first instalment is due no later than December 31, 2026, and the second instalment is due no later than December 31, 2027.
4. Interest shall accrue on any overdue part of those costs at a rate of 4% per year.