Ref. L20ZA723

IN THE COUNTY COURT AT BIRMINGHAM

Priory Courts
33 Bull Street
Birmingham

Before HIS HONOUR JUDGE CHARMAN

IN THE MATTER OF

GLORIOSE NDARYIYUMVIRE **(Claimant)**

-v-

BIRMINGHAM CITY UNIVERSITY **(Defendant/Applicant)**

-v-

(1) GORDON & THOMPSON SOLICITORS
(2) RAPHAEL NEWTON **(Respondents)**

MR ALEX BRADFORD appeared on behalf of the Applicant
MR RICHARD BUSTON appeared on behalf of the Respondents

JUDGMENT
14th OCTOBER 2025
(AS APPROVED)

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JUDGE CHARMAN:

1. This is the resumed adjourned hearing ordered by District Judge Bradshaw on 18 July 2025 in circumstances where the claimant in this case made an application to amend her particulars of claim on 10 July 2025. I am going to call that application "the first application".

2. The first application made reference to two authorities and was signed with a statement of truth in the name of the claimant's solicitor Mr Newton. The defendant's solicitors asked Mr Newton to provide copies of the two authorities, as they were unable to locate them. There was no direct response to that request but Mr Newton filed and served a renewed application on 14 July of 2025 which I will call "the second application" and asked the court to disregard the first application.

3. The second application to amend came on before District Judge Bradshaw on 18 July 2025 and it was pointed out to her that the first application referred to authorities that did not exist. As a result of that, she ordered Mr Newton to file and serve a witness statement explaining what had occurred and how it had occurred by 15 August. She then listed the matter before Her Honour Judge Kelly as the Designated Civil Judge for Birmingham.

4. Mr Newton did file a witness statement. He did not in fact file it by the 15th but he filed it by the 18th. It was suggested at the previous hearing, before the matter was adjourned, that because that witness statement was filed late I should disregard it. I do not agree. There is some explanation, in terms of ill health, offered by Mr Newton as to why it was late and in any event, in my judgment in order to properly exercise the jurisdiction I am exercising, which relates, as I will explain in a moment, to both wasted cost and as to what further action, it any, should be taken against Mr Newton, it is consistent with the overriding objective that I take into account all the evidence that he puts forward even if it is late.

5. That application to amend was adjourned and came on again before District Judge Bradshaw on 30 July. She dismissed the application and she also struck out the claim. Her Honour Judge Kelly ordered that the matter came on for hearing before her on 2 October.

6. The defendant notified Mr Newton that it would be seeking a wasted costs order. There is some dispute as to precisely when Mr Newton became aware of that.

7. Her Honour Judge Kelly was unavailable on 2 October so the matter came on before me. The defendant was represented by counsel Mr Bradford. Mr Newton is based in Kent and has health issues. He sought and was granted, in advance of the hearing, permission to attend by video link.

8. At that hearing, Mr Newton stated he had not received the hearing bundle or counsel's skeleton argument and indicated he was not aware he was facing an application for a wasted cost order. The defendant's solicitors said they had in fact served Mr Newton with both, using the email address used throughout the litigation. However, I adjourned the matter to today, to give Mr Newton a further opportunity to consider the bundle or to receive the bundle if he had not received it and then to consider it.

9. I also drew to Mr Newton's attention at the previous hearing the case of *Ayinde v London Borough of Hackney* [2025] EWHC 1383 (Admin) and pointed out the seriousness of a solicitor citing fictitious authorities in a document put before the court. I pointed out to him a number of matters which appeared highly pertinent to the decision of the court as to what action to take consequent on the citing of the fictitious authorities but which were not

addressed in his witness statement and gave him permission to file and serve a further witness statement addressing those matters by 4 pm on 10 October. I also gave the defendant permission to file and serve a further witness statement by the same date.

10. Mr Newton did serve a further witness statement at about 4 pm on 10 October. I am told that the original statement contained the old statement of truth on it but a version with the correct statement of truth was filed the following working day on Monday the 13th, ie yesterday. It seems to me that was an error in relation to the witness statement which I am afraid, although one should not see it, one sees it fairly frequently and in my judgment nothing turns on that; I take no notice of that.

11. The fictitious authorities cited were a case referred to as *Qureshi v Qureshi* [1998] 1 WLR 174 and a case said to be *Z Ltd v A Ltd* [2011] EWCA Civ 110. The citation "[1998] 1 WLR 174" is in fact the correct citation for a case called *Hillingdon London Borough Council v ARC Ltd* which relates to limitation and compulsory purchase claims. It has nothing to do with amendments to statements of case. The citation "[2011] EWCA Civ 110" is the citation for the case *TS (Burma) v Secretary of State for the Home Department* which was an application for permission to appeal against the decision of the Asylum Immigration Tribunal. Again it has nothing to do with amendments to statements of case. As has been said in the skeleton argument filed by Mr Bradford, these cases are fake cases; the cases cited simply do not exist.

12. In the first application, the *Qureshi* case was cited as authority for the proposition that the court's inherent jurisdiction supports allowing amendments to ensure the proper determination of a case and *Z Ltd v A Ltd* was cited as authority for the proposition that where the amendments are made before any trial date and serve to clarify and fully ventilate the issues, causing no prejudice to the defendant, they should generally be allowed. Clearly the cases do not exist and they do not support those propositions.

13. The application contained a statement of truth, beneath which was printed Mr Newton's name as legal representative for the claimant. There was also a manuscript signature above it. I will come to that a little later. One might assume that the manuscript signature was Mr Newton's signature, however it has become apparent from evidence that he has filed in his second witness statement that in fact it was not.

14. Mr Newton has filed two witness statements. The first – the one pursuant to the order of District Judge Bradshaw – explained that the document which contained the reference to the fictitious cases was generated using something called 'LEAP legal software' which includes a built-in research function that automatically suggests case law and that is where these two fictitious authorities came from.

15. He said in that witness statement that the document submitted was a draft, a work in progress, and was mistakenly believed by the administrative team at his firm to be complete and was filed with the court and served on the defendant's solicitors in error – he does not say this but by implication – by the administrative team. He says that as soon as the error was identified and the defendant's solicitors requested copies of the cases and they could not find them, they took immediate steps to withdraw and recall the filed document, the one I have referred to as the first application and serve corrected documents. He says the error was entirely administrative and inadvertent, arising out of pressure of time constraints and states: "At no-point was there any intention by myself or the claimant to mislead the court or the defendant."

16. I observe in passing that I am afraid, unsympathetic though it may seem to Mr Newton, working under pressure of time constraints is never an excuse for filing inaccurate or misleading documents.

17. Mr Newton then goes on to say he sincerely apologises, both to the court and the defendant's solicitors, for any confusion or inconvenience caused by what he describes as an administrative oversight. He says his firm has implemented additional internal checks to ensure that all legal authorities and case references, including court filing, is properly verified and supported by actual judgments before submission and this includes confirming the full text of each case cited is available on the file.

18. Then, following the last hearing, Mr Newton filed a second witness statement. He states in it that the claimant in the case has not waived legal professional privilege so far as any matters that have passed between his firm and her are concerned and he is therefore constrained in the matters he can properly depose to in his statement. I have great difficulty in seeing how that can be relevant. There is nothing that I can see that could possibly have passed between Mr Newton's firm and his client that can be relevant to the justification for citing fictitious authorities. Mr Buston does not suggest otherwise.

19. However he then goes on to explain again how the draft application was inadvertently served and it contained draft material that had not been finalised or approved. He was unwell at the time. He did not review the document before filing. He accepts it was his responsibility to review it and he apologises for the fact that no such review was undertaken prior to the matter being brought to his firm's attention over the weekend. He points out the matter was addressed very shortly thereafter. He says the litigation was not disrupted and he says it did not require the court or the defendant to waste significant resources following its erroneous production.

20. He says the document was not signed by him personally. Although it bears a handwritten signature which looks something like "GTS", he confirms it was not his signature and he did not approve the document before filing. He points out, it seems to me correctly, that the signature appended to his witness statements does not remotely resemble the signature that appears at the bottom of the application which was signed in error by a member of staff who mistakenly believed the document to be ready for filing and he sincerely apologises for this error.

21. The fact a member of the administrative team is signing documents with a statement of truth when the printed name underneath the statement of truth is a solicitor strikes me as a very serious breach of the relevant solicitors' practice rules, although it is not in fact the cause of the wasted costs application. That fact though may be relevant to my consideration of what action should be taken in respect of this matter, regardless as to whether or not I make a wasted costs order and will be likely to be of concerns to the Solicitors Regulation Authority.

22. Mr Newton then goes on in his witness statement to say that he accepts that the *Qureshi* case was incorrectly cited. He seems to say it is not a non-existent case. He says that *Z Ltd v A Ltd* was included in error and he had not approved the draft prior to filing due to ill health. There has been some debate raised by Mr Bradford as to precisely what that means. It seems to me that Mr Newton is accepting that *Z Ltd v A Ltd* is a fictitious case and it was effectively accepted by Mr Buston, his counsel, that the *Qureshi v Qureshi* case that he cited is a non-existent case, albeit there is another case called *Qureshi v Qureshi* which goes to completely

different matters, and is in fact quite a well-known case at least in some quarters in that it relates to how a domicile of choice is or is not lost.

23. Mr Newton says that the court will see that he acted promptly. He talks about costs that were incurred by the defendants consequent on it. That is a matter that goes to the amount, it seems to me, of wasted costs and not the principle so I will return to that if I need to at that point, but he says that the error was corrected before the case was heard, it did not affect the outcome and the first application which contained the error was never relied upon.

24. He then explains a little more about the LEAP software. He says the document was generated by LEAP legal software which includes a built-in research function that can automatically suggest case law. He says LEAP is the case management system used by his firm and by many other firms across the country and they had been using it for more than six years. He says they were unaware of any serious flaws in it. He attended training on it and was never advised that it could generate fictitious cases. He says the firm subscribes to LEAP for case management as their main software so it is expensive and they were led to believe it is one of the best legal software systems there is for case management and research.

25. He says the Law Society states that: "LEAP supports over 26,000 legal professionals and more than 2,700 UK law firms, helping them to work more efficiently and grow their practices." He says that LEAP uses the Law Society logo as a strategic partner and a trusted provider and there is even a Law Society webinar promoting LEAP. In other words what he says is: there is nothing unreasonable about using LEAP, lots of other people do it and we were justified in doing so. That is probably correct, but of course, it was not the use of LEAP per se that was the problem, but what was done with the product of LEAP.

26. He says: "We trusted LEAP legal software as we believed it was regularly updated by legal experts and we had never had difficulties with it before." He then cites some marketing material from LEAP to which I need not refer. He says that "LEAP is used for various tasks including case-opening, accounting, research, record-keeping, task management. LEAP has built in research facilities that are relied on for managing our cases."

27. Mr Newton says that when the staff member used LEAP to draft the document she had no idea it could generate inaccurate citations and she believed she could use it to conduct legal research ensuring accuracy and compliance. He says that again the document was a draft and was signed in error. He makes the point there was no deliberate intention to place false material before the court, including incorrect citations of law or procedure. He says that when the error was identified it was corrected promptly. It was a genuine mistake. It should have been picked up; it was not.

28. He then says that on being notified and being satisfied that the cases cited could not be located, that it was withdrawn and no reliance was placed by claimant's counsel on those authorities when advancing the second application before District Judge Bradshaw.

29. He then goes on to suggest that the need for a further hearing is unnecessary and caused by the Defendant's application. That is incorrect. The further hearing was ordered by District Judge Bradshaw after consulting with HHJ Kelly.

30. Mr Newton says, again, there was nothing deliberate about this and he unreservedly apologises to the court and to the defendant's solicitors for any inconvenience caused by the temporary failure of the requisite degree of supervision in the case and inconvenience it caused the defendant's advisors.

31. He says his firm has implemented additional measures to prevent recurrence, including mandatory verification of all legal citations by a solicitor before filing, a labelling of drafts to avoid accidental filing, further staff training on document control and signature protocols. He says his firm takes the matter extremely seriously.

32. He wants to reiterate that he acted at all times in good faith in an attempt to comply with his professional duties and he suggests it would be unjust or disproportionate to grant a wasted costs order in all the circumstances of the case.

33. I need to determine the application for a wasted costs order and then decide whether any other step should be taken in respect of either Mr Newton or his firm.

34. So far as wasted costs are concerned, the CPR deals with wasted costs at Part 46. At 46.8 it says that the court will give legal representatives a reasonable opportunity to make written submissions or, if they prefer, to attend a hearing before it makes such an order, and where the court makes a wasted cost order it will specify the amount to be disallowed or paid, or direct a costs judge or district judge to decide the amount. The court may direct that notice must be given to the legal representative's client in such manner as the court may direct.

35. Then in the practice direction at paragraph 5.5 it is said:

> "It is appropriate for the court to make a wasted costs order against a legal representative, only if –
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> (a) the legal representative acted improperly, unreasonably or negligently;
>
> (b) the legal representative's conduct has caused the party to incur unnecessary cost or has meant that costs incurred by a party prior to the improper, unreasonable or negligent act or omission had been wasted; and that
>
> (c) it is just in all the circumstances to order the legal representative to compensate the party for the whole or part of those costs."

36. The problem of the citing of false or fictitious authorities, particularly as a result of the use of AI, is a particular problem for the court at the moment and has been addressed specifically by the higher courts. The guidance as to how to deal with such matters was set out by the President of the King's Bench Division, Dame Victoria Sharp, in the case of *Ayinde v London Borough of Hackney* [2025] EWHC 1383 (Admin). That judgment was handed down on 6 June of this year, over a month before the lodging of the first application. That judgment received very widespread coverage in the legal press and journals. I would have expected that every lawyer practising in litigation would be aware of it. However it was apparent at the hearing on 2 October that Mr Newton was not, although he clearly now is.

37. There are a number of paragraphs in that judgment, the judgment of The President that in my judgment are highly pertinent to this case. First of all, paragraphs 6 to 9, which say:

> "6. In the context of legal research, the risks of using artificial intelligence are now well-known. Freely-available generative artificial intelligence tools trained on large language models

such as ChatGPT are not capable of conducting reliable legal research. Such tools can produce apparently coherent and plausible responses to prompts, but these coherent and plausible responses may turn out to be entirely incorrect. The responses may make confident assertions that are simply untrue. They may cite sources that do not exist. They may purport to quote passages from a genuine source that do not appear in that source.

7. Those who use artificial intelligence to conduct legal research notwithstanding these risks have a professional duty therefore to check the accuracy of such research by reference to authoritative sources, before using it in the course of their professional work (to advise clients or before a court, for example). Authoritative sources include the Government's database of legislation, the National Archives database of judgments, the official Law Reports, and databases of reputable legal publishers.

8. This duty rests on lawyers who use artificial intelligence to conduct research themselves or to rely on the work of others who have done so. This is no different than the responsibility of a lawyer who relies on the work of a trainee solicitor or a pupil barrister for example, or on information obtained from an internet search.

9. We would go further, however. There are serious implications for the administration of justice and public confidence in the justice system if artificial intelligence is misused. In those circumstances, practical and effective measures must now be taken by those within the legal profession with individual responsibilities (such as heads of chambers and managing partners) and by those with the responsibility for regulating the provision of legal services. These measures must ensure that every individual currently providing legal services within this jurisdiction (whenever and wherever they were qualified to do so) understands and complies with the professional and ethical obligations and their duties to the court if using artificial intelligence. For the future use, in *Hamid* hearings such as these, the profession can expect the court to inquire whether those leadership responsibilities have been fulfilled."

38. *Hamid* hearings, I should make clear, are hearings in a sense similar to the one we are having now, to deal with the consequences when fictitious authorities have been cited. There is in fact a judge who is known as the *Hamid* judge, who is a High Court Judge, to whom these applications might be referred by other judges in appropriate circumstances to consider whether further steps need to be taken against the lawyers involved, to ensure a consistency of approach across a range of different factual cases.

39. In the same judgment at paragraph 13, The President said:

> "Similar warnings are contained in a document published by the Solicitor's Regulation Authority entitled 'Risk Outlook Report: the use of artificial intelligence in the legal market, 20 November 2023'. This document says:
>
>> 'All computers can make mistakes. AI language models such as ChatGPT, however, can be more prone to this. This is because they work by anticipating the text that should follow the input they are given, but do not have a concept of 'reality'. The result is known as 'hallucination', where a system produces highly plausible but incorrect results.'"

40. Then at paragraphs 22 to 24, The President said this:

> "22. … The Code of Conduct of the Solicitors Regulation Authority (the SRA) describes the standards of professionalism that the SRA and the public expects of individuals authorised by the SRA to provide legal services. The SRA's Rules of Conduct provide in part as follows. Solicitors are under a duty not to mislead the court or others including by omission (that is Rule 1.4). They are under a duty only to make assertions and put forward statements, representations or submissions to the court or others which are properly arguable (that is Rule 2.4). They are under a duty not to waste the court's time (that is Rule 2.6). They are under a duty to draw the court's attention to relevant cases and statutory provisions of which the lawyer is aware and which are likely to have a material effect on the outcome (that is Rule 2.7). They are under a duty to provide a competent service (Rule 3.2). Further, where work is conducted on the solicitor's behalf by others, the solicitor remains accountable for that work (that is Rule 3.5)."

41. The President then went on to address, from paragraph 23 onwards, the powers that the court has in these circumstances:

> "23. The court has a range of powers to ensure that lawyers comply with their duties to the court. Where those duties are not complied with, the court's powers include public admonition of the lawyer, the imposition of a costs order, the imposition of a wasted costs order, striking out cases, referral to a regulator, the initiation of contempt proceedings and referral to the police.
>
> 24. The court's response will depend on the particular facts of the case. Relevant factors are likely to include: (a) the importance of setting and enforcing proper standards; (b) the circumstances in which false material came to be put before the court; (c) whether an immediate, full and truthful explanation is given to the court and to other parties to the case; (d) the steps

> taken to mitigate the damage, if any; (e) the time and expense incurred by other parties to the case, and the resources used by the court in addressing the matter; (f) the impact on the underlying litigation and (g) the overriding objective of dealing with cases justly and at proportionate cost."

42. The President then set out further powers, which include referrals to the police for a criminal investigation and contempt of court and said:

> "29. Where a lawyer places false citations before the court (whether because of the use of artificial intelligence without proper checks being made, or otherwise) that is likely to involve a breach of one or more of the regulatory requirements that we have set out above, and it is likely to be appropriate for the court to make a reference to the regulator.
>
> 30. A wasted costs order may be appropriate where the conditions in section 51(6) and (7) Senior Courts Act 1981 and paragraph 5.5 of CPR Practice Direction 46 [which is the one I read] are satisfied. It is necessary to show that the lawyer has acted improperly, unreasonably or negligently, that their conduct caused a party to incur unnecessary costs and that it is just in all the circumstances to make an order. It is always necessary to apply the important procedural safeguards in CPR 46.8 (including providing the lawyer with a reasonable opportunity to make submissions or, if they prefer, to attend a hearing, before making the order). In principle, and subject to any explanation, we agree with Ritchie J that placing false material before the court with the intention of the court treating it as genuine amounts to improper and unreasonable and negligent conduct. Any lawyer who does this is at risk of the imposition of a wasted costs order.
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> 31. Submissions were made to us as to the salutary effect of public admonishment, thereby mitigating any requirement to refer lawyers to their regulatory bodies or to deal with the matter as contempt. We do not underestimate the impact of public criticism in a court judgment or indeed of appearing before a Divisional Court in circumstances such as these. However, the risks posed to the administration of justice if fake material is placed before a court are such that, save in exceptional circumstances, admonishment alone is unlikely to be sufficient."

43. I am bound by that judgment and must apply that judgment and in particular the parts I have read out in dealing with this case.

44. It is said on behalf of Mr Newton by his counsel Mr Buston that it is accepted that this case is squarely in wasted costs territory but Mr Buston submits, in my judgment entirely correctly, that notwithstanding the case is in wasted cost territory the court must consider whether it is just in all the circumstances to order the legal representative to compensate the

applicant for the whole or part of the relevant costs. That was part of paragraph 5.5 of the practice directions to which I have referred.

45. Mr Buston refers to a number of authorities in which the point has been made, including the case of *Fletamentos Maritmos SA v Effjohn International BV,* which is a Lexus citation at which it was said that:

> "The jurisdiction to make a wasted costs order should be exercised with care and only in a clear case. It should not be used to create subordinate or satellite litigation which is as expensive and complicated as the original litigation. It must be used as a remedy in cases where the need for a wasted cost order is reasonably obvious. It is a summary remedy which is to be used in circumstances where there is a clear picture which indicates that a professional advisor has been negligent."

46. Mr Buston played, if I may say so, a difficult hand with some skill and drew my attention to each of those matters. He pointed out that in this case what in fact occurred was that the firm, not Mr Newton (although Mr Newton bears responsibility for it as he accepts in his witness statement), made an error in relying on the LEAP software and it appears, failing to appreciate that the so called AI feature or legal research feature was in fact in substance a large language model, albeit perhaps a more sophisticated one, and also failed, as again Mr Newton accepts in his witness statement, to adequately supervise what was done by administrators.

47. It will be apparent that there can be no doubt that in this case Mr Newton put forward fictitious authorities and that such conduct was improper and negligent according to The President in paragraph 30 of the *Ayinde* judgment, and therefore that we are in wasted costs territory. There are a number of features that I bear in mind, both in connection with the question of whether wasted costs should be ordered and as to whether any other action is appropriate in this case.

48. I do have to take account of the fact that, as was said in *Ayinde*, the use of AI is a large and growing problem and the citing of fictitious or fake authorities is a serious threat to the integrity of the justice system which depends upon courts being able to rely on lawyers putting before the courts, whether orally or in documents, accurate material and accurate statements of the law supported by genuine cases. Lawyers who cite fictitious cases must face serious consequences and in the current environment where this is a significant and growing problem, the guidance in *Ayinde* indicates that judges should take a fairly tough line.

49. As I have said, there are a number of features in this particular case that I should bear in mind. To an extent, the explanation as to how these authorities came to be put into the application and put before the court is unsatisfactory. There is an explanation offered by Mr Newton. I accept the explanation he has offered is a genuine explanation but there is not an adequate explanation as to how a draft application which had a statement of truth under which his name appeared, came to be signed by somebody else making a manuscript mark or signature and submit it. That is separate from the citing of fictitious cases but also a serious and concerning matter.

50. It is also clear that in his first witness statement he did not acknowledge or appreciate the seriousness of the situation or really attempt to explain how it occurred, although he has done so, in my judgment, in his second witness statement. There are points that can be made

as to the things he could have said and did not and could have addressed and did not in his second witness statement, and Mr Bradford has made them, but in my judgment the second witness statement was a serious attempt to grapple with the issues and to address the matters that I raised on the last occasion.

51. The explanation as to the use of the LEAP legal software is not entirely satisfactory in that it does not explain, for example, what steps have been taken to notify LEAP of this problem, whether LEAP has been asked how this could happen, or how it is that LEAP can lead to fake cases being cited if it is a recognised legal system.

52. There also is really no explanation (because I do not see how there can be a good explanation) as to why an application referring to non-existent authorities was filed without those authorities clearly being checked. However, Mr Newton accepts in his witness statement that the cases that he cited were fake cases. He is somewhat equivocal about the Qureshi case but it is clear from what has been said on his behalf by his counsel that it is accepted it was not a genuine case.

53. He has provided, in my judgment, a somewhat inadequate explanation as to how the draft came to be submitted. There is no evidence from the person who did it why they did it, how they came to do it, whether or not they had been previously instructed not to do such things. All of that is absent. However, there is an explanation as to steps that have been taken. Steps taken to prevent recurrence.

54. Mr Bradford makes the point, there is some force in it, that that explanation is not particularly detailed, but nonetheless, provided the firm does the things that Mr Newton says they are going to do in his second witness statement those steps should, it seems to me, prevent a recurrence.

55. I bear in mind that the LEAP software appears to be in wide use by firms of solicitors and appears to be approved by the Law Society.

56. It is also right that the first application was extant for a relatively short time and the documents containing the fictitious cases were withdrawn before any hearing, although it does seem to me that that was due to prompting from the defendant's solicitors. Mr Newton has also apologised and said that this matter will not recur.

57. As I said to both counsel during the course of argument, it seems to me that on the question of wasted costs, the crucial issue is how I apply the penultimate two sentences in paragraph 30 of the judgment in *Ayinde*, which says:

> "In principle, and subject to any explanation, we agree with Ritchie J that placing false material before the court with the intention of the court treating it as genuine amounts to improper, unreasonable and negligent conduct."

58. The key part, is "subject to any explanation". Does the explanation as to how this occurred in this case mean that in all the circumstances it is not appropriate to make a wasted costs order?

59. In my judgment, whilst I now understand how it happened and I can see how it happened, the fact is that under the Code of Conduct for solicitors, a solicitor is accountable for work done by staff and in this case, however it may have happened, due to inadequacies

in the functioning of Mr Newton's firm, false material was placed before the court with the intention of the court treating it as genuine. That is improper and unreasonable and negligent conduct and the failures in administration mean that in this case in my judgment it is appropriate to make a wasted costs order against Gordon & Thompson Solicitors.

60. However, it is important to bear in mind that a wasted costs order is compensatory, it is not penal. It compensates the other party for the costs it incurred as a result of the improper and unreasonable conduct and I will hear submissions as to the amount of those costs. I observe in passing that the figures that have been mentioned sound to me to be on the high side.

61. Subject to that, I also need to consider whether I should take any other steps. As explained in *Ayinde*, I need to consider whether contempt proceedings are appropriate or whether to refer the matter to the police or to refer it to the specialist *Hamid* judge or to consider further action, as well as wasted costs and referring the matter to the SRA.

62. As was stated in *Ayinde* at paragraph 29, where a lawyer places false citations before the court, whether due to the use of AI, without undertaking proper checks, or otherwise, it would usually be appropriate for the court to refer the matter to the regulator.

63. In my judgment, from the evidence that I have heard, it was not Mr Newton that placed false material before the court, it was administrative staff at his firm. It was not him personally. In those circumstances, given that, as I understand it, whenever a wasted cost order is made the matter is referred to the SRA, it is not in my judgment appropriate to make a further specific referral of Mr Newton to the SRA in addition to or separately to that. The failure in this case was in substance a failure of management at the firm more than the failure of Mr Newton as an individual solicitor.

64. Although any putting of false authorities before a court is a serious matter, within the range of those matters this case is not at the more serious end. The authorities were not referred to in a hearing, they were withdrawn relatively promptly and it would be wholly disproportionate in this case to consider matters such as contempt proceedings or a referral to the police.

65. However, it is important that there is a record of this incident should anything remotely similar occur involving Gordon and Thompson Solicitors. I am therefore going to direct that a transcript of this extempore judgment be prepared at public expense and published on the judicial website.

66. I will hear submissions as to the amount that Gordon and Thompson should pay in respect of the Defendant's wasted costs.

This transcript has been approved by the Judge