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Frederick Ayinde, R (on the application of) v The London Borough of Haringey

The case of Frederick Ayinde, R (on the application of) v The London Borough of Haringey has attracted considerable attention, primarily due to concerns about the conduct of the legal practitioners involved. In addition to failings on behalf of the local authority involved, the judgment highlights the presentation of false authorities to the court and raises important questions about ethics and professional standards within the legal profession.

The court found that solicitors and barristers acting for Mr Ayinde had engaged in serious improper behaviour when citing fake cases to support their arguments and, in doing so, had intentionally misled the court. This decision, handed down by Mr Justice Ritchie on 3 April 2025, serves as a reminder of the importance of professional integrity in litigation and shines a light on the consequences when this is compromised.

Case Background and Timeline

Mr Ayinde, a homeless applicant, challenged Haringey Council's refusal to provide interim accommodation under section 188(3) of the Housing Act 1996. The application was submitted in June 2023, with the initial assessment finding that Mr Ayinde did not meet the criteria for priority-need housing.

Despite the urgency of his homelessness and his health situation, Mr Ayinde did not initially seek emergency relief. Additional medical information was provided when Mr Ayinde submitted an appeal in July 2023, but the Council upheld its original assessment. However,

the Council's decision was successfully challenged and quashed on a s.204 appeal in August 2024.

Mr Ayinde again sought interim accommodation under section 188(3) of the Act while awaiting a judicial review, but Haringey Council failed to respond to this request or to a subsequent pre-action protocol letter. Mr Ayinde then made an application for urgent relief, and this was granted in October 2024, as was permission for the substantive judicial review. This decision gave directions for Haringey Council to file a statement of facts and grounds of defence, but they failed to do so.

Although the central issues were finally settled by consent the day before the scheduled hearing, the matter of legal costs and Haringey Council's application for relief from sanction remained unresolved.

However, events took an unexpected turn in February 2025 when a new legal team at Haringey Council initiated a review of the case file in preparation for ongoing litigation. On reviewing the statement of facts and grounds, they discovered that Mr Ayinde's legal team had cited five non-existent cases in their submissions, meaning the grounds for judicial review were fictitious. Upon discovering the case authorities could not be identified, Haringey Council requested an explanation, in addition to an application for wasted costs and the termination of the claim.

Judicial Findings

The Council submitted a late application seeking relief from sanctions, but this was summarily rejected by the court in recognition of its repeated breaches of court orders. These included failing to file an acknowledgement of service, failing to file a statement of facts and grounds of defence and breaching the order of relief to provide Mr Ayinde with housing made in October 2024. In addition, they failed to lodge a hearing bundle or provide its skeleton argument within the timeframe given.

The court's decision sent a clear message highlighting the consequences of failing to engage with the legal process and barred the Council's participation in the hearing and from making representations on who should bear the costs of the case. Costs were awarded to Mr Ayinde, but the original fees were reduced on review by Mr Justice Ritchie, and the late service of the bill was also reflected.

Regarding the fictitious citations, Mr Justice Ritchie described the conduct of Mr Ayinde's legal team as "*appalling professional misbehaviour*". The fabricated cases, including fictitious citations and summaries, were presented as authoritative precedents supporting their client's position. When challenged, it was suggested the issue was "*minor citation errors*" and "*cosmetic errors*", a response the court found grossly unprofessional.

The court found the behaviour of Mr Ayinde's legal representatives to be improper, unreasonable and negligent and ordered they pay wasted costs. Additionally, they were

referred to their respective regulatory bodies, the Bar Council and the Solicitors Regulation Authority.

Legal Implications

In what should have been a simple dispute surrounding housing, this case has brought into focus a number of fundamental principles of the legal system:

- **Professional Responsibility:** Legal practitioners have a duty to ensure they present only accurate and authentic materials in court. The fabrication of case law, whether intentional or due to negligence, represents a serious ethical and professional breach of this duty and undermines the integrity of the judicial process. In addition to wasted cost implications, further scrutiny and disciplinary action may be necessary.
- **Use of Technology:** Although suggested by legal representatives of Haringey Council, the court did not find that AI had been used to create fake citations. However, the incident raises concerns about its use in legal research. While AI can be a useful tool, it must be used sensibly and with thorough verification to prevent the distribution of false information.
- **Accountability of Public Bodies:** Haringey Council's initial failure to respond appropriately to Mr Ayinde's application and subsequent legal correspondence reflects a lapse in fulfilling statutory obligations. Public bodies must adhere to legal standards and respond promptly to ensure the needs of individuals are appropriately met.
- **Respecting Court Procedures:** Parts of Haringey Council's defence were dismissed by the court due to its procedural failings, resulting in it being barred from arguing the issue of costs. All parties involved in litigation need to follow given timelines and procedures, which is, therefore, mandatory to ensure cases are administered fairly and efficiently.

Divisional Court Ruling

The case was referred to the Divisional Court in May 2025 under the *Hamid* jurisdiction to determine if contempt proceedings should be brought against the solicitor or paralegal involved. In its ruling, the Divisional Court determined that there was no evidence of deliberate misconduct and concluded that no contempt proceedings would be brought against them or the instructing law centre. Junior counsel, who was responsible for submitting the authorities, was, however, found to have acted negligently and in breach of their professional obligations and the matter was referred to the Bar Standards Board for further consideration.

The case of Frederick Ayinde, R (on the application of) v The London Borough of Haringey centred on allegations of procedural errors and misapplication of legal principles. It challenges Haringey Council's duty under housing law and places responsibility on local authorities to properly assess applications and follow legal procedures in meeting their obligations.

The ruling serves as a reminder to legal professionals of the unreliability of generative AI tools when used for legal research. It also emphasises the importance of integrity, diligence and accountability in legal proceedings and the necessity for upholding the highest ethical standards.

The Court strongly emphasised that all references must be verified against official sources and made it clear that those with leadership responsibilities must take effective and practical steps to ensure that legal teams are fully aware of their professional duties in the context of AI use. Additionally, the judgment has been circulated to regulatory bodies including the Bar Council, the Law Society and the Inns of Court, with the Court's recommendation that the profession takes further proactive steps to ensure the integrity of legal submissions.

The Civil Justice Council (CJC) established a working group in January 2025 to examine the use of AI by legal professionals in preparing legal documents, which may have been influenced by the events in this case. The group will produce a final report with recommendations on whether rules are needed to govern AI use in future.

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