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## Assessing Law Students in the Age of GenAI

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### ABSTRACT

The arrival of generative AI (GenAI) has had a profound and transformational effect on many aspects of life. The legal field is no exception. Interestingly, both legal practice and legal education have largely been welcoming of this resource. However, whether it should have a place in summative assessments in law schools requires wider discussion. Reliance on GenAI for assessment could raise issues of academic integrity and that it could impede the development of several key legal professional skills including research, analytical and writing skills, communication skills, teamwork and time management. Students who depend on GenAI for their assessed work also risk not developing a high level of understanding of the law itself and how to critically review and apply them. Would they, when entering the world of employment, be able to perform complex lawyerly functions? Would their degree or qualification be a true reflection of its avowed representation of knowledge, skills and ability? It is contended that there are strong pedagogical, professional, ethical and employability reasons for exercising caution in allowing its usage in undergraduate legal assessments.

**Keywords:** Artificial intelligence; GenAI; Assessment; Legal education; Law students; Higher education

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## **1. Introduction**

Law students are expected to develop a range of knowledge competencies and skills that could one day stand them in good stead in the courtroom; in the conference room; when researching, analysing and drafting documents; and when networking (Turner et al., 2019). They are, therefore, taught not only various law subjects at the academic stage of legal training, but also mooting, negotiation, mediation, debating, client interviewing, essay writing, opinion giving, communication skills, and teamwork, among others (Hewitt & Stubbs, 2017). To reflect the diverse knowledge base and capabilities that need to be cultivated, universities are increasingly moving away from having only timed and unseen examinations as the method of summative assessment. There is now a mixture of approaches used. Hence, apart from the traditional handwritten examination, undergraduate students are assessed by methods which include: presentations; coursework; projects and dissertations; client interviews; mooting; mediation; blogs; debating; podcasts; and negotiation (Kerin, 2025). Unlike the unseen timed examination taken under the scrutiny of invigilators, students can prepare for most of their other assessments away from campus.

In the age of generative AI (GenAI), resources like ChatGPT, Bard, DeepSeek and Copilot are known to have been extensively used by university students as aids in assessments (Aloisi, 2024). According to the results of a survey released by the Higher Education Policy Institute (HEPI) in 2026, for example, 94% of the 1054 responses received from full-time undergraduate students in the UK reported having used GenAI to help with their assessed work (Stephenson & Armstrong, 2026). This paper discusses some of the key challenges that the adoption of these resources poses in the context of law assessments. In Section 2 of this work, we will analyse the role of assessment in legal education. This will be followed, in Section 3, by an exploration of the perils associated with GenAI dependency in preparing for assessed works. Section 4 concludes by reflecting on the changes and challenges involved in assessing law students today and in the foreseeable future.

## **2. The Role of Assessment in Legal Education**

From a pedagogical viewpoint, assessments aim to test students' grasp of the lessons taught and learned (French et al., 2024). It is to ensure that some level of competence or understanding of these have been attained. This is for purposes of awarding them the qualification they studied for. It is also to prepare the student for the world of employment, for postgraduate studies or further training. Outcomes of assessments are strong indicators to education providers, trainers and prospective employers that the student has completed a course of study and who now possesses the knowledge-base and skill set that set them apart from others who have not undergone the same course of study and diet of assessments (Quality Assurance Agency for Higher Education, 2023). They also signify to other higher education institutions that the student has attained the prerequisite competence and is ready and able to proceed to the next stage of study. Likewise, they inform professional training providers and regulatory bodies that the student has met the competencies in relation to

core modules and is eligible to be exempted from some parts of their professional training, or that they are qualified to be legal practitioners.<sup>1</sup>

To assess law students at undergraduate level, universities had previously relied heavily, if not completely, on high-stakes final examinations (Duhart, 2015). Within this framework, all assessments are timed and largely unseen. Importantly, students are unaided by anyone or any resources (other than statute books during select examinations) in their efforts, and they complete these under the watchful eyes of invigilators. Unfair academic practices like cheating or having someone else sit the examinations for them would be met with some form of punishment or admonition (Roberts & Todds, 2019). This setting helps ensure that the work submitted is the student's own.

As the demography of law students changes and a closer tie began to forge between higher education and employment (Tight, 2023), methods of assessment too began to diversify. While law schools used to attract young white men from affluent backgrounds (Capers, 2021–2022), their doors are now open to students from all socio-economic and racial backgrounds (Cody & Noakes, 2022). They are also welcoming of women, mature students, international students, people with seen and unseen disabilities, those who are neuro-diverse and students with long-term physical and mental illnesses.

At the same time, law firms expect graduates to come employment-ready. As to what constitutes work-readiness, this too has evolved over time. Law graduates are no longer expected to possess only a strong body of legal knowledge (i.e. the so-called “I-shaped lawyer”) (Prolawgue, 2021). There was a gradual expansion, particularly across the last two and a half decades of the 21st century, of what they need to bring with them into the world of employment (Smathers, 2014). These now include the ability to: Connect ideas across disciplines; deal with the fast-paced nature of the legal world through their time management skills; be analytical thinkers, empathetic, and creative in their problem-solving; excel at teamwork; and understand that clients will require a bespoke understanding of their needs and the case at hand. With greater emphasis placed on the human side of the lawyer, they would also need to be optimistic; open-minded; open to change and feedback; seek and seize opportunities; take ownership of outcomes; and display original ways of working and thinking (O Shaped, n.d.). In practical and real-life terms, this means that they must have: a growth mindset, resilience and a willingness to move out of their comfort zone (i.e. the “T-shaped lawyer”) (Mak, 2017; Connor, 2020; O Shaped, n.d.).

For these reasons, law schools now need to place inclusivity and employability high on their agenda (Balan, 2024). One way in which this has taken effect is by adopting a multitude of assessment strategies. This removes a heavy or exclusive dependence on traditional timed examinations. The latter, which usually take place towards the end of the academic year, require the student to retain large amounts of content and to construct arguments while sat in silence and focused across several hours (Benslama-Dabdoub, 2026). As legal practice

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<sup>1</sup> E.g. Legal Profession Qualifying Board, ‘Qualifications to be a “Qualified Person”’; Bar Standards Board, BSB Handbook, version 4.9.

does not involve recalling detailed information in such a manner, a conflict is created between this method of assessment and how practitioners usually take time to ponder upon, research, and/or discuss difficult legal issues with colleagues (Collins, 2022). Apart from having a negative impact on students' well-being by increasing stress and anxiety, timed examinations also do not allow students to demonstrate the broad range of skills they will require in employment (French et al., 2024). Further, since students have differing capacity to perform well under time pressure; and differentiated performance is also likely based on gender, socio-economic background, ethnicity and disability (French et al., 2024); diversity and flexibility are now introduced into the system. By supporting a range of avenues to enhance student success, the diverse student body has an equitable opportunity to do well (O'Neill & Padden, 2022). Since assessment has the potential to motivate and to facilitate and enhance learning (French et al., 2024), this increases engagement and leads to student empowerment (O'Neill & Padden, 2022).

Thus, law schools have increasingly encouraged independent and off-campus preparation of assessments over several weeks involving written works (like projects, dissertations, essays, blogs, and portfolios) and oral assignments (like presentations, negotiation, mediation, client interviews, podcasts) or a hybrid of the two (like poster presentation and mootings). Further, students can also be assessed in pairs and in groups (Berry, 2007). Whichever form the assessment takes, there is an expectation that students will conduct extensive and independent research from the primary, secondary and tertiary sources of law. They are to analyse these, and critically and conscientiously apply them to the task assigned. When submitting or presenting these works for marks or grades, they expressly or impliedly declare that the work they present are the product of their own efforts, submitted after sustained reflection and independent analysis.

At stake are comprehension, competence, ability to analyse and apply, ability to work independently or in teams, working to deadline, and probity—all of which are crucial to the students' development in becoming a lawyer.

### **3. Utilising GenAI for Assessments**

Although many aspects of the legal profession are steeped in tradition, it has never been immune to, nor can it ever be insulated from, advances in technology. However, the impact of technology's transformation of the legal industry has hitherto been evolutionary rather than revolutionary (Perlman, 2024). GenAI's arrival on the legal landscape has, nevertheless, been described as a game changer (Lomax, 2024). It can assist with, augment and expedite numerous legal, and daily law firm business, tasks (West, n.d.). In legal research, for instance, it can serve as a powerful resource that allows access to a vast amount of information on all law subject areas, and of different jurisdictions and legal systems. It is capable of bulk-analysing legal documents, and could be asked for suggestions or answers to legal or factual questions, and the responses would come back in an easily comprehensible form at such a fast pace (West, n.d.). It can provide legal practitioners with a high-level refresher or overview of various areas of law, and the resource can be a

springboard for developing ideas and arguments (Malaysian Bar Council, 2023). It is also useful for contract drafting and the creation of legal documents where it can review and analyse clauses and terms, amend them when provided with instructions, and flag up issues and suggest solutions (Malaysian Bar Council, 2023). Likewise in litigation, it decreases manual effort, prioritises strategy and focuses on driving stronger outcomes (Harvey, n.d.). It can also help with case management (Magesh et al., 2025). The expediting of these tasks, among others, would enable practitioners to focus on more complex, higher value and strategic aspects of their work (Prakash & Nair, 2024). And by making legal products and services easier, these would also be less expensive for those who had previously found it difficult to bring a case on the grounds of costs. GenAI could also be a tool for clients to educate themselves on legal topics, and this could contribute to more efficient conversations between them and their lawyers (Poon, 2023). Many major law firms are known to have embraced this new technology (e.g. A&O Shearman, Clifford Chance, Freshfields, Linklaters, Mishcon de Reya, Slaughter and May, and Shoosmiths) and it looks like many more will follow suit (Farrar, 2023).

Since law schools prepare students for the legal field, they would have to respond to the demands within it (Farashahi, 2025). There is therefore, an expectation that new entrants to the profession would be acquainted with GenAI (Ajevski et al., 2023). Beyond enhancing their employability prospects, GenAI can be a valuable and useful tool for legal studies itself. To start with, all the benefits of legal research and drafting enjoyed by legal practitioners can likewise benefit law students. Students are also able to enquire about various legal issues and problems and will receive an immediate response with information and suggested solutions as supported with authorities. In addition, GenAI can: design personalised learning plans; create data collection algorithms to provide detailed and personalised feedback to students; and is available around the clock (French et al., 2023; de Oliveira Fornasier, 2021). Students are also able to access a dynamic and immersive learning environment with innovative tools and resources. Just as student pilots can benefit from practising with flight simulators and medical students with surgical simulations, GenAI-powered simulations can offer law students the opportunity, for example, to argue cases in a virtual courtroom and to negotiate contracts with virtual clients (Mustapha, 2024; Hill, 2025). Its integration into legal education could enhance learning outcomes and engagement (Huang, 2024), as well as bridge the gap between theoretical learning and real-world practice (Mustapha, 2024). There is therefore wide support for allowing and even encouraging students to engage with these resources during their academic studies. Notwithstanding this, should AI be allowed in assessed works?

### **3.1 Academic Integrity**

In assessed works, students usually expressly or impliedly affirm that the work they submit or present is entirely their own, and not that of other external party (Ajevski et al., 2023). As GenAI-aided work is not exclusively that of the student's own efforts, this raises the issue of academic integrity (Ajevski et al., 2023). Institutions that are lenient or permissive on this

matter could produce students whose true grasp of the law are not properly assessed. As for those that expressly disallow its use in assessments, oversight and enforcement are difficult. Although there are tools for detecting and monitoring their use, these are not foolproof (Qorich & El Ouazzani, 2025). Do students in such institutions thereby submit works that technically fall within the parameters of cheating and poor academic practice, by traditional or conventional standards? And will they, if rewarded with good marks and feedback, likely to repeat the pattern throughout the length of their study? If so, the erosion of academic integrity arguably produces a whole host of actual and potential effects on students, lecturers, law schools and the educational system itself. The reverberations can even be felt beyond academia, when those who are dishonest in their assessments are more likely to make unethical decisions in their professional exams and practice (Choo, 2022; Carpenter et al., 2004). This is particularly problematic since law schools are supposed to prepare students for a profession regulated by high ethical standards via codes of professional conducts (Roberts & Todds, 2019).

### **3.2 Research, Analytical and Writing Skills**

Dependence on GenAI could also impede students' research, analytical and writing skills. Admittedly, numbered are the days when law students are still required to browse the library shelves looking for case reports, statutes, books and other relevant primary and secondary legal literature. Most of these resources are now accessible via electronic searches. Undoubtedly, this has transformed legal research, and predominantly in a positive manner. After all, time is saved, and a huge amount of information can be gathered from searches. However, irrespective of the benefits that digitisation has brought, the basic routine of legal research has remained the same: important legal questions are identified, and relevant authorities researched and analysed (Thomson Reuters, 2022). By using GenAI to answer assessment questions, students may bypass these steps, which are crucial in their development as lawyers.

Preparation of assessments at law school requires intense academic reading and analysis. Access to GenAI may take away the incentive or indeed the immediate need for law students to learn how to read, interpret and analyse legal materials. It is widely acknowledged that one of the most important skills that need to be developed at undergraduate level is the ability to analyse cases and statutes, in order to identify whether they apply to a given set of facts or if legal reform is required (Strong, 2022). This is achieved through careful reading of judgements and poring over the intricate and long wording of statutes (Blair-Stanek et al., 2023). Similarly, with secondary sources like articles and books, it is important for students to gain critical understandings of the law or the different or opposing views for nuanced understandings of legal issues. But by relying on GenAI-abetted analysis and synthesis, the ability to critically read and analyse primary and secondary sources of law would, therefore, not be competently developed. Such cognitive offloading can have a deleterious effect on law students' intellectual growth (Gerlich, 2025), and critical thinking—the latter being 'the very cornerstone of legal education' (Aloisi, 2024).

As highlighted by Walker, our critical thinking skills are ‘like muscles that need to be worked in the gym: the only way to make them stronger is by exercising. The easiest way to make them weaker is by leaving them alone. And it is the latter that we all can fall victim to –consciously or subconsciously—by finding shortcuts and allowing AI to think for us in law school’ (Walker, 2025).

Following on from the points on legal research and reading in the preparation of assessments, is the need for students to turn their research and reading into a written form. Written assessments usually require them to critically construct complex and sophisticated arguments, justifications or discussions by combining words into sentences, and sentences into paragraphs, and paragraphs into a chapter, and chapters into a written document be it a moot submission, portfolio, essay, project or dissertation. This process demands that law students learn how to be: clear in their explanations and reasoning; succinct and persuasive in how they structure and express their ideas and findings; and logical in crystalising and transferring their thoughts to paper or a screen (Strong, 2022). Thus, the point remains that law students are unlikely to have much motivation to learn the rudiments of effective legal writing if GenAI is permitted in assessed works (Xing & Cao, 2025).

### **3.3 Feedback**

Further, the use of GenAI in the production of legal assessments makes it more difficult for students to learn from the feedback received from their tutors. As feedback can help students identify progress, areas for improvement, weaknesses, strengths and competencies (Williams, 2024), its educational, psychological and employability benefits and impact (Morris et al., 2021) are potentially diluted. After all, the student is less likely to understand and make sense of authentic feedback comments when the work submitted is not produced independently (Ryan et al., 2024). The opportunity to assess their progress in their written skills is also potentially denied as there is no appreciable purpose in comparing a previously GenAI-generated assessment to the latest one.

### **3.4 Soft Skills**

The inability to learn from the assessment process in any meaningful way extends beyond feedback. Students are also depriving themselves of the opportunity to inculcate several important soft skills that could prepare them for the highly competitive and demanding environment of legal practice. One such skill is time management, which for many is learned in law schools and cemented into habit in practice (DeVelder, 2011). By taking the shortcut route enabled by GenAI, students will not fully understand how to plan and work to a deadline. Further, by not painstakingly reading, analysing and writing, students’ vocabulary and command of language take a much longer time to build and improve, if at all. Given that words are the tools of the lawyer’s trade, a truism both before as it is in the digital age (Palmer, 2024), a refined vocabulary and strong command of language are not only impressive on a cover letter or during interviews. They carry substantial weight within

various environments. For example, in courtrooms, lawyers can convincingly get their points across to judges (Denning, 2011). In the workplace, they can leave a profound impact on how lawyers are perceived professionally. A diverse and strong vocabulary is thus essential, but its development is one which might be thwarted when GenAI is used for assessment purposes. Further, for assessments which require them to work in pairs and groups, they are unlikely to experience the full value of teamwork like collaboration, effective division of labour, clear and open communication, active listening, cooperation, compromise, dependability and how to manage internal conflicts (Weinstein et al., 2013–2014; Child & Shaw, 2016).

Yet, as previously discussed, there is a need for future lawyers to understand the changing expectations of clients and the need to create value for them. A client focused approach requires lawyers to set higher standards, demand more from themselves and colleagues, and attract and create more opportunities. All these put a premium on deep knowledge and judgement; innovative thinking; complex reasoning; high quality research, analytical, written and advocacy skills; as well as inter-personal client skills (Ajevski et al., 2023). These skills, if not properly nurtured in law schools, could result in a situation where what the law graduate is offering, and what the employer and clients are expecting, are not in sync.

### **3.5 Human Oversight**

The question could legitimately be raised that if the technology is available, why should it not be allowed to be used. After all, calculators, for instance, have long been allowed in various examinations. Further, as previously mentioned, law students are, expected to be acquainted with GenAI on their journey towards practice-readiness. However, it is important to point out that the usage of calculators in assessments does not preclude the need to have previously learnt the logic behind elementary mathematics. As pointed out by Aloisi, “[t]he tool works best when the user understands what they are doing—and why” (Aloisi, 2024). Likewise, in the legal context, ‘AI is an opportunity, but it is not an opportunity to abandon foundational legal education’ (Veale et al., 2025). Law students still need to learn and understand the basics.

Reflecting on legal assessments, without the prior knowledge and understanding on how to search for, read and analyse the primary and secondary sources of law, this could produce law graduates who would not be able to properly discern situations when the technology has made an error—cited cases that did not exist (Tobin, 2025; Bohannon, 2023; Taylor, 2025); produced bias responses or presented inaccurate or misleading statements—a phenomenon referred to as ‘hallucination’ (Magesh et al., 2025). Further, how will law students who depended on GenAI to generate assessments survive, let alone thrive, in the world of employment? The point remains—a law student who did not master the key legal skills expected of a lawyer may not be able to perform well in practice if their electronic devices fail. Thus, they are unlike existing legal practitioners who use GenAI after having acquired the requisite lawyering skills at university. But even practitioners have been

reminded that “[a]ll outputs generated by the system must be independently verified...and confirmed for relevance and accuracy. If verification or confirmation is not possible, generated content should not be relied upon or used” (Malaysian Bar Council, 2023). Human oversight is therefore important. In other words, the user of technology would need to understand the materials they are dealing with at a level where they are able to discern AI’s strengths and limitations, and detect inaccuracies themselves (Muscavage, 2025).

#### 4. Conclusion

The way in which future lawyers are prepared for practice has undergone many changes over the decades. While the arrival of GenAI can have a transformational effect on legal education, its place in summative assessment requires wider discussion. As argued above, reliance on GenAI for assessment could raise academic integrity concerns and could also impede the development of several key legal professional skills, including research, analytical and writing skills; communication skills; teamwork; and time management. Students who depend on GenAI for their assessed works also risk not developing a high level of understanding of the law itself and how to critically review and apply it. Would they, when entering the world of employment, be able to perform complex lawyerly functions? Would their degree or qualification be a true reflection of its avowed representation of knowledge, experience, skills and ability? When some students complete their assessments using GenAI, this means that not all graduates with the same degree award will have undergone the same academic rigour in producing their assessed works. There are, therefore, strong pedagogical, professional, ethical and employability grounds for exercising caution in its usage in undergraduate legal assessments.

In facing such a prospect, one possible way forward which has been widely discussed or implemented in some institutions is a return to invigilated, closed-book, in-person examinations (Compton, 2023; Green & Whales, 2025; Scott & Bonar, 2024). Another, which appears to be gaining traction, is the adoption of oral examinations (Dobson, 2023). Although this method of assessment has more commonly been used for the appraisal of doctorate theses, its deployment in the undergraduate context similarly allows tutors to evaluate the extent to which students could explain their work clearly and appropriately. Both these methods could therefore assess comprehension and analytical skills whilst ensuring that academic integrity and probity are maintained. However, high-stakes unseen examinations would compromise the benefits that could otherwise be obtained through various other assessment methods. It would also discriminate against those for whom the unseen examination is an unfair way of showcasing their knowledge and competence. Meanwhile, oral examinations if implemented at scale, can be labour-intensive (Brumby et al., 2025). In addition, the logistical burden and planning costs can be considerable (Brogan et al., 2024). Importantly, inclusivity requires that alternative arrangements be put in place for examinees who are unable to perform in such settings (Lorber, 2025). Given their immense drawbacks, these are, for now, merely reactive and interim measures. There should

ideally be a global, uniform and sector-wide approach agreed on (Li & Zhang, 2025; Veale et al., 2025), on the matter.

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The authors declare that they have no conflict of interest in this study.

### **Ethics Approval**

This study did not involve human or animal subjects or personal data and therefore did not require ethical approval.

### **AI Usage Declaration**

No Artificial Intelligence (AI) tools were used in the research or writing of the manuscript.

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