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Pericles and the Plumber: Reigniting the Debate of the Purpose of Legal Education for the age of AI

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Abstract

Much is now being said in the wake of artificial intelligence (AI) about marking and assessments. This year represents the first year in which generative AI usage is considered by the scholarly community to be widespread. The article responds to the recent policy outlined by UCL Laws to introduce a return to traditional assessments, which preserve the integrity of a law degree. We place this debate within the wider context of law schools and what legal education ought to provide for society, more generally. Universities and law schools have different public mandates and should respond in accordance with their aims, community and identity.

Keywords: AI; legal education; assessments; law degree; legal profession; law in context.

[A] INTRODUCTION

Much is now being said in the corridors of the law school, in virtual meetings over coffee, and on exam boards regarding the impact of artificial intelligence (AI) on marking and assessment. Such discussions relate to AI as a wider field of intelligent systems but, reflective of the outputs and usages, a significant portion of the discussion relates to generative AI software and systems (Gen AI). This year represents the first in which AI usage has been significantly taken up by the student body. The considerable portion of student usages relates to Gen AI technologies, but

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there are also transcription and dictation software, support tools, and a number of accessibility tools (Freeman 2025). Although emerging research has started to explore this area, the statistical evidence is still nascent and lacks longitudinal depth. The use of AI, unlike more traditional plagiarism, cannot be proven with specialist software, like Turnitin for example. The tell-tale signs are fabricated references, a superb command of English, especially when this level of sophistication is suddenly inconsistent with the student's previous work and classroom performance, and a superficial knowledge of research with all the structural hallmarks of a scholarly paper. It is now fair to say that most in the academic community believe the use of Gen AI in their assessments is widespread. Responses to AI have not been speedy (McDougall 2023).

The article responds to the recent move by UCL Laws to return to traditional assessments to preserve the "integrity" of a law degree (Veale & Ors 2025). The UCL Laws report is thorough and clear in its examination of assessments and recommendations. In response to the risk and rise in use of Gen AI, the report recommends revising modules to ensure that between 50% and 100% of their assessments are conducted in a manner deemed secure from artificial intrusion. This article broadly supports the move to return to the traditional mode of assessment. This format might be adopting oral assessment, common across the continent, or moving back to written exams in the examination hall. It does so, though, by following a different route than the path plotted by the team at UCL Laws (Veale & Ors 2025). We place our knowledge about Gen AI within the wider context of the scholarship in legal education and the debates therein. As such, it moves this debate on from how to secure our assessments to the bigger question about what the purpose of legal education is (or not). The latter question is now the elephant in the room.

We connect this debate about Gen AI and assessment to the epistemological question of what legal education ought to provide for its students, and society more generally. What learning outcomes are we trying to achieve and assess, and how to do so reliably? How might we react to and integrate Gen AI into our curriculum? These enquiries ultimately converge on a fundamental issue: what are the critical skills and competencies that legal educators are now expected to cultivate in their students in light of this evolving technological advancement? How might this differ in light of varied institutional missions and educational imperatives? We do not propose to write an emphatic, exclamatory and ideologically driven paper about how AI should be used (or not) in the law school. We wish to avoid espousing the virtues of Gen AI and equally in engaging antagonistically with its vices. Our aim is not to persuade

nor recruit those to join us in one particular mission to involve Gen AI. This is for a simple reason: all positions can be justified. There is no one-size-fits-all approach to Gen AI. Each of us will come with our own background, training and research interests. Those with an interest in law and technology may be more likely to embrace it in their teaching, learning outcomes and assessment than those with a doctrinal background, for instance. This plurality and variety in research interests, skills and background ought to be seen positively. The diversity on show here is one of the pillars of the British higher education system.

What this article aims to do here is give space for each of various different positions on Gen AI, but unite them around the concept of the law school, the university itself and some pedagogical imperatives. The law school is the unit and the university is the community to which we belong. What we do here is present a range of options that those within law schools can take. It builds a conversation about what suits those communities best. The approach that suits each individual law school can well be described as a historical, legacy or an identity issue. How each law school and each university sees itself, its purpose and its social mission depends often on the context in which it was formed. These specialisms, the social groups they cater to, and the people attracted to teach in them are all different. Embracing Gen AI will benefit some of those social groups, while, for others, it will not at all. Incorporating too much Gen AI will, for some, be harmful and act as a barrier for skill development and future employability. The aim with this article is, perhaps, typical of most educators. In short, we are not going to tell you what you ought to think or do about Gen AI. The variety of universities means that such a singular approach to Gen AI is idealistic and naïve for an article, which looks at the sector rather than the individual law school. It is impracticable to suggest a single Gen AI policy applicable to all law schools, as such an approach would have little meaningful impact across the sector. Our intention, rather, is to encourage readers to engage critically with the position that their own school adopts on AI and reflect on how this might be translated into module-level practice. The method applied here within this article is to place AI and the choices it gives us within the context of the growth of universities and law schools.

To do so, we adopt the following structure: we divide the paper into four parts. The section that follows brings in a broader theoretical debate about what law schools and legal educators do. We introduce William Twining's popular characterization of the role of the law degree from the 1960s. In the 1960s, Twining challenged traditional views of legal education in Britain, particularly in his 1967 book *Legal Education: Its Aims and Methods*. He

rejected the notion that the law degree should serve purely as professional training for solicitors and barristers, arguing instead that it should be an intellectually rich, liberal academic discipline. Twining emphasized the importance of critical thinking, analytical skills, and understanding law within its broader social, political, and economic contexts. He promoted a pluralistic, interdisciplinary approach, drawing on fields such as sociology and philosophy to deepen students' engagement with legal issues. Crucially, he distinguished between "training" (technical skills) and "education" (intellectual and moral development), asserting that law graduates should be thoughtful, informed citizens, not just practitioners. This metaphor serves as the red thread, a hook over which we hang the article, and this depiction is then used throughout. We turn to consider the expansion of higher education, law schools and the law degree in the 1990s, and then explore the impact of Gen AI on the legal profession. The penultimate section considers the future of legal education in the midst of the changes brought about by the growth of AI. The final section contains our concluding remarks.

[B] THE DEBATE OVER THE PURPOSE OF A LAW DEGREE, 1960-1990

What is a law degree for? What purpose does it hold for students? What purpose does it hold for employers? How have law teachers imagined the degree that they teach upon? This debate was most eloquently described by Twining in 1967 in an Inaugural Lecture delivered before the Queen's University of Belfast as the tussle between "Pericles" and the "plumber". Queen's University Belfast was not founded in the 1960s. It was founded in 1848 with law as one of its original faculties (Montrose 1952). Twining wrote the book *Blackstone's Tower* (1994) while at UCL. UCL was founded in 1827 and appointed two chairs of jurisprudence and law the following year. There were a few universities in the Victorian period with law professors, outside of the ancient colleges of Oxbridge. Twining also worked in Warwick, which was founded in the 1960s. His time as an academic in the United States (US) and Africa in particular influenced his thought (Sugarman 2020; Twining & Sugarman 2020). In short, Twining had a varied academic career where he saw a variety of models for legal education. "Pericles" was an "enlightened policy-maker, the wise judge"; whereas the "plumber" was "a no-nonsense down-to-earth technician" (Twining 1997). His metaphor has been taken up with humour and enthusiasm (Sedley 2008). It has such a firm purchase today because the dichotomy and broader questions are still relevant to the everyday work in the law school (Maharg 2011). In the late nineteenth

century, there were a small number of elite universities, which trained those of relative privilege, and even fewer law departments. The law school in King's College London opened in 1831 (Hearnshaw 1929). With the rise of universities and university students in the mid-twentieth century, the teaching of law had moved away from the student–master model, where it could only be a technical craft. A law degree could serve as a gateway to the legal profession, but it could also equip graduates with transferable skills applicable to a wide range of other employment contexts. Some law firms even preferred candidates with an undergraduate degree in a subject other than law and then a conversion course (Twining 1994; Boyle & Capps 2019). Now, Imogen Moore and Craig Newbery-Jones report that law firms have no preference for the LLB or Graduate Law Degree (Moore & Newbery-Jones 2018: 35–36). Law schools thus had to decide on a possible future of law in their department: whether they integrated law into the wider university or saw themselves as separate and distinct. *Blackstone's Tower* was radical in drawing attention to this (Cownie & Jones 2021). Law schools were required to determine whether to approach legal education as a liberal arts degree or as a standalone, practical, and vocational subject.

Law schools bifurcated in response, and that sometimes depended on their institutional roots rather than the particular views of the leadership or their view of the market. Those formed before the 1960s tended to have close connections to the legal profession. Their heritage was as a small institution, which consisted of and serviced those who were of economic and social privilege. They were the elites of society, who looked for a university education as a process of socialization, which also allowed access to the professions. Some of these historic institutions taught law, but did not have a law department nor a law degree. Bristol University, for instance, was founded in 1876, but discussions about creating a law faculty did not emerge until 1918, and they did not bear fruit until 1933 (Borkowski & Thomas 1984: 3). Law schools, like all of British society, were disrupted by the onset of the Second World War. The postwar period saw reorganization, and a change in mood came in the 1960s.

One of those universities that came to the fore in the 1960s was Warwick. Another was Brunel. This group of universities became known as the plate-glass universities. The name is similar to the previous name, red-brick universities, as the classification of plate-glass universities refers to their common founding and architecture style. The backdrop was the Robbins Report, which came out in 1963. The guiding principle here was that "all young persons qualified by ability and attainment to pursue a full-time course in higher education should have the opportunity

to do so" (Committee on Higher Education 1963: paragraph 135). The emphasis was on expanding the number of universities and their student body. Universities were there to train, educate and socialize: "to promote the general powers of the mind. The aim should be to produce not mere specialists but rather cultivated men and women" (Committee on Higher Education 1963: paragraph 26) and "the transmission of a common culture and common standards of citizenship" (paragraph 28). The value of a university education was well defined here: it had an inclusive social mission (Ross 2005). It spoke to the socio-political context of the 1960s. Warwick Law School established itself as the leader of an alternative to doctrinal thinking, and it adopted the "law in context" method. Brunel offered its students a sandwich degree structure, in which work placements and employability were central to the institution's educational ethos. A sandwich degree (the term originated in the United Kingdom (UK) and was widely institutionalized since the mid-twentieth century) is a university programme that integrates work placements with academic study. It typically includes either a year-long placement (thick sandwich) or several shorter placements (thin sandwich). The structure aims to enhance employability and practical skills by providing real-world experience alongside academic learning. The legal scholars at Brunel had strong links to the profession, but focused on subjects beyond the remit of the traditional doctrinal lawyer, like consumer law and welfare (Barnes & Wheeler 2024). Other law schools retained their traditional focus. Another significant shift occurred following the enactment of the Further and Higher Education Act 1992, which enabled polytechnics and colleges to attain university status. The following section examines this in greater detail.

[C] THE GROWTH OF LAW SCHOOLS, 1990-2020

The implementation of the Further and Higher Education Act 1992 resulted in the establishment of 35 new universities. The aim of John Major's Government (1990-1997) was to end the distinction between colleges and universities. However, this bifurcation was in name only. The post-1992 universities and pre-1992 universities were still intended to have different functions. The polytechnics had a practical element to their courses; they were designed to drive and develop skills and train their graduates to carry out jobs. Universities had a less practical function as their purpose was to drive research and theory. The changes made to the status of former polytechnics and colleges did not mean that they were the same as universities, nor did they have identical intellectual or educational

offerings. A class structure and the hierarchy therein was preserved. Polytechnics, and then what became former polytechnics, retained their teaching-focused and vocational agenda. The White Paper that introduced these proposals explained the shift in government policy. It read:

> As higher proportions of both young and more mature people enter higher education through academic and vocational routes, it will be important for institutions to review the content and structure of their courses and the way in which they are provided … The Government believes that there is a case for some increase over the next decade in the provision of high quality two year full-time diploma courses, particularly those with a vocational emphasis (Department of Education and Science 1991: paragraph 16).[1]

They lacked the prestige and reputation of the older universities. Law remained, in many respects, a vocational discipline for these new universities, functioning as a gateway into the legal profession through its emphasis on instilling practical skills. These new universities flocked to offer the Legal Practice Course, which was approved in 1990.

Over the course of Tony Blair's term as Prime Minister (1997-2007), there was a massive expansion of universities in the UK, including law faculties. This growth was not funded by the Government or society collectively—but by individual students, who paid what we now think of as relatively modest top-up fees. Top-up fees referred to the variable tuition fees introduced from 2006 through the Higher Education Act 2004, which allowed universities to charge up to £3000 per year for undergraduate degrees—"topping up" the flat-rate tuition fees previously capped at around £1125. Indeed, the use of top-up fees changed the financial model of universities quite considerably. They moved then more towards the market and away from the state as their source of income. The opening lines of the Dearing Report explained what were purported to be the motivating factors. It stated that:

> The purpose of education is life-enhancing: it contributes to the whole quality of life. This recognition of the purpose of higher education in the development of our people, our society, and our economy is central to our vision. In the next century, the economically successful nations will be those which become learning societies: where all are committed, through effective education and training, to lifelong learning …. So, to be a successful nation in a competitive world, and to maintain a cohesive society and a rich culture, we must invest in education to develop our greatest resource, our people. The challenge to achieve this through the excellence and effectiveness of education is great (Dearing 1997: paragraph 1.1).

[1] This was the second of two education White Papers published by Major's Government in May 1991. The first dealt with further education.

Overall, the expansion of universities in the Blair years was not framed as an altruistic social mission, aimed at addressing structural inequalities, as had been the case in the 1960s. Instead, it was more closely aligned with economic and policy objectives related to workforce development and competitiveness. Here, the rhetoric struck a balance between growth and prosperity, on one hand, and social improvement, on the other. The former struck a chord with more market-driven and neoliberalist agendas, although these factors can be looked at more positively to place emphasis on values, such as liberalism, student choice, and individualism. The introduction of the National Student Survey came in 2005. Also, part of the broader reform of the Blair Labour Government—developed by the Higher Education Funding Council for England, in collaboration with the Quality Assurance Agency, Universities UK and National Union of Students—it aimed to enhance student choice, institutional accountability, and quality assurance within the expanding university sector.

With universities adopting a market-oriented approach and students seeing themselves more as consumers than learners, law, as a degree, grew in popularity. This shift became apparent for most in England when the top-up fees, introduced by Blair, were tripled by the Cameron–Clegg coalition. Caps on numbers were also removed. They had prevented universities from growing excessively and created a level of stability in the sector. Growth was now unrestricted. Law schools grew because of their teaching model. To obtain a qualifying law degree, students were required to complete a set of compulsory modules. Consequently, teaching was primarily concentrated on the foundational or core subjects, such as constitutional law, contract law and other areas defined by professional accreditation requirements. Large lecture theatres, capable of accommodating hundreds of students and with a single lecturer, proved a highly efficient teaching model. The expansion of student numbers placed relatively modest demands on physical resources, requiring primarily additional books rather than costly laboratory equipment (Hudson 2021). Moreover, law proved to be an attractive subject for prospective students due to its clear vocational pathways and links to the profession, an appeal not typically associated with disciplines such as history or art.

The growth of law schools and the LLB were thus backed both by the university, which considered its financial model, and, more importantly, by the students, who pursued those degrees. A potential shift in this teaching model came with the changes brought in by the Solicitors Regulation Authority. Undergraduate degrees in England were no longer required to conform to the qualifying law degree framework to confer eligibility for professional qualification. Law schools in England could

have offered a combination of elective modules while still presenting the programme as an LLB degree. Yet, they have not done so. They still follow the same curriculum with the same core modules in place (Giles & Ang 2025). The inertia in the system stems from student choice, as students perceive that the employer's needs and expectations will not have changed (Giles & Ang 2025). This idea about their future, as they choose their degree, is lost somewhere along the way, as estimates suggest that only half continue into the profession (Guth & Ors 2021). Due to the rise in tuition fees and the rising significance of the National Student Survey, the student experience and market demand now play a far more influential role in shaping the modern law school in a way that was not previously the case (Guth & Ors 2021). A degree is seen as an investment, where university ranking and reputation matters most for securing a good job and thus return on the investment in the degree (Shepherd 2013: 4-5). Employability and skills-based modules are now widely incorporated into the law school (Millmore 2024). Assessment, contact hours and conditions, which promote individual student success, are also important factors for choice (Shepherd 2013: 4–5). Wellbeing initiatives, in this context, may be perceived as driven less by genuine concern for the law school community and more by strategic considerations related to institutional performance metrics and marketing narratives (Collier 2014; 2021).

A postgraduate law degree, such as the LLM, differs significantly in nature and structure from the undergraduate law degree. Twining made the same point in 1994 in *Blackstone's Tower* (Twining 1994: 52, 54), although the postgraduate programme has since evolved (see section [E] below). The UK has always followed a slightly different model to other jurisdictions with its qualification system. In other jurisdictions, such as the US, law is only a postgraduate programme; it does not exist at the undergraduate level. As a postgraduate degree in the UK, the LLM does not have to deliver foundational legal knowledge, as this is provided at the undergraduate level. LLMs grew in popularity between 2000 and 2020. This is true—even for the US—where the JD is a postgraduate degree (Silver & Ballakrishnen 2022: 487). They are a way of offering specialist knowledge or skills. It follows that LLM programmes became increasingly specialized, with the generic LLM in law supplemented with focused offerings in areas such as commercial law and other fields. With the increase in undergraduate enrolment during the Blair years and changes to tuition fees, it was thought that this might prompt a change in programme expectations: the Masters degree could emerge as the new standard or serve as a means for graduates to gain a competitive edge or similar advantage in the job market. The anticipated shift does not

appear to have materialized, as little change occurred (Bradney 2011). The principal change, however, was an increase in LLM students, primarily comprising international students. In 2019/2020, there were 192,305 total non-UK student enrolments on full-time postgraduate taught programmes. In 2022/2023, this had grown to 386,655 (see Higher Education Statistics Agency (HESA 2019-2024: figure 9).

Overall, this section has demonstrated that the purpose of the law degree has undergone a significant transformation over the past three decades. It is no longer the pursuit of wealthy and privileged individuals, nor does it guarantee entry into the legal profession. Law schools in this context have a choice to position themselves strategically within the higher education market, aiming to attract students who wish to become both, as Twining puts it, "Pericles", the critical, reflective policy-maker, but also the "plumber", as the skilled legal technician (Twining 1997). Law schools tended by the end of this period to appeal to both. They value the emphasis placed on critical thinking that a liberal law degree can bring, while also recognizing the importance of providing a solid foundation in the want to offer the nuts and bolts of legal knowledge. The following section considers the challenges and opportunities brought by AI in the last few years.

[D] CHALLENGES AND OPPORTUNITIES BROUGHT BY AI, 2020-PRESENT

Over the last few years, platforms that use Gen AI have been rapidly evolving. Feuerriegel and colleagues (2024) define Gen AI as "computational techniques that are capable of generating seemingly new, meaningful content such as text, images, or audio from training data". Such a definition may be viewed as overly generalized from a technological and computer science perspective. It does, however, correctly summarize the system approach in line with how it is viewed and understood from a more general perspective. Following the public release of Chat GPT3 and the entry of rival programmes into the market, the use of Gen AI has changed. ChatGPT is, of course, not the sole Gen AI tool available; other platforms, such as Grok, Poe, Gemini and Claude, also serve as significant examples. While such programmes and tools differ from technical and back-end processing approaches, their use by the wider student body is relatively similar, and the observations and arguments presented in this article are intended to apply broadly across Gen AI technologies. Through various technological iterations, we have seen an exponential increase in the use of AI by the public (Hu 2023). Additionally, the compulsory

integration (or intrusion) of Gen AI into writing software, platforms, and wider operating systems is beginning to standardize the use of Gen AI. For example, Microsoft has integrated Co-Pilot into the Windows OS; Apple has done similar with Safari; Samsung with Galaxy AI; and Google search results now display an AI overview of the topic. It makes everyday tasks, like writing emails or synthesizing swathes of information, more efficient. The technological capability of AI will, no doubt, have an impact on clerical jobs and tasks, which can be automated (Samuel 2023). Legal rules are far more theoretical and creative than a set of rules that can be reduced to an idiom. AI works as a supplementary tool in this field. At the same time, the potential use of Gen AI can offer some benefits in relation to reducing the cognitive load or burden on individuals, allowing them to focus on critical thinking (Ravšelj & Ors 2025: 1, 5). It can also support those who are working in a non-native language in terms of refining their language (Chan & Lee 2023). As such, the inclusion of Gen AI must be seen as a device that can enhance daily life. By extension, it can be seen as a tool that can evolve with the legal profession.

AI is already starting to revolutionize the work of those in the legal profession (Wakefield 2023). It has been suggested, for instance, that it could be used to draft standard form contracts, check for inconsistencies and find leading precedents (Thomson Reuters 2024). Lawyers could use AI-generated boilerplate clauses and thereafter vet those contracts and documents before submission to counterparts or the court (Wakefield 2023). Elite law firms are not just using AI software but buying AI companies and integrating them, finding that it helps them win previously unwinnable cases by transforming complex data into courtroom-ready visuals, delivering faster, cheaper, and better results for clients, and turning a simple tool into a powerful competitive advantage (Merken 2025). Using Gen AI can, therefore, save legal professionals valuable time, as this software carries out these tasks far more quickly than manual efforts. The potential of Gen AI to reduce costs could be significant. There are some who see these trends as alarming for the vibrancy and survival of the legal profession (Poppe 2019). However, it could make access to justice wider as the cost of legal services may potentially become cheaper. It is hailed as a tool for those on low income and unable to afford a lawyer to access legal knowledge (Chien & Ors 2024).

However, Gen AI is, indeed, a tool that carries with it opportunities as well as risks (*R (Ayinde) v London Borough of Haringey* 2025: paragraph 5). For example, while it may facilitate access to justice, there are concerns that this solidifies a two-track system in an uncritical manner. It divides those with legal advice, on one hand, from those with AI-generated legal

advice, on the other (Simshaw 2022). Furthermore, certain parties that have access to these tools also hold specialized expertise in their use, raising concerns about the potential exacerbation of existing structural inequalities in the legal system (Veale & Ors 2025: 3).

Fabricated references and hallucinated cases in AI-generated text are plentiful; they are not recognized by the human author to be fake and so are passed off as real (Magesh & Ors 2025; *SW Harber v Commissions for His Majesty's Revenue and Customs* 2023; *Olsen v Finansiel Stabilitet A/S* 2025; *Zzaman v Commissioners for His Majesty's Revenue and Customs* 2025; *Bandla v Solicitors Regulation Authority* 2025). Evidence of fictional cases has created havoc in the courtroom. When commenting on the production of fake citations in *Ayinde* (2025), Justice Ritchie criticized lawyers who "tried to finesse them into being 'minor citation errors'". The inclusion of these cases was far from a minor slip-up in case name or court. He said that he would "consider that it is self-evident that both counsel and solicitors should never knowingly mislead the court". Such an act would not demonstrate the ethical standards, integrity or honesty required by those in the legal profession. "Producing submissions based on fake cases is", he added, "misleading the Court" (*Ayinde* 2025: paragraph 30). He ordered that the transcript be sent to the Bar Standards Board and to the Solicitors Regulation Authority (ibid: paragraph 30). Dame Victoria Sharp P pushed further in her commentary on the inclusion of fake cases in legal documents seen before the court. She said that these cases "show that promulgating such guidance on its own is insufficient to address the misuse of artificial intelligence". Indeed, the appendix listed a number of cases and jurisdictions where this had also happened. "More needs to be done", she summed up, "to ensure that the guidance is followed and lawyers comply with their duties to the court" (*Ayinde* 2025: paragraph 82).

One suggestion is self-regulation. In the US, Christina Frohock has called for greater vigilance over fake citations in the courtroom. Her argument is that the bar should be free of ethical issues as it is our duty as lawyers to "safeguard the integrity of the law" (Frohock 2025). The bar may be higher for lawyers, who seek to uphold professional standards and instil public confidence in their work. Frohock's suggestion mirrors the approach of Justice Ritchie on the bench and others, who order others to self-report. An additional solution to addressing the misuse of Gen AI within the courtroom lies in the reform of legal education and professional training. Law degree programmes should not only incorporate instruction on the ethical use of Gen AI in alignment with the values and standards of the legal profession, but also equip students with the practical and

cognitive skills necessary to critically engage with, evaluate, and effectively navigate emerging Gen AI technologies in legal contexts. It is to this issue that we now turn.

[E] THE FUTURE OF LEGAL EDUCATION

Law degrees—and in fact all degrees—are, in the UK, built upon learning outcomes and programme specifications that align with the Framework for Higher Education Qualifications (FHEQ) and any relevant Subject Benchmark Statements. The FHEQ is maintained and overseen by the Quality Assurance Agency for Higher Education (QAA) in the UK. The learning outcomes are required by the FHEQ to be clearly specified at the appropriate level (eg Level 6 for an undergraduate LLB). Outcomes encompass both disciplinary knowledge and higher-order skills such as analysis, autonomy, and professional judgement. Programmes must be designed and assessed robustly so that all students can demonstrate attainment of those outcomes in line with national standards and professional benchmarks required from professional or statutory regulatory bodies such as the Solicitors Regulation Authority or the Bar Standards Board. These requirements ensure academic quality, transparency, and professional readiness for graduates entering the legal profession.

One of the challenges in determining an appropriate approach to Gen AI lies in its entanglement with the wider discussion surrounding higher education. It is a complex and contested domain characterized by diverse stakeholders, competing priorities, and multiple institutional responsibilities. The issue is not confined to the law school. In this regard, Illingworth (2023) views the adoption of Gen AI as one with both risk and opportunity for scholars more widely. Others note the shift (for better or worse) such integration into the academic environment that Gen AI currently presents (Waltzer & Ors 2023; Ali & Ors 2024) and that the "presence of ChatGPT has also sparked regulatory and ethical concerns surrounding academic integrity in higher education. Most higher education institutions lack rules for its use" (Ravšelj & Ors 2025: 7). At present this nebulous "no-man's-land", often varying between university, faculty and school level, has created an ambiguous situation in which some students fear the use of Gen AI and others are more brazen with regard to its use. The same is true of academic staff, most of whom were trained in eras before Gen AI existed. Some of the concerns surrounding Gen AI reflect long-standing patterns in societal responses to new technologies. It is often characterized by a cycle of exaggerated

fear and inflated expectations, commonly referred to as the "fear–hype dynamic" (Seidensticker 2006).

In context, this means that some academic and professional anxieties may stem not solely from AI's current impact, but from historical tendencies to either glorify or demonize emerging tools before their real implications are understood fully. Recognizing this dynamic is crucial for forming thoughtful and measured responses in the legal education milieu. Gaining a comprehensive understanding of the transformative potential of AI will necessitate academic scholars to engage in a form of foundational re-skilling or reorientation. This would entail revisiting core technological, pedagogical, and epistemological principles to effectively evaluate, integrate, and respond to the capabilities and limitations of these emerging tools within their disciplines. Thus, the development of clear guidelines and scope on the use of AI is essential for students (Hassoulas & Ors 2023; Xu & Ors 2024), but also for high-level pedagogical discussion among academic scholars. This section maps out three approaches that can be taken in the context of the law school.

Prohibiting Gen AI

The first and most conservative position is to effectively ban and prohibit the use of AI at all stages of legal education. The risks associated with the negative aspects of Gen AI are most evident within the context of assessments. Both from a pedagogical perspective but also student inclusion of fabrications or unverified material. This is, after all, how we assess whether a student has met the learning outcomes and performed as intended to do so. Evidence of the use of Gen AI exists at both ends of the marking spectrum. Students on the lower end may see their mark boosted through the use of Gen AI created or enhanced submissions, while higher-achieving students could be at risk by not using Gen AI through potential grade value deflation in comparison to Gen AI-assisted classmates (Choi & Schwarcz 2025: 397). This proves to be a particular problem for law. Armin Alimardani found that, in questions which required detailed legal and critical analysis, Gen AI performed below the student average, though we submit that this is unlikely to remain true as AI capabilities improve. However, in open-ended questions and essay-writing tasks, all Gen AI papers performed better than students (Alimardani 2024). Across multiple jurisdictions such as the US (Katz & Ors 2024) and the UK (Head & Willis 2024), Gen AI has not only been passing legal examinations, but it has also been scoring significantly high. Daniel Katz and colleagues (2023) note that "large language models can

meet the standard applied to human lawyers in nearly all jurisdictions in the US by tackling complex tasks requiring deep legal knowledge, reading comprehension, and writing ability". Amanda Head and Sonya Willis (2024) state that Chat GPT-4 is now "scoring 70/90 or 78%, which would have put it in the top quintile for the November 2021 and July 2022 sittings". Commenting on the widespread use of AI, Head and Willis note: "Gen AI's ability to pass many traditional legal assessments potentially undermines these substantive legal knowledge requirements, posing a significant risk to the legal profession and the law academy" (2024: 296). In this connection, permitting the use of Gen AI can increase the risks to student learning, such as dependency on Gen AI and for deep thinking (Ravšelj & Ors 2025: 1, 5), the risk of creating a focus on automation of outputs rather than deep learning (Farrokhnia & Ors 2024; Farazouli & Ors 2024) and contribute to an overall loss of critical thinking and prevent students from developing this skill through human-generated outputs (Dergaa & Ors 2023; Hsu & Ching 2023; Strzelecki 2024; Kosmyna & Ors 2025; Naidu & Sevnarayan 2023). The question of whether assessments should be in person/invigilated or online/uninvigilated is a central tenet of this discussion.

While some note the practical, logistical, and accessibility elements of a full return to in-person assessment, the current risks of Gen AI that exist in online-only assessments have become inexorable. Peter Scarfe notes that "[i]t is unfeasible to simply move every single assessment a student takes to in-person. Yet at the same time the sector has to acknowledge that students will be using AI even if asked not to and go undetected" (Goodier 2025). With the inclusion of writing modules and clear strategies for their use, the overall promotion of academic integrity necessitates some degree of supervised or invigilated assessment. It appears impossible to operate without it, owing to the spectre of Gen AI in academic writing (Perkins 2023; Sullivan & Ors 2023). This is now the Law School at UCL Laws' position, anyway. UCL Laws have reshaped the law degree so that modules have 50-100% "secured" assessment. "Secured" means that their assessments "reliably safeguard against the use of generative AI". The move here is to ensure that a law degree from UCL Laws maintains continuity in terms of what it has always offered. The authors of this report explain:

> We design and maintain our programmes so that students obtain rigorous legal knowledge and skills for both predictable and novel situations; forge an ability to question received wisdom and formulate effective arguments; develop their capacity to independently, critically and analytically engage with complicated and often lengthy material;

> engage in contextual assessment and problem solving; communicate powerfully and effectively; and are exposed to spaces and experiences that allow them to develop their personal and professional values and ethics (Veale & Ors 2025: 2).

The shift to "secured" assessments aligns with Twining's conceptualization of lawyers as "plumbers" and "Pericles" within the legal system. If the institution deems that its mandate is to train those entering into the legal profession as "plumbers", the student must possess legal knowledge themselves. They must be able to identify and remember the key cases, understand the operation of particular doctrines and be able to apply these to the facts. Assessments authored through the use of Gen AI prompts do not generally demonstrate that the student possesses the foundational legal knowledge. For those institutions with a strong link to the legal profession or courses, like the MLaw, SQE and so forth, that provide direct entry into it, it seems that a return to in-person, secured, invigilated oral exams is now necessary, if they have not already moved. While the UK SQ1 examination is already conducted in person, an indication that examinations can return to in-person formats, the assessment criteria may need to be reviewed and recontextualized in light of Gen AI developments. Similarly, the US Bar exams are online but strictly invigilated to prevent the use of Gen AI, but are at risk of other issues (Solomon 2025).

However, because Gen AI software has this "knowledge" built into it, the importance of this legal skill requirement may be declining. The use of fictious cases in the courts also suggests that those lawyers, who have legal training and so a "plumber-like" legal approach, do not use their own knowledge to critique information generated by AI. It may be that there is now a role for legal educators, in response to Gen AI, to help those using the tool, to provide them with intelligently designed prompts and the ability to critique it. As Anil Balan (2024: 328) notes "[l]egal educators must therefore strike a careful balance, ensuring that students are trained not only in how to use AI tools but also in understanding the limitations of such tools and making the human judgement necessary for legal practice". To do this and exercise judgement on the quality of AI-generated materials, however, the user must have a standard of foundational legal knowledge themselves first and must also have developed the cognitive skills-blend of discernment and creativity. Law students should exit law school with a good breadth of knowledge and a reasonable expectation that they possess a depth of technical or substantive knowledge. It is thus becoming increasingly impossible to avoid recognizing that AI is somehow acknowledged and absorbed into our teaching practice. The

aim here has to be to train the next generation of lawyers to have both the legal knowledge themselves and the legal skills needed to master AI and use it critically. This point takes us to the second position.

Integrating Gen AI

Some law schools may wish to find a middle ground between prohibiting AI and embracing it. They may wish to occupy a midway position and thus produce both "Pericles" and the "plumber". There are ways of integrating it. The integration of Gen AI systems as a whole within an academic setting has been recognized as "a major shift in the educational technology landscape" (Ali & Ors 2024). This is especially true in relation to legal education. Law schools hold strong links with the professional institutions. Lawyers, as a professional group, are themselves traditionally conservative (Abel 1999). The focus must therefore shift to how law schools can effectively adapt to, and strategically embrace, the benefits of Gen AI technologies, particularly by leveraging these tools to enhance legal training and professional development. Integration of AI tools in the educational environment should benefit students in their future employment and their ability to enter the legal profession, if they so wish.

There is currently insufficient data to fully evaluate the impact of the use of Gen AI on students' cognitive skills, although this remains a crucial consideration from a pedagogical and formative standpoint. A recent but highly relevant MIT study by Kosmyna and colleagues (2025) does set off some alarming bells. The study tracked 54 participants to examine how Gen AI tools like ChatGPT impact learning. Participants were divided into three groups: one using only ChatGPT, one using only search engines, and one using no digital tools. Brain scans revealed that those who worked without tools maintained the strongest neural activity, while those using search engines showed moderate activity. Those relying on ChatGPT had the weakest brain engagement. The study found that most ChatGPT users copied and pasted content with little editing, while others used it for minor tasks like grammar checks or transitions. Even those who used the tool strategically, such as for essay structure, experienced a decline in memory retention and cognitive performance over time. The findings raise serious concerns about the long-term cognitive effects of relying on AI for academic tasks, suggesting that incorrect use of ChatGPT may hinder critical thinking and reduce students' ability to retain and process information. The study suggests that the timing of AI integration into learning is crucial for students' cognitive development (Kosmyna & Ors 2025: 139). Specifically, participants who had already developed critical-thinking skills prior to using AI demonstrated increased neural

efficiency and connectivity compared to those who began using AI from the outset. The study observed that participants who relied on AI from the beginning exhibited persistent neural under-engagement, even after AI tools were withdrawn, suggesting the concept of cognitive debt accumulating over time.

Initial development of cognitive skills provides a crucial foundation that enables more effective and meaningful collaboration with Gen AI. Participants who cultivate critical-thinking abilities before engaging with Gen AI are better positioned to use it as a supportive tool. In contrast, those who depend on AI from the outset often fail to develop these essential foundational skills (Kosmyna & Ors 2025). The timing makes a significant difference. Participants who began with their own thinking before integrating Gen AI retained cognitive control and became more efficient. In contrast, those who started with AI assistance experienced diminished abilities, even after the tool was no longer in use (Alcock 2025). Notably, even participants who used ChatGPT for seemingly permissible tasks, such as structuring rather than drafting essays, showed signs of cognitive impairment. These findings have important pedagogical implications: the point at which Gen AI is introduced in the curriculum may need reconsideration. Early use (eg in Part 1 or early modules) could disproportionately affect participants who have not yet developed strong critical thinking skills. This raises issues of equity. Participants arriving at university with well-developed cognitive skills may benefit from AI use, whereas those without may face neurological disadvantages may not—potentially exacerbating educational inequalities. Institutions should consider structured support for AI use, focusing on enhancing critical thinking through other methods while also carefully guiding AI adoption until participants are prepared to move beyond the stage of acquiring legal knowledge.

Academic integrity is increasingly nuanced, extending beyond straightforward cases of plagiarism. Students who utilize Gen AI tools often perceive their actions as compliant, viewing their use as “structuring” or “editing” rather than copying. However, neuroscientific evidence suggests that these distinctions may have less cognitive significance than previously assumed (Alcock 2025). Even seemingly ethical AI usage was shown to be cognitively detrimental. In other words, students who use Gen AI are outsourcing their thinking. This is not the intended outcome of a law degree: to produce students who are not trained to think. Educators must therefore decide whether their priority is the production of competent outputs or the development of capable, critically minded individuals. Educators confront a foundational decision: if the goal is to

produce competent outputs, AI assistance poses little concern. However, if the aim is to cultivate capable, independent thinkers, the use of AI must be thoughtfully and strategically managed (Alcock 2025).

Pedagogical approaches could well recognize that the ability to effectively synthesize and critically engage with AI-generated content depends on the prior development of substantive subject knowledge and cognitive skills. This precipitates a structured educational scaffold over time, allowing students to build the foundational competencies required for meaningful interaction with AI tools. Consequently, it may be beneficial for students to be made explicitly aware of such studies, both to foster an understanding of deferred use of AI in the LLB curriculum and to motivate more self-regulated, informed and responsible engagement with these technologies.

Embracing Gen AI

The final position is to embrace Gen AI. These would be educators who see themselves and programmes as technology-oriented or those that offer transferable skills with little or no link to the legal profession. The graduates of these programmes would be "Pericles" rather than "plumbers". The integration of Gen AI into legal education represents a modern-day Pandora's Box, a source of unprecedented opportunity as well as significant disruption. It has the potential to radically overhaul and reimagine legal education, from design, to delivery, to engagement and consumption (Balan 2024: 323, 329). There are institutional contexts in which a more radical reimagining of legal education that is facilitated by Gen AI may be appropriate.

For students with learning disabilities or diverse educational needs, traditional pedagogical models may present significant barriers to success. In such cases, AI tools tailored for accessibility and differentiated learning offer promising alternatives. These technologies can support asynchronous learning (Li & Xing 2021; Cotton & Ors 2024: 229), deliver real-time and continuous feedback (Faiz & Ors 2023; Fyfe 2023; Han & Ors 2023), and create more adaptive and personalized learning environments. It is important to note that these tools are more likely to take the form of agentic or bespoke AI applications, rather than general-purpose AI systems, an important distinction with significant pedagogical implications. Agentic or bespoke AI applications are AI systems that can operate autonomously but this is goal-directed behaviour, in other words, it follows objectives that it has been programmed or trained to achieve (Acharya & Ors 2025). While such AI tools may enhance educational

delivery in particular instances and support skill development in resource-constrained settings, it remains essential to ensure that foundational cognitive skills, particularly critical thinking and legal reasoning, are explicitly developed during the early years of legal education. This is especially important where these competencies have not been sufficiently cultivated at the secondary level. Equally, much has now been written on the way traditional modes of assessments (eg in-person exams) widen the awarding gap. It will only benefit those of privilege and who come to university with what is otherwise termed cultural capital (Cagliesi & Ors 2023; Mountford-Zimdars & Moore 2024). Institutions with an explicit mandate to engage in a civilizing mission, reconstructing the fabric of our society, and improving social mobility, may be at a disadvantage. An institution that seeks to predominantly serve and improve the working-class community may not fulfil its mission if it attempts to return to the traditional mode of educating and assessing.

Postgraduate law programmes, particularly the LLM, offer even the most cautious a compelling context in which to integrate AI into legal education meaningfully. At this advanced stage, students are presumed to have already developed legal knowledge and the capacity for critical thinking during their undergraduate studies. The LLM, therefore, is not primarily a space for foundational knowledge acquisition, but rather one for intellectual refinement and cultivation of specialized competencies: among them, the effective and ethical use of Gen AI. For most law schools, the mainstay of teaching is undertaken at the undergraduate level, where the majority of students are enrolled. In 2023/2024, there were 1,759,245 undergraduates studying law full time, while 578,350 postgraduates were studying law full time (HESA 2019-2024: figure 9). In many institutions, the LLM has evolved into a flagship programme, especially in law schools that continue to attract international students, despite a broader decline in international numbers. In 2021/2022, for example, there were 345,445 total non-UK student enrolments on full-time postgraduate taught programmes. In 2022/2023, this had grown to 431,740 but the following year, 2024/2024, it had fallen to 412,105 (HESA 2019-2024: figure 9). It is within these programmes, where learners are not expected to gain the foundational “plumber-like” legal training but can engage instead in more reflective and analytical practices, that Gen AI can be purposefully and productively incorporated in the teaching and learning practice.

The past decades have witnessed increasing diversification of LLM offerings, with many programmes becoming more specialized and niche in scope. A notable example is the emergence of LLM programmes, in

the last five years or so, that offer modules in AI, law and technology or combinations of those. For postgraduate law students there is a clear imperative to be upskilled and equipped to navigate the complex interface between law and emerging technologies. Therefore, postgraduate programmes warrant a pedagogical approach distinct from the broader institutional shift suggested above. They represent a space where innovation in curriculum design and assessment strategies, incorporating the use of AI at a more finite and interdisciplinary level, can and should be embraced.

Educators who integrate AI into teaching must remain alive to the potential pitfalls and the complex ethical dilemmas already evident in the legal profession. The use of fabricated cases is not just seen in the courtroom. We see the same issues in the work of lawyers, in law students. We have seen an accelerated uptake in allegations of academic misconduct, such as plagiarism, contract cheating, and fabrication of material. This is, of course, a direct result of the use of Gen AI. A "survey of academic integrity violations found almost 7,000 proven cases of cheating using AI tools in 2023-24, equivalent to 5.1 for every 1,000 students. This was up from 1.6 cases per 1,000 in 2022-23" (Goodier 2025). While legal education may not have a comprehensive and complete answer, it nonetheless has the obligation to prepare students and future lawyers to be aware of the new tools and technologies, with some commentators further stressing the need for the wider ethical considerations to be included, and, in doing so, with the wider awareness and knowledge of these tools, their strengths and their weaknesses (Chan 2023).

[F] CONCLUSION

Over the last hundred years, the law school and higher education more generally have gone through significant changes. In the early twentieth century, universities served a small community of society, and law schools were few and far between. In the 1960s, the agenda was predominantly about inclusion. It centred on expanding access and participation for a broader demographic of learners. This is, of course, when Twining first wrote about the bifurcation between law schools, which aimed to produce "Pericles" and the "plumber". Since then, the scale and scope of law schools have grown in tandem with the number of universities, embracing law as part of a broader liberal education programme. Later decades introduced higher education as a marketplace, allowing for the unfettered growth of universities. This expansion occurred both in an institutional capacity and also in student numbers. Change came with the democratization of choice around education, a policy focus on enhancing competition and

improving employability skills. Each of these shifts reflected social and economic demands of the time.

That said, the current era presents an unprecedented challenge: the rapid, disruptive advancement of Gen AI. There are a variety of ways that this dilemma can be solved. Assessment design will, no doubt, fit around the law school's mission and its understanding of its own purpose. As UCL Laws and other institutions have suggested, even traditional assessments can be reconfigured, for example, reinstating hand-written exam conditions. These methods make false authorship, outsourced thinking and hallucinated case law and legislation via AI much more difficult, while also deepening intellectual engagement. For those age-old institutions or programmes with a close relationship to the legal profession, such an approach is inherently attractive. It is perhaps now impossible to ignore. A degree, which shows that the student can function in the legal profession, is clearly a necessary part of the entrance process. This means that a set of examinations, which decisively tests their legal knowledge, as opposed to the legal knowledge of Gen AI, is essential. It is the only way to attest to their ability to function as a lawyer.

Most law schools, and the students in them, see value in law as a subject; they undertake a law degree because of the *potential* to enter into the legal profession (Twining 1994: 60-61). Not all law students do enter the profession; the choice is made by the student and, more latterly, the recruiters or law firm. To ensure that the degree provides a set of transferable skills in light of this new technological landscape, there is now a need for additions to the legal curriculum and a foundational rethinking of what we equip our graduates with. The urgency now lies in a needs-based skills focus. This is the introduction of policies and pedagogies that prioritize what graduates need to survive, adapt, and thrive in a world where AI is not just a tool but a pervasive force shaping how we think, work, and relate. Graduates today must develop cognitive dexterity—the ability to think critically, creatively, and flexibly—and learn to harness AI not as a crutch but as a vehicle for efficiency, innovation, and strategic advantage. In this context, educators are tasked with the complex responsibility of not only integrating AI literacy into curricula, but doing so in a way that ensures we teach and assess our students on their legal knowledge.

One more general approach here could be applied to all law schools. This is midway between prohibiting and embracing Gen AI. It is to scaffold cognitive and epistemic development—essentially to delay the use of AI rather than to short-circuit it. There can be a deliberate and

phased curricular approach. Rather than introducing Gen AI tools from the outset, programmes could be designed with a waterfall framework that builds students' independent cognitive capacities and foundational knowledge first, whilst developing their intellectual maturity to use such tools judiciously, deliberately, and ethically. This strategic delay is both a design nuance and a pedagogical imperative. It shifts the emphasis toward intelligent, holistic programme modelling that foregrounds formative assessment as a core developmental tool. Crucially, this also necessitates, at least in the earlier years, a shift away from conventional written assessments, which are increasingly susceptible to Gen AI interference. These experiences not only stimulate early cognitive development but also lay the groundwork for managing complex tools like Gen AI later on. These skills remain essential for those students seeking a career pathway outside of law. In doing so, this scaffolded and middling approach allows law schools to produce graduates who can be either "Pericles" or the "plumber". The integration of AI into legal education will not follow a uniform trajectory but may, at times, be accelerated or deferred in response to contextual demands. In certain cases, earlier exposure may be warranted to accommodate specific student exigencies, such as learning difficulties, where AI tools can provide tailored forms of support. Conversely, at more advanced stages, such as in postgraduate study, the assumption of a more developed cognitive skill-set may justify more use of AI as a catalyst for higher-order analytical and professional capacities.

Overall, the path forward is not simply about banning or embracing Gen AI (or AI more broadly). It still remains a broader task of getting a sense of the law school's identity, its purpose and community and building a policy around that. More thought can be given to assessment design to achieving this dual approach, but timing, at least, remains relevant. By embedding a needs-based skill agenda within thoughtfully scaffolded programmes and varied assessment strategies, we can prepare graduates not to compete with Gen AI but to lead alongside it. Educators must now rise to this challenge, reimagining curricula not just for survival in the AI age, but for the thriving of human potential within it. Uniformity is not common in academics, nor is it common across law schools. Each of them is now left in the market place emphasizing themselves as somehow different to—and better than—their competitor institution offering the same course down the road or in a nearby city. Module choice, curriculum design and assessment are all ways to distinguish one programme from the other. There is much to be gained from variation and deviation. That said, universities are, after all, places where helping students to reach

their potential is paramount. Law schools are no different from each other, and they have a civic mission. Each caters to different student bodies with different demographics, needs and aspirations. The incorporation of Gen AI should, therefore, differ from law school to law school and even within it, from programme to programme.

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