Episode Summary

Episode number:	107
Episode name:	Examining the Future: What's Next for Legal Education in the Era of Gen AI?
Guest(s):	Dr Jason Harkess

What area(s) of law does this episode consider?

Generative AI in legal study and practice

Why is this topic relevant?

The law is not exempt from the influence of innovation. As lawyers grapple with the increasing presence of generative AI in the profession, understanding the nuances of its use has become a paramount concern.

Education is, of course, one of the areas most impacted by AI - consider the ability of ChatGPT to generate essay length responses to prompts in just seconds. Those very same legal hypotheticals beloved by law schools - which would have occupied a law student for far, far longer - can now be fed to a machine for analysis and response.

But with reasoning and then articulating that reasoning being such a crucial component of lawyering, what is the right approach to using these tools in legal education, examination, and practice?

What are the main points?

- Generative AI has become a major topic of interest in legal education and practice, especially with tools like ChatGPT that can quickly produce essay-length responses or legal analysis.

- Law schools are grappling with the use of AI for completing assignments and the challenges it presents in ensuring that students truly understand the material.

- The University of Michigan Law School banned ChatGPT for essay applications to the school, highlighting the difficulties in detecting AI-generated content.

- Legal hypotheticals fed into AI may produce quality responses, but the importance of developing reasoning skills in law students remains paramount.

- Generative AI's growing role in legal practice raises ethical concerns and questions about potential misuse.

- Turnitin and similar software are used to identify plagiarism but may not detect AI-generated content due to its originality each time it is generated.

- The Victorian Barristers' exam has introduced novel methods during the COVID-19 switch to online exams to ensure person-specific knowledge.

- Remote invigilation and software to monitor students during exams have been adopted to ensure examination integrity.

- AI technology is expected to advance, becoming more sophisticated and potentially more problematic if misused in exams or legal documents.

- There's potential for AI to be used positively in legal education through instructing students to engage with AI in assignments and critically assess its output.

- Oral examinations may be an effective way to verify a student's understanding and counteract cheating involving generative AI.

- In legal practice, there is skepticism about whether AI-generated tools can currently produce satisfactory legal outputs without significant human oversight.

- There's concern about a future where AI advancements, like deepfakes or hidden AI assistance, might undermine the trust in the legal examination system and documentation.

What are the practical takeaways?

- Ethical responsibility remains with the human user of AI tools to ensure the accuracy and integrity of legal work.

- AI is an aid rather than a substitute for professional judgment.