Reimagining Assessment in the Era of Generative Artificial Intelligence: A reflection on legal education

Craig Smith

University of Salford

Abstract

The legal profession and legal education are undergoing a transformation (Pierce and Goutos, 2023) due to the emergence of Artificial Intelligence (AI), particularly generative AI (GenAI), marked by the advent of ChatGPT (Henrik, 2023). This has significant implications for legal education, particularly the undergraduate law degree (LLB), which traditionally serves as the first step in preparing future legal professionals.

As the legal profession adapts, legal education must evolve (Marjan Ajevski et al., 2023), requiring an evaluation of traditional assessment methods (Michel-Villarreal et al., 2023). Assessment plays a pivotal role in shaping the authentic identities of students and it is crucial that assessments align with the evolving demands of the profession graduates aim for.

Assessments which incorporate GenAI, encourage critical evaluation, reflection, and promote authentic discussions, this article explores an example which aims to inspire practitioners in higher education to reconsider their assessment practices and contemplate the integration of GenAI.

Keywords

Legal Education, Assessment, Essay, Artificial Intelligence, Generative Artificial Intelligence.

ISSN: 2044-3315

Introduction

The higher education (HE) landscape is experiencing a paradigm shift influenced by technological advancements (Sushil, 2017) currently due to the emergence of Artificial Intelligence (AI), particularly generative AI (GenAI) (Webb, 2021). GenAI, utilised increasingly in businesses across the UK (GOV.UK, 2023) is a powerful tool impacting various industries; it is redefining the skillset expected of employees and thereby also, graduates (Webb, 2021).

This carries implications for legal education, especially the undergraduate law degree (LLB), commonly the first phase of qualifying as a legal professional (Law Society, 2023). Situated within the broader context of HE, legal education must adapt alongside the legal profession's adjustments to GenAI. This extends to HE also, such change prompts an evaluation of conventional assessment methods that have historically constituted the backbone of HE practice in which innovation is often sought (Bryan & Clegg, 2019). Assessment plays a pivotal role in shaping the authentic identities of students with Sokhanvar (2021) having conducted an extensive systematic review. Traditionally assessment has focused on evaluating students' knowledge of principles, their ability to apply these principles to real-world scenarios, and their capacity for research and writing. Students learn from their assessments both formative and summative which provides a method of evaluating progress and recognising achievement (Kinash, McGillivray, & Crane, 2018). While these academic skills remain essential, the changing landscape calls for an expanded set of digital skills, which are cultivated through innovative assessment (Laar, 2017). GenAI supports this concept of learning through assessment and has benefits in prompting student learning in various assessment related tasks, with Baidoo-Anu and Owusu Ansah (2023) exploring the benefits for students using ChatGPT in formative assessment activities.

Where GenAI is utilised in assessment, it offers the opportunity for students to develop digital skills which businesses expect graduates to possess (GOV.UK, 2023). Bremner (2019) argues that HE is responsible for delivering graduates who possess the required workplace digital skills.

ISSN: 2044-3315

Legal education is no different and should adapt assessment methods which develop digital skills. This article offers an example of such an assessment that encourages students to engage with GenAI while offering authenticity to assessment.

Recent literature describes GenAI as a 'risk' and 'challenge' (Michel-Villarreal et al., 2023), with authors viewing it as an emerging 'threat' to academic integrity. Yet the latest advice from the Quality Assurance Agency for Higher Education (QAA, 2023) supports considered approaches to assessing students in an era of GenAI. While this advice from QAA encourages diversity in assessments and provides potential strengths and weaknesses of different assessment formats, it does not currently give a design or example that successfully embeds GenAI.

In response, this article offers an example of an assessment which does embed GenAI. The assessment offers students an opportunity to engage with GenAI, to participate with technology and develop digital skills, in an academic environment. This environment permits and encourages the use of GenAI, rather than avoids or prohibits it. The aim is to avoid a graduate encountering GenAI for the first time in the professional field (Plata, Ana and Quesada, 2023). The example given can enhance students' learning journeys by encouraging critical evaluation of GenAI, fostering reflection within the assessment and it thereby cultivates authentic analysis. The assessment example is delivered to third year undergraduate law students on the LLB degree. It is provided to encourage other HE practitioners, legal or not, to reimagine their own assessments and to explore how they might consider adopting GenAI. In doing so, a shift in paradigm may occur, whereby assessment practices recognise not only the need for diversity (QAA, 2023) but also innovation and advances in technology. It adheres to the ideology that GenAI should be embraced; framed as an opportunity rather than resisted as a threat or risk. The example reflects a level of authenticity in the context of a profession which is already utilising such technology.

Assessments that enable GenAI prepare students to thrive in a world where collaboration with GenAI is becoming the norm, it seeks to foster the development of essential digital skills, align with the demands of the legal sector, and provide an

ISSN: 2044-3315

authentic learning experience for students. The example serves as a method which emphasises the importance of redefining assessment practices to benefit both educators and students. Educators can extrapolate elements that would potentially work in their own assessment strategies and adapt as required, building on the guidance from QAA (2023) and Plata, Guzman and Quesada (2023).

Literature Review

The landscape of legal education has traditionally been shaped by pedagogical methods that focus on the acquisition of legal knowledge. Lectures, textbooks, and essays have been the foundation of this conventional approach, aiming to impart the essential principles and precedents that form the core knowledge of the legal profession (Banks, 1999). Kember and Kwan (2000), discuss that the role of a lecturer and their approach to learning and teaching should be one of facilitating learning, not transmitting information. The academic essay as an assessment method, in the context of legal education, has played a dual role as both a pedagogical tool and an assessment. Students not only showcase their grasp of legal principles but also their ability to apply these principles to complex scenarios and evidence their academic skills in the critical evaluation of law, analysis of legal principles or critical reflection on their experiences. Essays serve as a benchmark for evaluating students' legal research and writing skills, which are vital components of a successful legal career and literature has supported this, see Scouller (1998) who explores how the essay is a common assessment task in much of HE and cites Briggs (1988) definition of an essay. Historically, assessment in legal education has centred on evaluating students' knowledge of legal principles, their capacity for practical application, and their proficiency in legal research and writing. While these assessment methods have their merits, they do not always prepare students for the realities of the modern legal landscape, the need for a diverse range of assessment methods for students is as necessary in legal education as in HE generally (Jones, 2013). With GenAI, tools like ChatGPT can generate essays quickly on nearly any topic in which it is promoted. This raises questions around the value of traditional assessment methods like the academic essay (Smolansky et al., 2023). With Chat

ISSN: 2044-3315

GPT, a simple prompt could emulate a student's essay response, resulting in educators considering if a student has truly engaged with the essay and subject content in the traditional or academically expected way. This very point is considered by software designed to detect AI generated writing, Walters (2023) evaluates the accuracy of 16 publicly available AI text detectors. This further contributes to the idea of HE seeing GenAI as a risk or threat.

Yet even the traditional essay of 2,000 words can integrate GenAI and thus offer the development of digital skills. Already, Baidoo-Anu and Owusu Ansah (2023) explore the benefits of using GenAI in learning and teaching. Smolansky et al. (2023) examine educators' perspectives and conclude that educators prefer adapted assessments, where they assume GenAI will be used by students.

Smolansky et al. (2023) argue that assessment changes and diversification should focus on the process of learning and authentic application, thus assessment serves as a powerful tool for nurturing authentic identities among students. Authenticity, in the context of legal education, looks at preparing students for the reality of their future careers, equipping them not only with theoretical knowledge but also with practical skills and digital skills (Whittam, 2023). The QAA (2023) explores reducing the number of assessment components to allow for space in the curriculum that can be used to develop a range of other skills and competencies related to future employment, further encouraging the argument to evaluate current assessment methods to develop critical GenAI skills alongside foundational academic skills. Though GenAI skills might not be a key graduate attribute yet, the QAA (2023) recognises that they will be in the future. Therefore, whether through a diverse assessment method, reducing assessment components or through reforming current assessment practices, a change is necessary to encompass the growing role of GenAI in professional practice.

The QAA (2023) acknowledge that students enter HE with significant prior exposure to GenAI and potentially lack the ethical knowledge to employ such tools responsibly. After all, the rise of GenAI, marked by technologies like Chat GPT, has been nothing short of revolutionary. OpenAI launched ChatGPT in November 2022

ISSN: 2044-3315

and the impact for multiple sectors has been both challenging and optimistic (Kalla, 2023). In HE, the narrative has been one of challenge with the perception of GenAI being a risk to academic integrity, see Rudolph and Tan (2023) and their strongly titled article evaluating ChatGPT "Bullshit spewer or the end of traditional assessments in higher education?". This technology is described as a 'risk' (QAA, 2023) and a 'threat' (Okaibedi, 2023) particularly in relation to academic integrity in assessment.

As the legal profession continues to utilise GenAI, this will impact the skills required to thrive in this field. The Law Gazette (Castro and Hyde, 2023), cite Lord Justice Birss as a supporter of the use of GenAI saying "it will be used, and I can tell you, I have used it" this reinforces that legal professionals are utilising GenAI it in their day-to-day role. The Guardian (Farah, 2023) ran with "judge praises 'jolly useful' ChatGPT" in their article and both support Susskind's (2023) approach that AI will be used by legal professionals to deliver outcomes in different ways or enhance their approach rather than replace legal professionals. Applying this to legal education, as the era of AI continues and the legal profession increase their utilisation of GenAI, the traditional approach to assessment no longer equips students for the multifaceted demands of the modern legal profession. While legal knowledge remains paramount, the emphasis is shifting toward a broader skill set, one that includes digital skills. The challenge, therefore, lies in developing assessment methods that not only assess legal knowledge but also measure the development of essential digital skills around GenAI. However, assessment is not just a means of evaluating students; it is a powerful tool for shaping authentic identities among legal practitioners. University graduates who pursue a career in the legal profession must be confident integrating their legal knowledge and expertise with GenAI. For HE, a way of achieving this is through authentic assessments which mirror the expectations and realities of the legal profession. The authenticity is achieved when students engage in assessments that reflect the contemporary legal environment, where GenAI is an integral part of practice. Assessments should challenge students to work with GenAI and critically reflect on their experience, their skill development, and their future ethical use of such tools.

ISSN: 2044-3315

Therefore, assessment methods should seek to embed GenAI to offer an opportunity for students to authentically engage with the technology and develop a deeper understanding of its capabilities and limitations. Baidoo-Anu and Owusu Ansah (2023) explore some of the limitations GenAI brings, such as: generating wrong information, biases in data training, augmenting existing biases and privacy issues. The legal profession itself looks to the House of Lords (2023) for their in-focus report on AI development, risks, and regulation where GenAI limitations are explored. One highlight looks at the potential risk associated with inadequate skill development in AI deployment. The report advocates the integration of AI into education and augmenting educational programmes with digital skills to enable a society that can be confident in a world of AI. Therefore, while integrating GenAI in assessments for HE brings a host of benefits, not just to students and educators, it also contributes to this larger goal.

Assessments which embed GenAI encourage students to critically evaluate the strengths and weaknesses of the technology; enhancing their understanding of AI's potential but also developing their ability to construct informed judgments about when and how to use AI in their future practice (Smolansky et al, 2023). Working with GenAI in a structured academic setting fosters reflection which focuses students to consider the ethical implications of GenAI usage, leading to a better understanding of the responsible and ethical application of AI generally. This promotes authentic discussions among students and educators and these discussions revolve around the practical utility of AI in the legal field and its integration into the legal profession at this current time, immersing students in the current practices of the profession. Such authentic dialogues are invaluable in preparing students for the real-world applications of GenAI.

ISSN: 2044-3315

Methodology

Case studies offer a holistic understanding of complex phenomena, unlike surveys, they focus on a specific "case", be it an individual, group, or event, and examine it (Harland, 2014). Through description and narrative, case studies provide an insight into lived experience, revealing deeper truths of social realities. They can be exploratory with the aim of enriching academic knowledge. The primary beneficiaries of case study research are often the researchers themselves, as they gain new learning and knowledge applicable to their professional practice. In HE, such research is valuable for academics and students (Harland, 2014). Harland (2014) adopts autoethnography as an insider-research method to reflect on their experiences and their ontological assumptions, presenting a personal narrative on case study research methods. Harland (2014) challenges the assumption that case study research is exclusively qualitative and highlights that various research methods, including quantitative approaches, can be integrated where appropriate. Harland (2014) argues that there are few conceptual or methodological boundaries with the use of case studies and therefore less constraints around an enquiry. Instead, some form of discovery as knowledge and theory emerges from the case process. As such the following case example is given and, while not a fully formed case study, it is an example that aims to provide researchers the opportunity to explore the complexities and nuances associated with the assessment example in a similar way that Flyvbjerg (2006) argues such research methodology is for generating hypotheses rather than theory.

ISSN: 2044-3315

Example - GenAI Assessment

Assessment Brief

For this assessment, you are granted permission to use Generative AI to support your answer for Part 1 but are not permitted to use Generative AI for Part 2.

Part 1 – You are invited to use Generative AI, but this is optional and you can choose to not use Generative AI in answering this part of the assessment.

Part 2 – You are not permitted to use Generative AI as per the academic misconduct policy at the university.

Part 1 – Assessment Task

Critically evaluate the current state of AI regulation. Consider the emerging issues with regulating AI and how countries around the world are developing regulation.

- You are granted permission to use Generative AI to support your answer which you can use to generate content in which you can adapt and edit.
- You must be open and transparent with your use of Generative AI by quoting any unaltered generated content and citing the ways in which you use the technology correctly, as per referencing guidelines.
- Your submission must be supported with academic references and should demonstrate current understanding and knowledge of AI regulation. As such, normal expectations apply in terms of references.
- You are free to not use Generative AI. Instead answer this question in the traditional way.

Part 2

Critically reflect on your use of Generative AI in Part 1, adopting an academic reflective model. Alternatively, critically reflect on your decision not to use Generative AI in answering Part 1.

- Do not use AI to support your answer in this Part (Part 2).
- You can write in first person (I felt… I thought…).
- Your references will be academic and include reflective models or cycles.
- Discuss with a balanced and mature approach your experience with using Generative AI or your choice to not use this technology.
- Consider how using Generative AI might enhance your future practice and performance.
- Demonstrate a willingness to challenge self and practice through reflection and determine a position in respect to your future use of Generative AI.

ISSN: 2044-3315

Discussion

This case example is one version of how assessments can be reimagined to incorporate GenAI in a way that permits the use, inviting students to engage with the technology but not forcing them. The key to successful GenAI integration lies in choice. When developing an assessment that encourages students to engage with GenAI, encouragement is also key, and this assessment does not force students to use the technology. Smolansky et al (2023) has evidenced that students react to GenAI in a mixed way, with concerns over loss of creativity. Where there is a clear need to build digital skills with students, there is also a need to help student navigate the complex interplay between technology (GenAI), cognition (subject knowledge), social interaction (workplace/employment) and values (personal) (Smolansky et al, 2023).

Nevertheless, educators in various fields can draw inspiration from this example, to create assessments that align with the evolving demands of their professions, that develop both cognitive and authentic practice but also reflect the values of the student and interconnection between this all. Scott (2023) describes educators being in a crisis when it comes to GenAI and assessment, while this case example does go beyond the traditional essay, it retains the responsibilities expected of a university student and challenges the student to reflect on their future in a profession for their respective field with GenAI. By fostering digital skills, critical thinking, reflective ethical values, and authentic discussions, assessments can be transformed into powerful tools for shaping the professionals of the future. The key to harnessing GenAI's potential is to view it not as a risk, not as a crisis, but as an opportunity to enrich education and prepare students for a world where collaboration with GenAI is the norm.

The 2000-word essay question is split into two parts. Part 1 asks students to consider AI regulation, writing approximating 1000 words, on the current state of AI regulation. However, the word count is not specified on the brief, leaving this discussion to take place in the classroom to enable a critical discussion on sensible approaches to the assessment. This enables the sharing of ideas for how GenAI

ISSN: 2044-3315

might be used, fostering a discussion on ways the technology might be adopted. It promotes the active discussion on a student's current skill with the technology. Ferlazzo (2023) offers 19 ways in which to use GenAI, specific to the classroom, yet many of these are uses for assessments. The uses explore examples such as aiding with grammar, vocabulary, and sentence structure to offering informal feedback when writing an assessment. A student is free to use GenAI as they wish and is not forced. Students are able to answer without any use of GenAI, nor does a student have to take the output of the GenAI tool verbatim. In fact, students are encouraged to adapt and edit their responses to influence the AI output and to amend the output in their own words where they feel it necessary. This process offers student autonomy around their approach to the assessment question, ranging from no use of AI, to moderate use of AI such as using the tool to write a plan or structure of the essay, to exclusive use of AI whereby the entire 1000 words is written by the AI technology. Importantly, references must be provided, and evidence given to justify the generated output, and these should be sourced by the student. After all, as an academic essay, the writing, whether generated by AI or not, must be supported with references and should reflect current sources around the subject.

This empowers students to consider a GenAI technology of their choosing and in doing so conduct their own research into that specific tool. This is potentially conflicting to the academic integrity policy that institutions in HE have set. The concerns of universities regarding the impact of GenAI, specifically ChatGPT, on academic integrity are explored by Plata, Guzman and Quesada (2023) who evidence that the main themes in such policies are the enforcement of academic integrity, education of practitioners and students on avoiding misconduct, and the encouragement of using GenAI tools for productivity but not necessarily assessments. However, Plata, Guzman and Quesada (2023) continue to say that discouraging the outright banning of GenAI is not recommended and propose embedding AI into courses to teach ethical usage.

Therefore, as students can use GenAI they are welcome to generate content, amend and develop the generated content and to source evidence that supports accurate citation of the generation. This provides the opportunity for students to critically

ISSN: 2044-3315

evaluate the content generated and significantly, it challenges them to reflect if this work represents themselves and their identity. By inviting students to use such tools in their assessment, it becomes a more personal representation. The submission of Part 1 is a representation of them and their individual identity, reputation, and commitment. By simply asking GenAI to answer the question posed and attaching some simple references, this demonstrates a lower level of commitment and authenticity of that individual student. It shows a lower level of digital skill, critical evaluation and a lower level of research and referencing. When compared to a student who prompts GenAI to work as a critical peer in supporting the development of a plan, redrafting written paragraphs, expanding on arguments, and working to write in a concise and persuasive style and discovering sources, it is clear who the higher marks would be awarded. This student demonstrates a higher level of commitment to the first part of the assessment and therefore their identity is present throughout their work and the authenticity of the assessment is clearly different to that of the first hypothetical student. The student who demonstrates a higher level of research skill, academic writing skill and digital skill receives the higher mark. This is a similar way to which individuals who utilise GenAI tools in the workplace would find themselves, it enables and contributes to the idea of an AI enabled world. Inviting students to use GenAI in writing part of their assessment contributes to a wider adoption of AI technologies, diversifying assessment, and evolving both teaching and learning.

Part 2 of the assessment challenges the student to critically reflect on their experience in answering Part 1 and students are asked to reflect on the ethical, professional, and moral implications of using GenAI, both academically and in future employment settings. Students are prompted to use a reflective model to assist in the development of a structured critical reflection. While specific examples of GenAI use could be discussed, a more general reflection on the entire experience of using GenAI for Part 1 would also work. The freedom of a reflection is that it is personal, and a student's values and beliefs are spotlighted. A critical discussion on the benefits and limitations of Gen AI will naturally be discussed as part of their

ISSN: 2044-3315

experience unless a student declines to use GenAI. Instead, an explanation for this decision is expected.

Significantly, the emergence of GenAI does not result in the replacement of traditional assessment methods, instead such methods can be reimagined to continue critical thinking and now develop digital skills and a deeper understanding of GenAI's capabilities and limitations.

This case example could be developed upon further, such as where students might instead use GenAI to answer a traditional essay topic and then critically evaluate the accuracy of the AI generated content. Yet this is featured as a classroom activity and does not push students beyond the simple use of a basic prompt with GenAI. By implementing a multifaceted approach, as this case example does, students are empowered to engage with GenAI responsibly, develop their analytical skills, and encouraged to challenge AI generated content. Overall, by enabling students to use GenAI effectively, ethically, and critically in a specific assessment context, this offers students an opportunity to reflect on their understanding of meaningful authentic assessment (McArthur, 2016) and works within current assessment practices (Swiecki, 2022). It works to promote a shift from a student in isolation to the student as a member of a learning community; a community that is AI enabled. The student is empowered as an active member of that community who explores the benefits and limitations of GenAI and develops their critical thinking, digital skills and academic skills. Although this case example is specific from one University and features in a legal education setting, the transferability of taking a traditional academic essay assessment and inviting GenAI use is definitely possible beyond this specific context.

Limitations

There are several future projects that build from this case example, namely evaluating the results from the use of the GenAI assessment, in comparison to last year’s non GenAI assessment component. While there are undoubtedly other compounding variables, analysis of data in relation to student outcomes makes it

ISSN: 2044-3315

possible to establish whether higher academic performance was achieved. While this is not necessarily the end goal of utilising GenAI in an assessment, it would be considered a 'positive outcome'. In addition, while the number of students who opted to use GenAI for Part 1 and the number who do not may not equate, a comparative analysis of the two groups centred around thematic insights gained from their reflection for Part 2 would provide deeper understanding.

Additionally, conducting focus groups and surveys with students who undertook the assessment to gain their perspectives, insights and perceptions regarding GenAI in assessments could form the basis of a supplementary research project for the future. Gathering qualitative data on students' preferences, the challenges they faced, and their ethical considerations would provide a more holistic view of the student experience. This research can be extended to understand how GenAI might affect student confidence, digital skills and academic skills and to what extent the use of it in assessments contributes to the development of their readiness for their future profession.

Further research would invite graduates and alumni to assess whether their exposure to GenAI in their assessments had a lasting impact on their employment and profession. This knowledge could inform educators of the longer-term potential benefits of integrating GenAI into assessments and would serve as a powerful testament to its effectiveness in shaping the professionals of the future.

Conclusion

The transformation of assessment in legal education, is required due to the rapid advancement of AI, whereby the use of GenAI in the legal profession impacts the way legal education is delivered. As the legal profession undergoes such transformation, legal education must follow to meet the needs of the modern professional landscape. Traditional pedagogical methods in HE like lectures and essays, have long been the foundation of legal education and assessments have historically focused on evaluating students' knowledge of legal principles, their ability to apply these principles to scenarios and their proficiency in research and writing.

ISSN: 2044-3315

However, the changing landscape demands a broader skill set, including digital skills in GenAI proficiency. In order to prepare graduates for the evolving expectations of the legal profession, assessments in legal education must also change, they must not simply measure legal knowledge but offer students the opportunity to develop academic and digital skills; a paradigm shift in assessment practices that all of HE experiences. The introduction of GenAI into assessments offers an opportunity for students to engage with GenAI technologies in an academic environment that encourages its use responsibly. The benefits of integrating GenAI in assessments extend beyond the acquisition of knowledge, encompassing critical evaluation, ethical reflection, and authentic discussions. By allowing students to utilise GenAI, it empowers them to critically assess the generated content, edit, amend and source evidence in support. The usage prompted by assessed interaction with GenAI tools reflects a higher level of commitment, digital skill, critical evaluation, and research capability. In a case example offered in this article, one of a traditional HE assessment which has been changed to embed GenAI, students are invited to utilise GenAI in their essay assessment, acknowledging the ethical, professional, and moral implications of such use in academic work. A critical reflection enhances student understanding of the responsible and ethical applications of GenAI and aligns students with the authentic practices of the legal profession. This reimagined approach to assessment represents a transition from isolated student usage to usage within a learning community that is AI-enabled. It encourages a shift in perspective; viewing AI as an opportunity rather than a risk or crisis, and thereby prepares students to thrive in a world where collaboration with AI will become the norm. While this example is from a legal context, the principles of embracing GenAI in assessments can be applied across various fields of HE. By fostering digital skills, critical thinking, ethical awareness, and authentic discussions, assessments can be transformed into powerful tools for shaping the professionals of the future. This proactive approach, driven by the potential of GenAI, benefits both educators as practitioners and students as learners, ensuring both are exposed to GenAI technologies.

ISSN: 2044-3315

This paper contributes to the evolving landscape of GenAI assessments in HE, by providing a case example that focuses on legal education. It explores the innovative integration of GenAI in a traditional assessment practice, the academic essay, emphasising the responsible use of GenAI in legal education assessments. It promotes the development of digital skills, aligning education with industry trends and uses the legal profession as an example of one that is increasingly adopting GenAI. The case example provides a perspective on a traditional assessment method, which encourages practitioners in HE to reimagine their assessments with GenAI in mind. Seeking to shape authentic identities among students, authentic assessment is one that reflects the profession to which it is connected, a profession that utilises GenAI. In essence, this work aims to offer an opportunity for educators and institutions navigating the changing HE landscape an example of an assessment that equips students for a future where GenAI use will become the norm.

ISSN: 2044-3315

Disclosure statement:

All materials included in this article represent the authors' own work and anything cited or paraphrased within the text is included in the reference list. This work has not been previously published nor is it is being considered for publication elsewhere. No conflicts of interest exist.

ISSN: 2044-3315

Reference List

Baidoo-Anu, D. and Owusu Ansah, L. (2023) 'Education in the Era of Generative Artificial Intelligence (AI): Understanding the Potential Benefits of ChatGPT in Promoting Teaching and Learning', *SSRN*. doi: http://doi.org/10.2139/ssrn.4337484

Banks, N.K.S. (1999) 'Pedagogy and ideology: teaching law as if it matters', *Legal Studies*, 19(4), pp. 445-467. doi: https://doi.org/doi:10.1111/j.1748-121X.1999.tb00634.x

Biggs, J.B. (1988) 'Approaches to learning and essay writing', in Schmeck, R.R. (ed.), *Learning Strategies and Learning Styles*. New York: Plenum Press, pp. 185–228.

Bremner, P.A. and Laing, A. (2019) 'The disrupted workplace: are the digital and group skills needs of employers being addressed by universities?', *Journal of learning development in higher education*, 16. doi: https://doi.org/10.47408/jldhe.v0i16.535

Bryan, C. and Clegg, K. (eds.) (2019) *Innovative assessment in higher education: A handbook for academic practitioners*. 2nd edn. London: Routledge.

Castro, B. and Hyde, J. (2023) 'Solicitor condemns judges for staying silent on 'woeful' reforms', *Law Gazette*, 14 September. Available at: https://www.lawgazette.co.uk/news/solicitor-condemns-judges-for-staying-silent-on-woeful-reforms/5117228.article

Eke, D.O. (2023) 'ChatGPT and the Rise of Generative AI: Threat to Academic Integrity?', *Journal of Responsible Technology*, 13. doi: https://doi.org/10.1016/j.jrt.2023.100060

Farah, H. (2023) 'Court of appeal judge praises 'jolly useful' ChatGPT after asking it for legal summary', *The Guardian*, 15 September. Available at: https://www.theguardian.com/technology/2023/sep/15/court-of-appeal-judge-praises-jolly-useful-chatgpt-after-asking-it-for-legal-summary

Ferlazzo, L. (2023) '19 Ways to Use ChatGPT in Your Classroom Education Week', *Education Week*, 18 January. Available at: https://www.edweek.org/teaching-learning/opinion-19-ways-to-use-chatgpt-in-your-classroom/2023/01

Flyvbjerg, B. (2006) 'Five misunderstandings about case-study research', Qualitative inquiry, 12(2), pp. 219-245. doi: https://doi.org/10.1177/1077800405284363

GOV.UK (2023). *New business guidance to boost skills and unlock benefits of AI*. Available at: https://www.gov.uk/government/news/new-business-guidance-to-boost-skills-and-unlock-benefits-of-ai

Harland, T. (2014) 'Learning about case study methodology to research higher education', *Higher Education Research & Development*, 33(6), pp. 1113–1122. doi: https://doi.org/10.1080/07294360.2014.911253.

ISSN: 2044-3315

House of Lords Library (2023) *In focus: Artificial intelligence: Development, risks and regulation.* Available at: https://lordslibrary.parliament.uk/artificial-intelligence-development-risks-and-regulation/

Jones, R. (2013) 'Assessment and Legal Education: What Is Assessment, and What the Does It Have to Do with the Challenges Facing Legal Education', *McGeorge Legal Review*, 45(1), pp. 86-110.

Kalla, D. and Smith, N. (2023) 'Study and Analysis of Chat GPT and its Impact on Different Fields of Study', *International Journal of Innovative Science and Research Technology*, 8(3).

Kember, D. and Kwan., K. (2000) 'Lecturers' Approaches to Teaching and Their Relationship to Conceptions of Good Teaching', *Instructional Science*, 28(5), pp. 469–490. doi: https://doi.org/doi:10.1023/A:1026569608656

Marjan A., Barker, K., Gilbert, A., Hardie, L. and Ryan, F. (2023) 'ChatGPT and the future of legal education and practice', *The Law Teacher*, 57(3), pp. 1–13. doi: https://doi.org/10.1080/03069400.2023.2207426

McArthur, J. (2016) 'Assessment for social justice: The role of assessment in achieving social justice', *Assessment & Evaluation in Higher Education*, 41(7), pp. 967-981. doi: https://doi.org/10.1080/02602938.2015.1053429

Michel-Villarreal, R., Vilalta-Perdomo, E., Salinas-Navarro, D.E., Thierry-Aguilera, R. and Gerardou, F.S. (2023) 'Challenges and Opportunities of Generative AI for Higher Education as Explained by ChatGPT', *Education Sciences*, 13(9). doi: https://doi.org/10.3390/educsci13090856

Pierce, N. and Goutos, S. (2024) 'Why Lawyers Must Responsibly Embrace Generative AI', *Berkeley Business Law Journal*, 21(2). doi: https://doi.org/10.2139/ssrn.4477704

Plata, S., Guzman, M. A. D. and Quesada, A. (2023) 'Emerging Research and Policy Themes on Academic Integrity in the Age of Chat GPT and Generative AI', *Asian Journal of University Education*, 19(4), pp. 743–758. doi: https://doi.org/10.24191/ajue.v19i4.24697

Quality Assurance Agency for Higher Education (QAA) (2023*) Generative Artificial Intelligence in Education - QAA's response to DfE call for evidence*. Available at: https://www.qaa.ac.uk/docs/qaa/news/generative-artificial-intelligence-call-for-evidence.pdf?sfvrsn=db01af81_8 [Accessed: 4 December 2023].

Rudolph, J., Tan, S. and Tan, S. (2023) 'ChatGPT: Bullshit spewer or the end of traditional assessments in higher education?', *Journal of Applied Learning and Teaching*, 6(1).

Kinash, S., McGillivray, L. and Crane L. (2018) 'Do university students, alumni, educators and employers link assessment and graduate employability?', *Higher*

ISSN: 2044-3315

Education Research & Development, 37(2), pp. 301-315. doi: https://doi.org/10.1080/07294360.2017.1370439

Sætra, H.S. (2023) 'Generative AI: Here to stay, but for good?', *Technology in Society*, 75. doi: https://doi.org/10.1016/j.techsoc.2023.102372

Scott, I. (2023) 'Yes, We Are in a (ChatGPT) Crisis', *Inside Higher Ed*. Available at: https://www.insidehighered.com/opinion/views/2023/04/18/yes-we-are-chatgpt-crisis

Scouller, K. (1998) 'The influence of assessment method on students' learning approaches: Multiple choice question examination versus assignment essay', *Higher Education*, 35, pp. 453–472. doi: https://doi-org.salford.idm.oclc.org/10.1023/A:1003196224280

Smolansky, A., Cram, A., Raduescu, C., Zeivots, S., Huber, E. and Kizilcec, R.F. (2023) 'Educator and Student Perspectives on the Impact of Generative AI on Assessments in Higher Education' in Spikol, D. (ed.), *L@S '23: Proceedings of the Tenth ACM Conference on Learning @ Scale*. New York, NY: Association for Computing Machinery, pp. 378-382. doi: https://doi.org/10.1145/3573051.3596191

Sokhanvar, Z., Salehi, K. and Sokhanvar, F. (2021) 'Advantages of authentic assessment for improving the learning experience and employability skills of higher education students: A systematic literature review', *Studies in Educational Evaluation*, 70. doi: https://doi.org/10.1016/j.stueduc.2021.101030

Sharma, S.K., Palvia S.C.J. and Kumar, K. (2017) 'Changing the landscape of higher education: From standardized learning to customized learning', *Journal of Information Technology Case and Application Research*, 19(2), pp. 75-80. doi: https://doi.org/10.1080/15228053.2017.1345214

Susskind, R. E. and Susskind, D. (2023) *The future of the professions: How technology will transform the work of human experts*. Oxford: Oxford University Press.

Swiecki, Z., Khosravi, H., Chen, G., Martinez-Maldonado, R., Lodge, J.M., Milligan, S., Selwyn, N. and Gašević, D. (2022) 'Assessment in the age of artificial intelligence', *Computers and Education: Artificial Intelligence*, 3. doi: https://doi.org/10.1016/j.caeai.2022.100075

The Law Society (n.d.) *Becoming a solicitor*. Available at: https://www.lawsociety.org.uk/career-advice/becoming-a-solicitor

van Laar, E., van Deursen, A.J., van Dijk, J.A. and de Haan, J. (2017) 'The relation between 21st-century skills and digital skills: A systematic literature review' *Computers in Human Behavior*, 72, pp. 577-588. doi: https://doi.org/10.1016/j.chb.2017.03.010

ISSN: 2044-3315

Walters, W.H. (2023) 'The effectiveness of software designed to detect AI-generated writing: A comparison of 16 AI text detectors', *Open Information Science*, 7(1). doi: https://doi.org/10.1515/opis-2022-0158

Webb, M., Attewell, S., Moule, T., Nicholson, H. and Fraz, A. (2023), *AI in tertiary education: a summary of the current state of play*. Available at: https://beta-jisc-ac-uk.salford.idm.oclc.org/reports/artificial-intelligence-in-tertiary-education

Whittam, S. (2023) 'Keep it Real: The Case for Introducing Authentic Tasks in the Undergraduate Law Degree', *Legal Education Review*, 33(1), pp. 127-142. doi: https://doi.org/10.53300/001c.87815

ISSN: 2044-3315