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Generative AI and the Future of Legal Education

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CHAT

Generative AI marks a new era for legal education. Why are ChatGPT and its competitors so revolutionary? After all, we've seen plenty of changes in how law students and lawyers write, research, and learn over the years. And none of it has been all that groundbreaking. Yes, we search Westlaw and Lexis for court decisions these days, and we write our motions in Microsoft Word. But the technology shifts have been mostly incremental and nearly always gradual.

Generative AI is different. The brain behind OpenAI's groundbreaking AI contained 175 billion artificial neurons when it was launched to the public in the form of ChatGPT last year. It was trained on around 500 billion pieces of text. All that data and computing power make for the smartest publicly available AI we've ever seen. And the AI is just getting smarter every day.

But what's more important is that all that computing muscle is aimed at things lawyers and law students do every day: (1) Understanding complex concepts, (2) understanding convoluted language, and (3) conveying that understanding effectively in writing. The result is technology that can understand text, parse it for insights, and apply those insights with striking competence. Just like we lawyers do.

## Possibilities for Legal Education—Straight from the AI's Mouth.

To start us off, I've invited the celebrity itself to chime in.

Joe: GPT,[1] let's start with law schools and law students. How do you think you might be involved in legal education over the coming years?

GPT: *Thank you, Professor! I'm excited to share my take on how I can help law schools teach better and law students learn more.*

First, one big shift may be making education more accessible. I can provide resources and knowledge around the clock, allowing students to learn at their own pace, at times convenient for them.
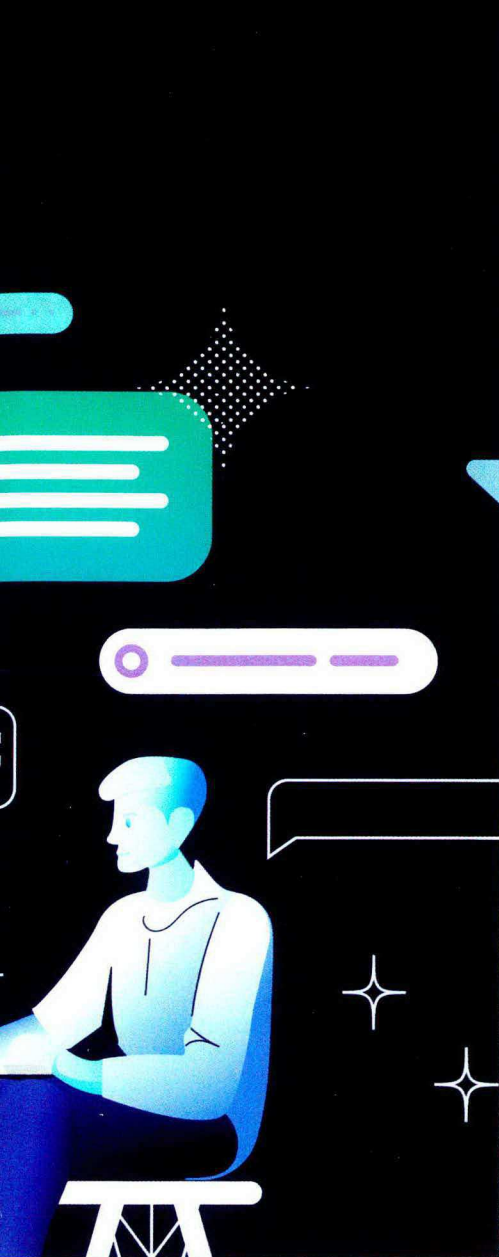
Joe: What are some other ways you can help law students get more out of their education?

GPT: *I can also offer real-time feedback. Whether working on memo drafts or mock trials, students can receive immediate and constructive critiques on their progress. I just need some guidance about what their professor is looking for, like models or instructions. I can then apply those principles to students' work and give them ideas for improvement or reflection.*

Joe: What about working with law professors?

GPT: *I was just getting to that.*

First, by taking over information-heavy tasks, I can free professors to focus on active learning, discussion, and problem-solving exercises. Professors can load me up with the concepts, cases, or other information they want their students to learn, and I can help create self-paced or interactive learning resources for students to work with dynamically.

On the curriculum side, I can be a tool for creating a more interdisciplinary learning environment. I can provide teaching content from related fields like tech, business, or psychology, tailored to the professor's course or a class's topic. I can help professors design their courses, including making it easy to incorporate experiential, simulation, case study, and other proven learning tools that are labor intensive for instructors to develop on their own.

Joe: That sounds great. Can you elaborate more on what you mean by 'accessible?'

GPT: *Of course. Let's start with tailored instruction. Like a private tutor, I can adapt my teaching style to each student. Law professors can equip me with the content they'd like students to learn—say, a legal doctrine like personal jurisdiction or a practice skill like negotiations— and I can work with students at their own pace and in the ways they prefer. It's impossible for them to ask me too many questions, annoy me, or run out of resources.*

Joe: That's all helpful. What about lawyers? How might you shake up legal education for them?

GPT: *First, soon I will be able to help lawyers with research so they can quickly learn about legal or factual issues they're interested in. For example, they can upload documents or court decisions for me to review and ask me questions to gain insights about them.*

Joe: I can see how that would be a big help. What about continuing legal education?

GPT: *Imagine an intellectual property attorney. Rather than signing up for random programs, worried they might miss a crucial update, the attorney could just ask me. Something like, 'ChatGPT, what's new in intellectual property laws this month in my jurisdiction?' And voila, they would get a concise, tailored update.*

Joe: What about other sorts of education?

GPT: *I can indeed do more to help lawyers educate themselves. Say a lawyer needs to learn about a client's business or product: I can help them get familiar in moments, providing just as much detail as they need: examples, cheat sheets, or talking points so they look prepared when meeting with the client. The same goes for a new area of law they are unfamiliar with, help with business development, explanations about how to use technology tools like spreadsheets, and anything else lawyers need to learn.*

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Joe: How else do you see lawyers using you when it comes to education?

GPT: *Legal writing is an obvious one. I can already help improve a lawyer's writing and explain writing concepts to them. Simulation and brainstorming are other ways I can help. A litigation lawyer could use me to prepare for trial, asking: 'ChatGPT, generate a cross-examination sequence for a patent infringement case involving ....' The same goes for preparing to depose a witness, preparing for counterarguments in a motion, preparing for oral argument, and more.*

Remember though, I'm a tool, not a replacement. I aim to augment, not overshadow, the traditional legal education process.

Sounds great. And really, as good as ChatGPT's answers are, they are the tip of the AI iceberg. Generative AI is set to disrupt every area of legal practice and, yes, legal education. But GPT's positive picture leaves out some pitfalls.

The Arduous AI Journey Ahead

What are some of those pitfalls? Legal professionals must ensure that AI-generated content complies with ethical rules, intellectual property laws, and confidentiality requirements. Another concern is the bias present in GPT's training data. Language models are trained on vast amounts of data from diverse sources, which may include discriminatory content. These biases can be perpetuated in the AI's responses.

AI-generated content also may not be accurate or nuanced, particularly when dealing with complex legal concepts. Law students and legal professionals must maintain a critical eye when using AI tools. As many have noted, there is the real risk that students or lawyers may unduly rely on generative AI rather than do the work themselves.

Finally, while ChatGPT can generate impressive content, it does not yet have a comprehensive understanding of all legal concepts. This may lead to AI-generated content that misinterprets legal principles.

Enhanced Education for All

So how do we move forward with AI-fueled legal education smartly? First, understand that many pitfalls stem from using unstructured, one-size-fits-all models that are not designed for a specific legal task. ChatGPT, for example, is designed to be creative. It should be no surprise that you may get inaccurate responses sometimes. But these tools are good at setting boundaries for themselves given the right guidance.

And using software or apps that are powered by GPT can make the AI even more accurate and useful. For example, Microsoft Word recently released its GPT-powered CoPilot, which helps write or edit documents. CoPilot allows you to use your own documents to guide its outputs: for example, using a prior contract or brief as a starting template that GPT can work from.

Next, understand GPT's strengths:

- GPT is great at answering general knowledge questions. So yes, you can probably trust it to get right the elements of personal jurisdiction or the rule against perpetuities.

- GPT is excellent at working with defined text. When working with text you or someone else gives, GPT has extensive context for what you are asking it to do.

- GPT can be a great help for creative work that doesn't require accuracy. For legal education this is particularly useful: exercises, hypotheticals, practice simulations, and other teaching activities are generally a safe endeavor.

But perhaps the most exciting aspect of generative AI is that it empowers legal educators (and law students and lawyers) to create new education solutions that don't yet exist. ChatGPT recently enhanced its ability to code in a variety of programming languages. Soon, every legal professional or educator can create their own technology tools tailored to their particular goals or needs. This sort of technological empowerment could change everything.

ENDNOTE:

1. To conduct this interview, I used a version of OpenAI's GPT 4 model embedded in an app created by Write.law. Write.law's app has been trained on Write.law's data and uses hundreds of legal writing prompts we've developed in partnership with an AI consultant group and thousands of beta testers.

PROFESSOR JOE REGALIA'S research and teaching focus is on legal writing, persuasion science, and technology and innovation. He is developing a project in partnership with leading legal tech and innovation experts across the globe. The project aims to train law students and lawyers how to leverage cutting-edge technology and innovation in their practice. He also founded and runs the Pro Se Bootcamp, a project that trains pro se litigants how to navigate the legal system. Regalia holds positions in each of the legal writing organizations, including the Legal Writing Institute, the Association of Legal Writing Directors, and the Legal Writing Section of A.A.L.S. His work has been featured in publications like the *Kentucky Law Journal*, the *New Mexico Law Review*, the *University of Virginia Environmental Law Journal*, and others.