TEACHING IN THE AGE OF GENERATIVE AI: BEYOND THE BASICS

A REPORT ON TWO YEARS OF RESEARCH ON GEN AI IN LAW AND LEGAL EDUCATION

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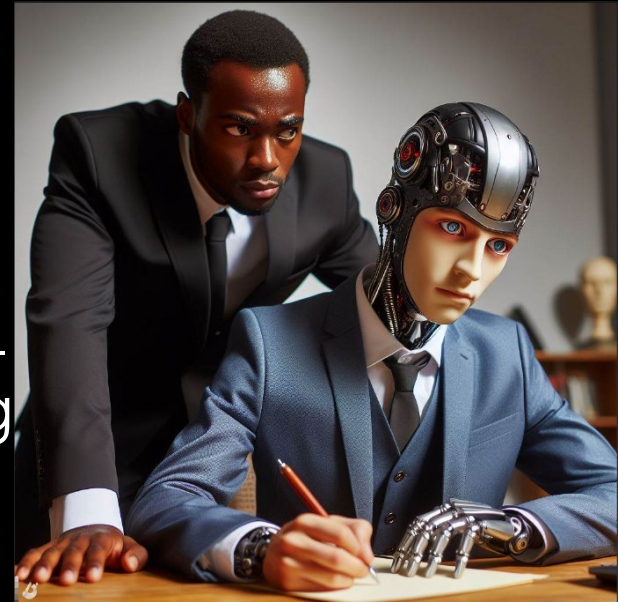University of Kentucky, Rosenberg College of Law

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IT CAN HELP LAWYERS – BUT WE DIDN'T ASK FOR IT

- **One undisputed 2025 prediction**: AI will get bigger, stronger, and more pervasive.

- **There is no clear leader anymore.** GPT-4o and o1 are both great, but so are Gemini 2.0 Flash and Claude 3.5 Sonnet.

- CoCounsel (Westlaw) is great, but Lexis+AI is also great, much improved from last year.

- New tools like NotebookLM are great, too.

- AI already can act as an amazingly knowledgeable, well-read **research assistant** and **legal assistant**; it has amazing **knowledge** and **communication skills.** It is a fantastic **law tutor.**

- We are on the verge of **agentic AI** and truly capable **thinking** and **reasoning** machines, so AI is bound to get better at rendering **legal opinions and legal reasoning.**

- -- If you and your students are not up-to-speed on this primate level AI, it will be hard to deal with **AGI.**
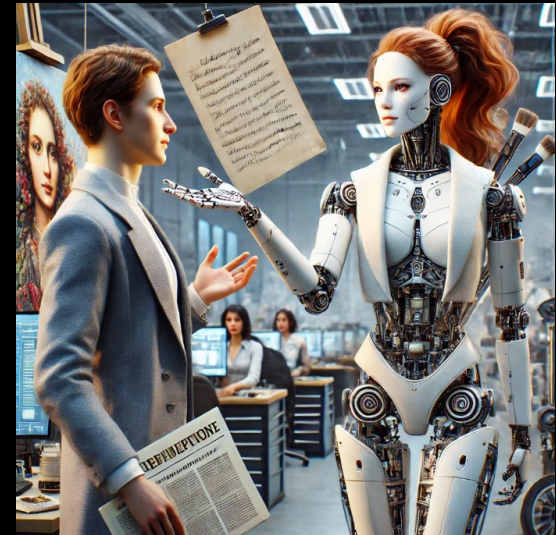
EVENT HORIZON: AGENTIC AI AND AGI

- **Agentic AI** – "AI with agency" – beyond chatbots, an actual AI Agent will perform legal tasks with both **autonomy**, skill, and **motivation** to solve problems, get answers, and get the task done.

- **Three basic forms**:

- **Personal assistant or service rep** (e.g., Workforce's Agentforce),

- **Partially personified agent** (e.g., Super Alexa),

- **Fully personified, anthropomorphized agent** (e.g., androids, robots – TBD)

- They all will do some or all of a task given to them without further directions or human intervention
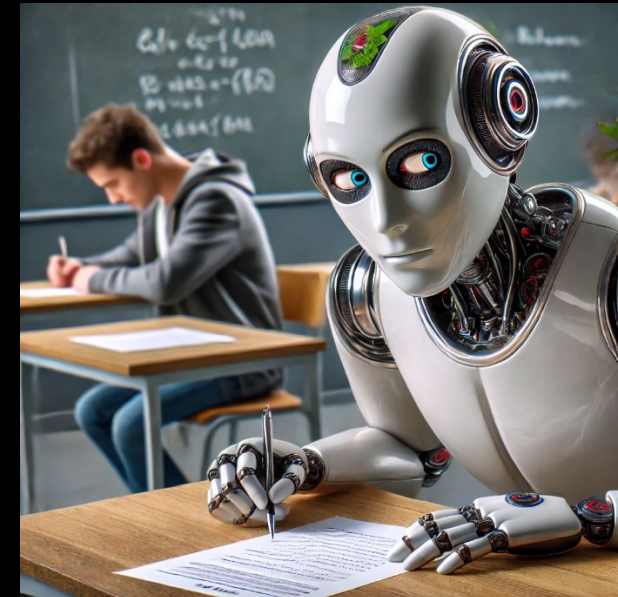
EVENT HORIZON: AGENTIC AI AND AGI

- **AGI** (Artificial General Intelligence) – no firm agreement on what this will be or when it is coming, but the answers are "mindblowing" and "soon" (as in months or no more than 2 years).

- - Project Q* (Q STaR) to Project Strawberry to the o1 models indicated that AGI might be showing up soon, and very soon

- **Key concepts**: An AGI will equal or exceed human capabilities in *all* areas

- It will possess the ability to understand, learn from observation and experience, and apply knowledge across a wide range of tasks, much like a human

- It is likely to also be **self-aware**, autonomous, and self-motivated.

- **Same conversation:** AI agents, with their ability to operate autonomously and interact with the real world, are a likely step on the path towards Artificial General Intelligence; at the very least, an AGI will be a Super Agent

- **Same risks, same concerns:**
- We don't really know how regular AI works, now let's make it a lot stronger, with autonomy, with the ability to learn and grow and strengthen on its own.

- **Non-alignment**

- **Deception** and **Power-Seeking**

- **X risk** -- Extinction

TWO YEARS IN: WHERE DO LAW PROFESSORS STAND WITH GENERATIVE AI?

- **We know AI can help lawyers, right?**
  - Does that mean we (law professors) have to teach it? Do we have to let our students practice using it? On course work?
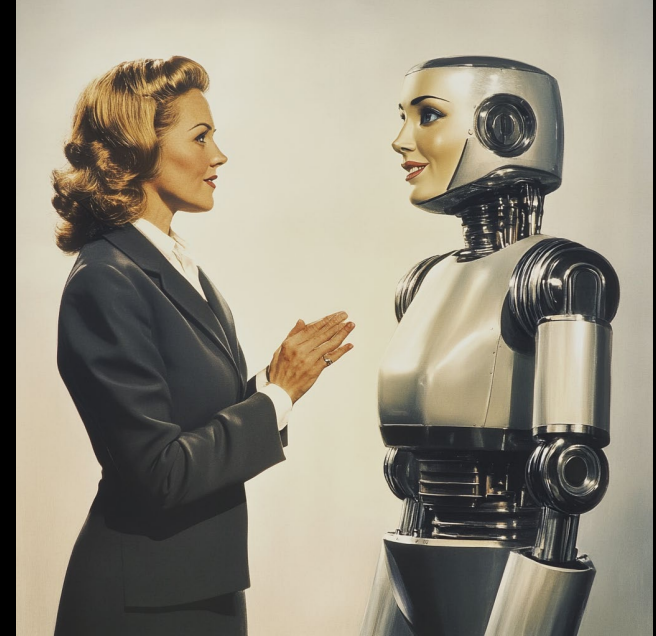
- **How do we feel about AI and legal writing?**
  - It can write better than a lot of our students.
  - Does that mean we <u>don't</u> want them to use it or we <u>do</u> want them to use it?

- **How do we feel about AI and legal research?**
  - There is a growing parity among generative AI systems. Most will cite sources if you prod them. They summarize research. They give valid answers.
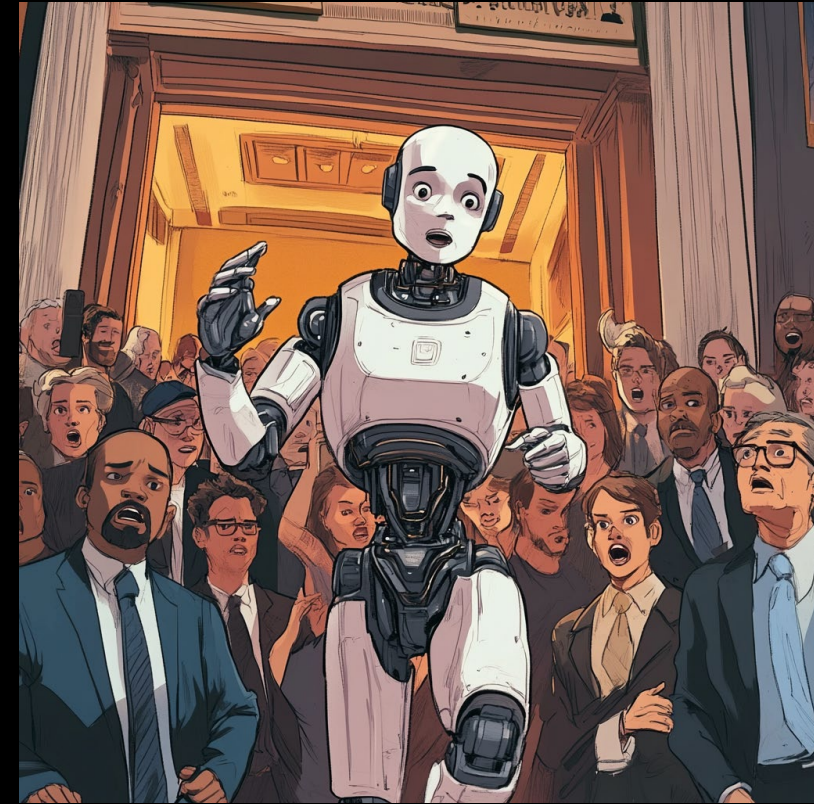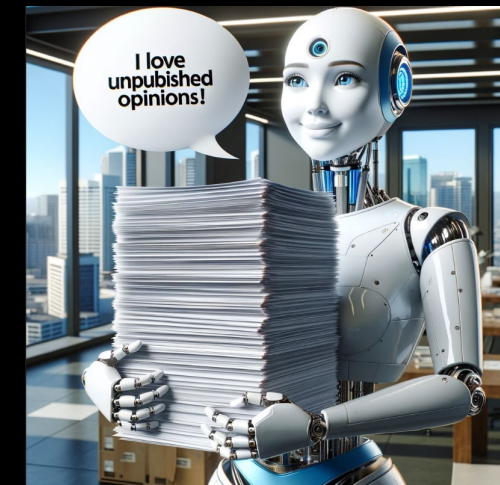   - **Is this a problem?**

- **We didn't ask for it.** None of us—lawyers, law professors, students—asked for ChatGPT to drop in our laps. And yet it did in Nov. 2022.

- **Failure of Imagination.** Many people—perhaps most—are staying away from AI because they just don't know what to do with it. Marketing and advertising people have no imagination about it either.

- **Excuses for ignoring it.** It is not perfect yet. It makes mistakes. Every professor bans it. You can't tell what's an accepted use or a banned use.

- It is innovating too fast; you cannot keep up with it.

- **It forces us to rethink the way we do our business** – I mean <u>our</u> teaching business.

- Yes, AI is not perfect. It still makes mistakes. It still hallucinates. **But it is getting better.**

- **You want ground truth? Then bring your own sources and let the AI work on them.**

- **Do-it-yourself RAG** (Retrieval Augmented Generation)**:** Upload your own sources and documents and ask the system to work with them and <u>only</u> them

- **NotebookLM and CoCounsel** do it

- (**Lexis+AI** appears to do it, but not as well)

- **GPT-4o, Copilot Pages, and Claude** *say* they will do it

- (Not yet with **Gemini 2.0 Flash**)

- This is a nice new feature of gen AIs, but note that this goes against the design and fine-tuning of transformer models so they won't always follow your orders. And there is no guaranty they will read cases correctly every time.

I love unpubished opinions!

ARE LAW PROFESSORS WILLING TO RETHINK WHAT THEY THINK ABOUT LAW SCHOOL, AND TEACHING, AND PEDAGOGY

- Does AI think? **NO.** Does it reason? **NO. But does it just copy and plagiarize? NO.**

- Just like law students, an AI **LEARNS** the correct way in which to discuss legal issues. It is able to assimilate and draw from its learning to provide completely novel legal answers.

- Is editing, adopting, and finalizing AI assisted content authorship?

- **So, crossing which line matters the most to us:** AI as a tutor? AI as a research assistant? AI as a proofreader? AI as a copilot?

- - Which role played by AI turns the student into a cheat and a plagiarist?

ARE LAW PROFESSORS WILLING TO RETHINK WHAT THEY THINK ABOUT LAW SCHOOL, AND TEACHING, AND PEDAGOGY

- Are we willing to change how we test and assess our students?

  - Essay questions
  - Multiple-choice tests
  - Take Home assignments

  - Is law school an extension of Applied English, Philosophy, or Political Science, or a school for learning to practice law?

  - Do we need to measure outcomes on the basis of work produced or on effort, or steps taken, or some other measure of labor?
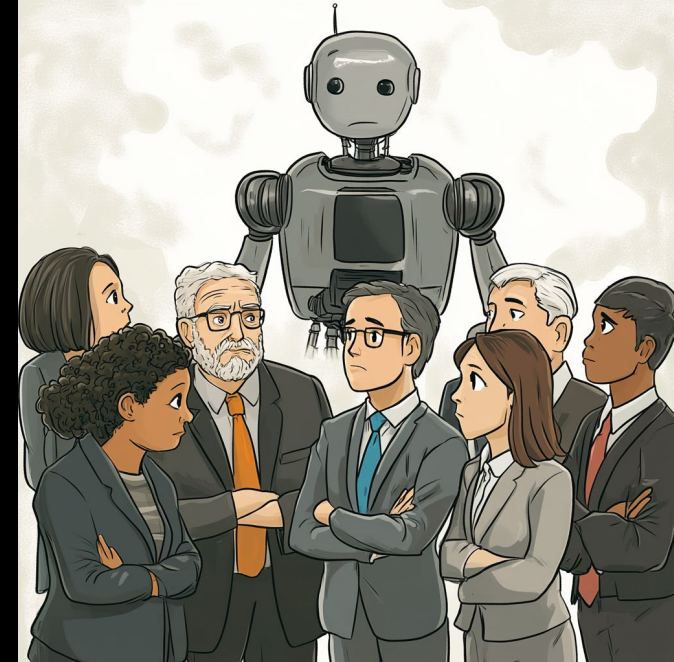
THE FAILURE OF IMAGINATION

- **Common audience reaction to an AI presentation:** what are you supposed to do with it?
- We have answers – Read, review, analyze, prepare, write, etc.
- AI advertising is all about the dumbest or most simple use cases

- **Who has the vision?** Science fiction authors

- **Enterprise level assistant:** Ship's computer
- **Advanced voice mode:** the movie "Her"
- **Self-Driving Cars:** Waymo, Tesla. We've got them.
- **Augmented reality:** the movie "Minority Report"
- **Metaverse:** the short series "Caprica" (also "Starcrash")
- **AGI:** Philip K. Dick, "Do Androids Dream of Electric Sheep?" (aka, Bladerunner)
- **Extinction Level Risk:** the "Terminator" franchise

THE END

- Recent works:

- *Deceptive Exploitation: Deepfakes, the Rights of Publicity and Privacy, and Trademark Law,* 65 IDEA: L. REV. FRANKLIN PIERCE CENTER FOR INTELL. PROP. ___ (forthcoming, 2025), https://ssrn.com/abstract=4981531

- *Visual Legal Rhetoric in the Age of Generative AI and Deepfakes: Renaissance or Dark Ages?,* 28 SMU SCI. & TECH. L. REV. ___ (forthcoming, 2025), https://papers.ssrn.com/abstract=4883390

- *Artificial Intelligence for Learning the Law: Generative AI for Academic Support in Law Schools and Universities,* 8 TEX. J. L. & TECH. ___ (forthcoming, 2025), https://ssrn.com/abstract=4564227

- *Deepfakes and Dog Toys: First Amendment Defenses under the Rogers Test after Jack Daniel's v. VIP Products,* 58 IND. L. REV. ___ (forthcoming, 2025), https://papers.ssrn.com/abstract=4811359

- *Generative AI Art: Copyright Infringement and Fair Use* (forthcoming, 2023), 26 SMU SCI. & TECH. L. REV. ___, https://ssrn.com/abstract=4483539

- *Tools Do Not Create: Human Authorship in the Use of Generative Artificial Intelligence,* 15 CASE W. RESERVE J.L. TECH. & INTERNET 76 (2024), https://ssrn.com/abstract=4501543

- *Generative and AI Authored Artworks and Copyright Law,* 45 HASTINGS COMM. & ENT. L.J. 27 (2023)