

Dilemmas and Solutions for Legal Writing Course Assessment in the Age of AI

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ABSTRACT

With the rapid adoption of AI in higher education, the assessment model for legal writing courses faces unprecedented dilemmas. Students can now use artificial intelligence tools to quickly generate structurally complete legal texts, while instructors are unable to determine, based solely on the final text of student assignments, whether students have truly acquired the competencies targeted by the legal curriculum. Current assessment mechanisms rely excessively on the final assignment texts submitted by students, and students' over-reliance on AI to complete assignments undermines their critical thinking and value judgment abilities, which is inconsistent with the training objectives of legal education. This leads to the failure of the competency-screening function of course evaluation mechanisms and raises questions about the fairness of grading. While upholding the people-centered philosophy of education, AI application competency should be organically integrated into the assessment system of writing courses, driving a shift in evaluation criteria from outcome-oriented to process-oriented approaches. Accordingly, the focus of legal writing course assessment should not rest solely on reviewing the final submitted text, but should instead emphasize examining the entire process through which students progressively develop reasoning, form judgments, and complete their expression during writing. By requiring students to disclose their AI usage and supplementing this with necessary in-class process-based assessments, a set of legal writing evaluation criteria adapted to the demands of the AI era can be established.

Keywords: AI, Legal writing, Course assessment.

1. INTRODUCTION: PROBLEM STATEMENT

Legal writing courses commonly assess students' critical thinking and professional expression skills through course assignments in the form of case analysis reports, legal documents, research reports, and short papers. Writing course assignments simultaneously serve a dual function: they are both a vehicle for students to deepen their legal understanding and an important basis for instructors to evaluate students' core competencies. The value of legal writing courses lies not merely in having students complete a satisfactory assignment; more importantly, through sustained writing practice, students can gradually master the methods of thinking and argumentation characteristic of legal professionals, learning to identify and distill points of contention from complex facts, to analyze and select applicable legal bases from among multiple norms, and to persuade others through

well-structured, well-reasoned arguments that can withstand scrutiny. Thus, legal courses adopt the writing format as a vehicle for assessing whether students have acquired these competencies. However, the emergence of generative artificial intelligence has fundamentally undermined the purpose of such assessments. Large language models can generate structurally complete, terminologically precise legal texts in a short period of time—case analysis reports can be rapidly drafted following established frameworks, and legal documents can be quickly populated using common templates. Instructors often find it difficult to determine whether a text originates from a student's independent thinking and repeated refinement, or was effortlessly generated by AI upon the input of a single prompt. Empirical research has confirmed that AI-generated examination answers are virtually indistinguishable in actual grading and tend to receive higher scores.[1] The processes of fact identification, rule selection, and logical

argumentation—originally meant to be assessed through writing—are obscured beneath the surface of the text and are difficult to observe directly. If instructors continue to use the quality of the final text as the primary criterion for grading, they are in effect not assessing students' legal reasoning abilities but rather their proficiency in using artificial intelligence tools. How to refine existing assessment mechanisms to fairly evaluate student competency is a question that can no longer be avoided.

2. THE FUNDAMENTAL DILEMMAS OF LEGAL WRITING ASSESSMENT IN THE AI ERA

2.1 Over-reliance on AI Challenges the Training Objectives of Legal Education

Although artificial intelligence technology can rapidly generate large volumes of text and improve efficiency, education must still adhere to the people-centered philosophy, respecting human autonomy and agency and preventing technology from replacing thinking and judgment. The goal of legal education lies not only in the transmission of knowledge but, more importantly, in inspiring students' thinking, cultivating critical thinking, and shaping moral character and a sense of social responsibility. AI, as a technological tool, can assist students in collecting materials and processing large amounts of data, but it cannot substitute for human thinking and judgment. Legal education should return to the core mission of cultivating "the person," placing greater emphasis on competency dimensions that are difficult for AI to replace, such as dialectical and critical thinking, comprehensive judgment and response capabilities for complex situations, communication and negotiation skills, and innovation and value-balancing abilities. If instructors continue to use the quality of the final text as the criterion for grading, students' rational choice will shift from "investing time in improving legal reasoning and argumentation skills" to "investing effort in learning how to craft prompts." Therefore, legal education should especially maintain a necessary awareness of boundaries while being empowered by technology, preventing excessive reliance on technology from weakening legal professionals' independent argumentation and value judgment abilities.

2.2 AI-assisted Writing Renders the Competency-screening Function of Assessment Mechanisms Ineffective

The core purpose of legal writing training is to develop students' comprehensive ability to independently search legal materials, construct argumentative logic, and produce rigorous legal texts. Through the writing process itself, students internalize abstract legal knowledge into applicable analytical frameworks, forming independent legal thinking and value judgment capabilities. As some scholars have pointed out, only by first possessing the ability to independently complete tasks can one truly master emerging tools rather than being mastered by them.[2] It follows that once students have not yet developed the ability to independently complete writing tasks, AI may be transformed from an auxiliary tool into a "competency substitute," thereby obscuring their true level of thinking and expression. In the early days, search engines and databases could only assist students in retrieving materials, while students still had to independently complete the writing and argumentation. When students independently completed the entire writing process of searching, reading, conceptualizing, and arguing, each step reinforced their independent analysis and logical reasoning abilities. It was precisely this process-oriented investment that ensured a high degree of correspondence between writing outcomes and students' actual abilities, making the completion of assignments an important pathway for achieving the dual goals of legal thinking cultivation and competency assessment. In the AI era, generative artificial intelligence possesses the combined functionality of an "intelligent search engine + intelligent text analyzer + paraphrasing tool,"[3] allowing students to use AI to directly output submittable assignments. The writing process is compressed into simple command inputs, which not only causes a decoupling of the correspondence between writing outcomes and students' actual abilities, but also destabilizes the foundation upon which traditional writing courses relied to achieve legal thinking cultivation and competency assessment. Students at different competency levels tend toward homogenization in their final outputs, and the screening function upon which assessment mechanisms relied to distinguish quality and identify potential is rendered ineffective. During the training phase, students may develop a "plug-and-play" writing habit; this approach leads students to lack independent judgment on ambiguous issues and to fail to take a definitive stance, blindly

trusting AI without verifying the veracity of arguments. A working style that pursues results without questioning the basis will become internalized as a difficult-to-correct professional habit, which is detrimental to their career development.

2.3 AI Ghostwriting Raises Questions About the Fairness of Assessment Results

AI ghostwriting fundamentally overturns the basic assumptions of traditional learning ethics regarding academic fairness. Within the traditional ethical framework of learning, students' diligence, focused engagement, and sustained effort are not only important prerequisites for academic success but also possess moral legitimacy, while laziness, opportunism, and mental distraction are regarded as antithetical to the positive values of learning ethics.[4] The application of generative artificial intelligence has brought serious academic ethics challenges. When students use AI to complete assignments, it readily triggers academic integrity risks and disrupts the order of fair competition among students. For students who are not adept at independent thinking and structured expression, AI may significantly reduce the time cost of completing assignments while producing text with richer content and greater conformity to legal writing conventions, and their resulting grades may actually be higher than those of students who did not use AI and relied on their own independent thinking to complete their assignments. The positive correlation between effort and reward championed by traditional learning ethics tends to collapse, and the fair order of academic competition is consequently eroded. Currently, generative artificial intelligence is already being used by students to complete analysis reports, course papers, and other assignments. Precisely because legal courses have difficulty effectively verifying improper uses such as AI ghostwriting, the traditional evaluation mechanism—which relies primarily on the final text—faces challenges to its legitimacy and fairness. Therefore, it is necessary for legal education to clarify the boundaries of technology use while introducing technological empowerment, in order to prevent excessive reliance on technology.

3. REFORM OF LEGAL WRITING COURSE ASSESSMENT MODELS UNDER THE CHALLENGE OF AI DEPENDENCE

3.1 Preserving and Innovating the Training Objectives of Legal Writing Courses Under the Impact of AI

Although artificial intelligence has brought enormous impact on traditional educational order and academic ethics, the people-centered value position of education will not be shaken as a result. The fundamental goal of education has always been to inspire the human mind, shape character, and cultivate the abilities of independent thinking, critical judgment, and creative problem-solving through sustained training. As a revolutionary technology, artificial intelligence will fundamentally transform the educational ecosystem. Currently, artificial intelligence has already become an integral component of the overall educational environment, and AI application competency is regarded as a core competency that students need to master. “Adapting to the new forms and requirements of ‘Internet + education’ and innovating educational teaching methods and approaches” has become one of the fundamental tasks in the current development of legal education,[5] and integrating artificial intelligence into education and research systems has become a consensus among universities. Specifically for legal writing courses, the assessment system should integrate legal thinking methods with artificial intelligence techniques—neither categorically prohibiting the use of artificial intelligence nor completely relying on it. Through the use of artificial intelligence technology, AI should be integrated into foundational legal writing training, allowing artificial intelligence to assist students in organizing and analyzing case facts, identifying and clarifying legal relationships, interpreting legal norms, and applying legal rules. This increases students' active participation in the educational process and provides technical support for differentiated, personalized learning pathways. The rational and effective use of artificial intelligence technology can expand students' knowledge reserves and stimulate their creative potential in legal thinking.[6]

3.2 *Repairing the Competency Assessment Criteria for Legal Writing Courses*

When AI is used for ghostwriting assignments, the quality of the final text does not equate to the student's actual competency; the traditional legal writing evaluation centered on text quality thus faces the risk of distortion. To restore the screening function of assessment criteria, key assessment components can be relocated back to the classroom, employing methods such as on-the-spot questioning and timed writing, with in-class, time-limited completion of case analysis, identification and refinement of disputed issues, and interpretation of applicable legal provisions. For homework assignments, the more critical approach is to shift the focus of evaluation from the text itself to an examination of the text formation process, transforming the evaluation criteria from outcome-based assessment to process-based assessment. The subject of evaluation should no longer be limited to the final submitted text but should extend to the process through which students think and reason. Students' writing paths, the evolution of their ideas, and the bases for their judgments should all be brought within the scope of assessment, with requirements to simultaneously submit annotated versions and revision records to create a traceable argumentation process.

To make the argumentation process verifiable, in addition to submitting the final manuscript, students should also submit reviewable and traceable writing process materials. First, a research retrieval checklist, including the databases used for retrieval, search keywords, literature types, and reasons for adopting specific materials—instructors may randomly select items for verification. Second, an argumentation statement, in which students explain the correspondence between their arguments and supporting evidence—for example, the legal provisions underlying key conclusions, the conditions for applying those provisions, detailed comparisons with analogous cases, summaries of precedent holdings, and the scholarly perspectives underlying theoretical analyses—to prevent high scores from being obtained through mere textual padding. Third, the submission of outlines, revised drafts, and final drafts at different stages, with revision records marked across versions and explanations of the reasons for revisions. The weight of process-based materials such as research retrieval checklists, assignment outlines, initial drafts, and revision records should be increased in the grading rubric. By converting students' thinking

processes into assessable objects, students are prompted to invest their efforts in substantive reasoning training.

3.3 *Institutional Safeguards for the Fairness of Assessment Results in the Context of AI Ghostwriting*

As generative artificial intelligence becomes deeply involved in learning and writing, disclosing AI usage in written work is gradually becoming a common consensus in both academic and instructional management communities. The disclosure mechanism constitutes a prerequisite for fair evaluation; only by making transparent the form, scope, and degree of intervention of assistive technological tools can instructors apply a uniform standard to identify students' genuine contributions and prevent students from using covert external assistance to undermine the comparability and fairness of evaluations. The AI usage disclosure system requires that when students use AI to complete assignments, they clearly state the tools used, the specific manner of use, the generated content, and the portions of such content adopted in the assignment. Regardless of whether the assignment takes the form of a litigation document, legal opinion, or research report, students should bear traceable responsibility for the factual sources, rule selections, and chains of reasoning, and should fulfill the necessary verification obligations regarding the authenticity of content and whether it involves privacy or infringes upon others' copyrights or data rights. Proper disclosure not only provides a basis for instructors to conduct process verification and academic integrity management but also helps clarify students' boundaries of responsibility and uphold the fairness of the evaluation system.

4. CONCLUSION

Legal writing courses measure students' foundational legal knowledge, legal analytical and reasoning abilities, and professional and normative expression skills by requiring students to submit and be evaluated on case reports or papers. However, the widespread application of artificial intelligence in education demonstrates that traditional assessment methods can no longer measure students' true abilities and raises questions about the fairness of grading standards, compelling legal education to confront the changes facing the course assessment system. As scholars have proposed, rather than prohibiting students from

using AI, it would be better to assess whether students truly understand how to use AI.[7] In the context where artificial intelligence has become ubiquitous, legal writing education urgently needs to construct a system to ensure that students can still engage in independent thinking, achieve autonomous expression, and bear full responsibility for their own arguments. This is the objective that legal writing education must uphold today.

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