

Generative AI, Equality, and Legal Education

Using Pedagogical Design to Level the Learning Field

A framework for integrating AI transparently and critically in postgraduate legal education to redistribute access, capability, and confidence.

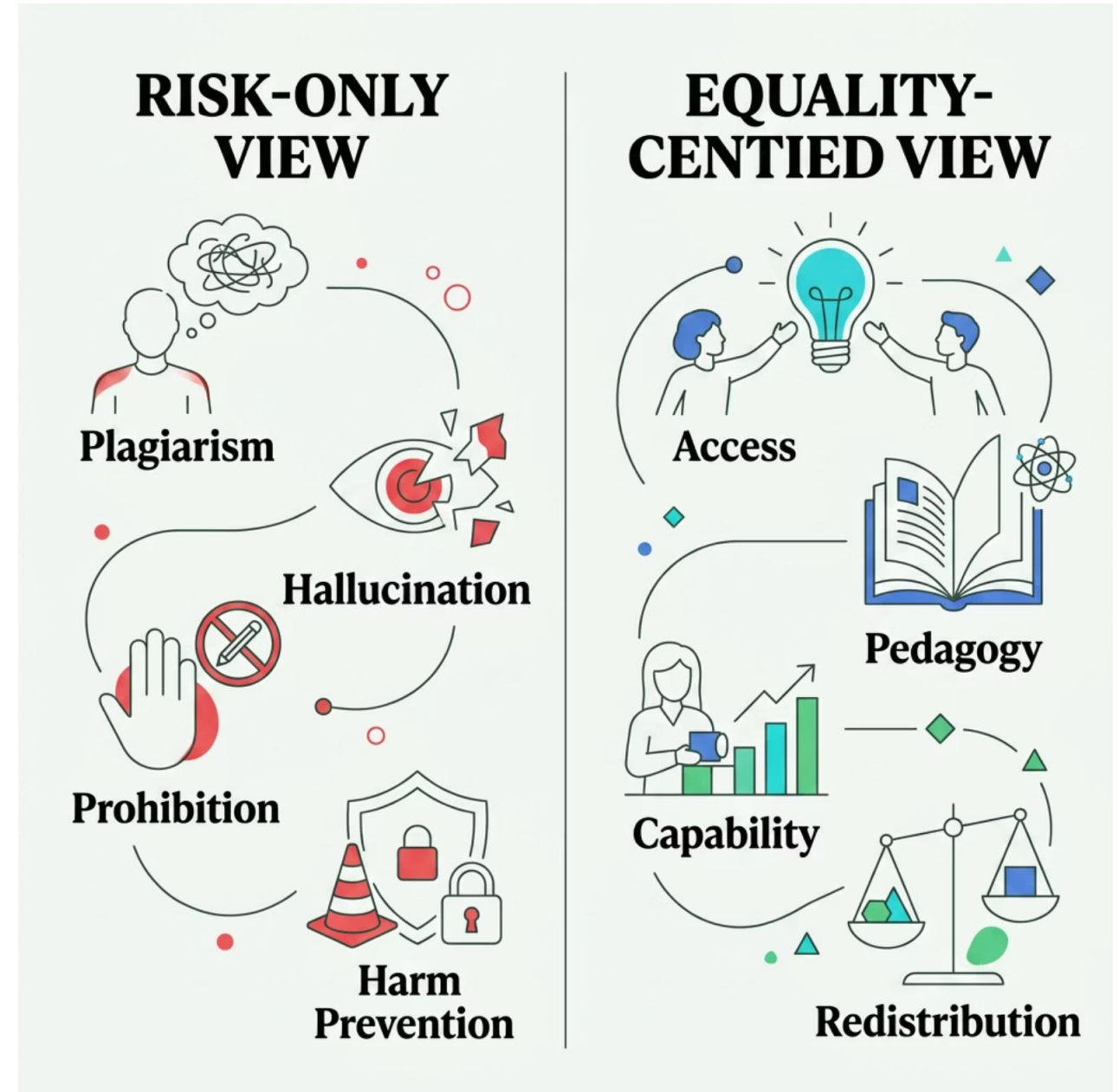
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The Problem with Risk-Only Framing

Debate on generative AI in legal education has been dominated by risk: plagiarism, hallucination, deskilling, and erosion of independent reasoning. These concerns are legitimate — but **incomplete**.

A risk-centred account fails to capture the **distributive and pedagogical implications** of AI in postgraduate legal education. The deeper question is not whether to permit or prohibit AI, but whether its presence will be deliberately structured to widen access to capability.



CORE ARGUMENT

AI as an Equality Issue

Generative AI has a **dual character** in legal education. Left hidden or informally used, it consolidates pre-existing advantage. Integrated transparently within pedagogical boundaries, it may function as an **equality-enabling tool** — redistributing access to formative support, structured practice, and professional confidence.

Hidden / Informal Use

Amplifies advantage for those with stronger digital literacy and better tools

Pedagogically Governed Use

Redistributes access to tacit knowledge and developmental opportunity

Unequal Starting Points in Postgraduate Legal Study

Level 7 legal education applies identical standards to students who arrive with profoundly different forms of academic, linguistic, and professional capital.



International & Multilingual Students

May understand legal issues fully but struggle to express them in polished academic English



Mature Students & Carers

Limited time for iterative drafting and revision that builds legal voice



Hidden Curriculum

Tacit norms of legal writing and professional tone are assumed, not taught — favouring those with prior exposure

Beyond the Binary: Pedagogical Governance

Pedagogical Governance

(transparent, bounded, outcome-aligned, critically supervised)

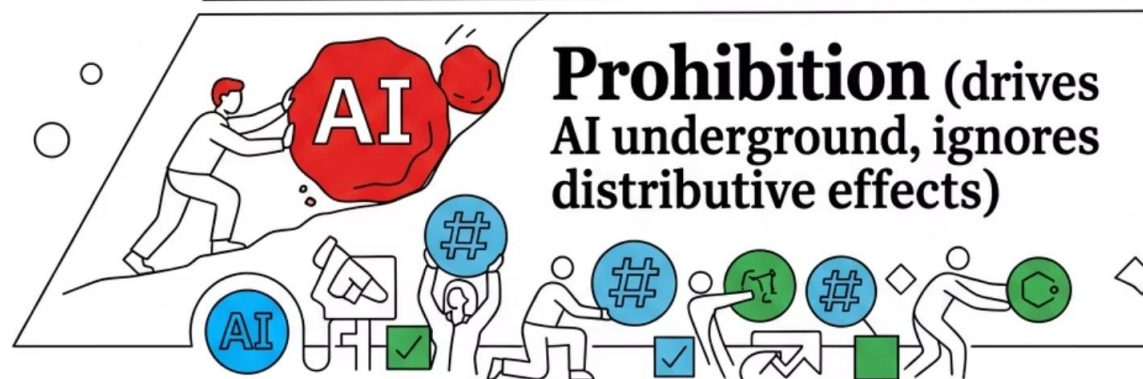


Uncritical Acceptance

(undermines integrity)



Prohibition (drives AI underground, ignores distributive effects)



Generative AI is **already embedded** in universities, professional legal contexts, and student practice — irrespective of formal policy. The question is not whether AI enters legal education. It has already entered it.

- i Prohibition drives AI into hidden channels rather than preventing use — and silently benefits those with stronger informal support.

Pedagogical governance requires **transparency, defined boundaries, alignment with learning outcomes, and critical supervision.**

Three Layers of AI Inequality

1

Student Level

Disparities in prompting skill, confidence in testing outputs, and ability to distinguish stylistic fluency from substantive reliability

2

Institutional Level

Some universities provide licensed tools, AI literacy teaching, and staff development; others remain fragmented or prohibitory

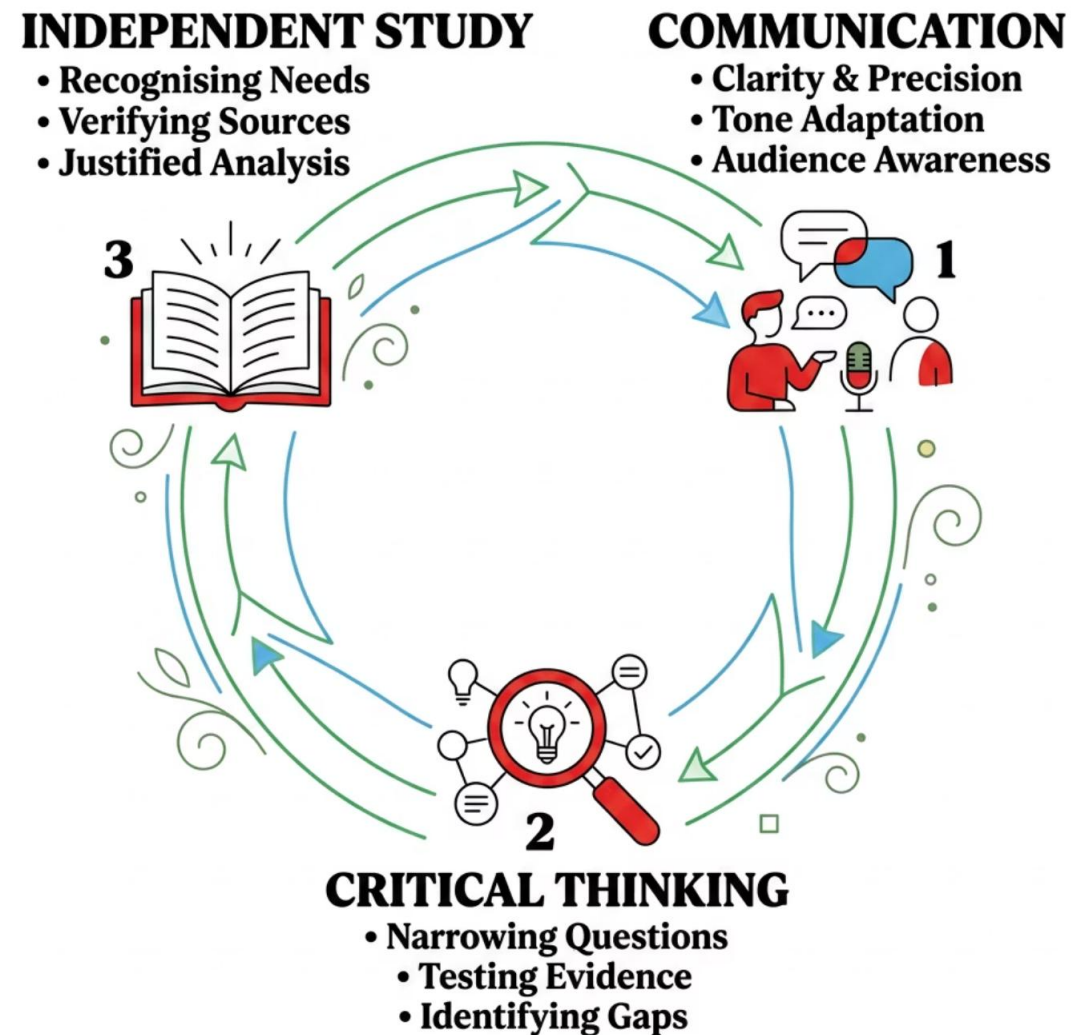
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Market Level

Premium reasoning models and specialist legal tools sit behind paywalls — a student on a free tool is not on equal terms

⚠ Refusing to engage with AI pedagogically may itself become a source of inequality — leaving graduates unequally prepared for professional environments.

Communication, Critical Thinking & Independent Study



These are not generic skills — they are central to postgraduate legal attainment and professional judgment. They are also **developmental**: built through practice, feedback, modelling, and iterative refinement.

AI may either **weaken** or **strengthen** these capacities. The issue is whether that effect is pedagogically governed.

Pedagogical Design as an Equality Intervention

Educational inequality is shaped not only by admissions, but by **what the curriculum makes visible and what it leaves tacit**. Many valued legal capacities — refining tone, narrowing a question, identifying when a source does not support a proposition — are treated as self-evident rather than explicitly taught.

→ **Make Hidden Processes Visible**

AI can show how a paragraph may be recast professionally or how a broad topic narrows into a viable question

→ **Require Verification & Critique**

Students must verify, revise, justify, and critique — AI creates the structured interaction, not the answer

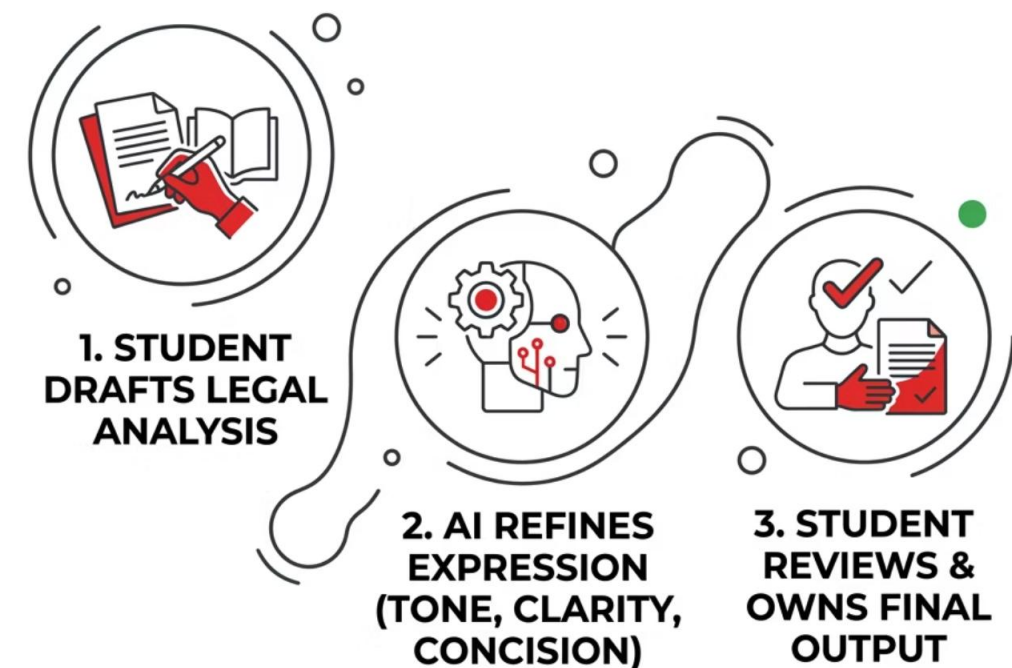
→ **Maintain Boundaries**

Students remain responsible for substantive thought, source verification, and final judgment

AI-Assisted Language Refinement & Professional Expression

Students draft legal analysis, client emails, or reflective explanations **first**, then use AI to improve clarity, concision, tone, and readability. AI refines expression — it does not supply the legal reasoning.

- ✓ This addresses a recurrent inequality: students of equal intellectual ability are not equally able to make that ability visible in the linguistic forms legal education rewards.



AI-Assisted Narrowing of Research Questions

Many students begin Level 7 research with themes that are too wide, too descriptive, or misaligned with available evidence. The craft of question formation remains opaque.

The Problem

Student proposes: "Is UK money laundering law effective?" — relying on Suspicious Activity Reports as the sole evidence base

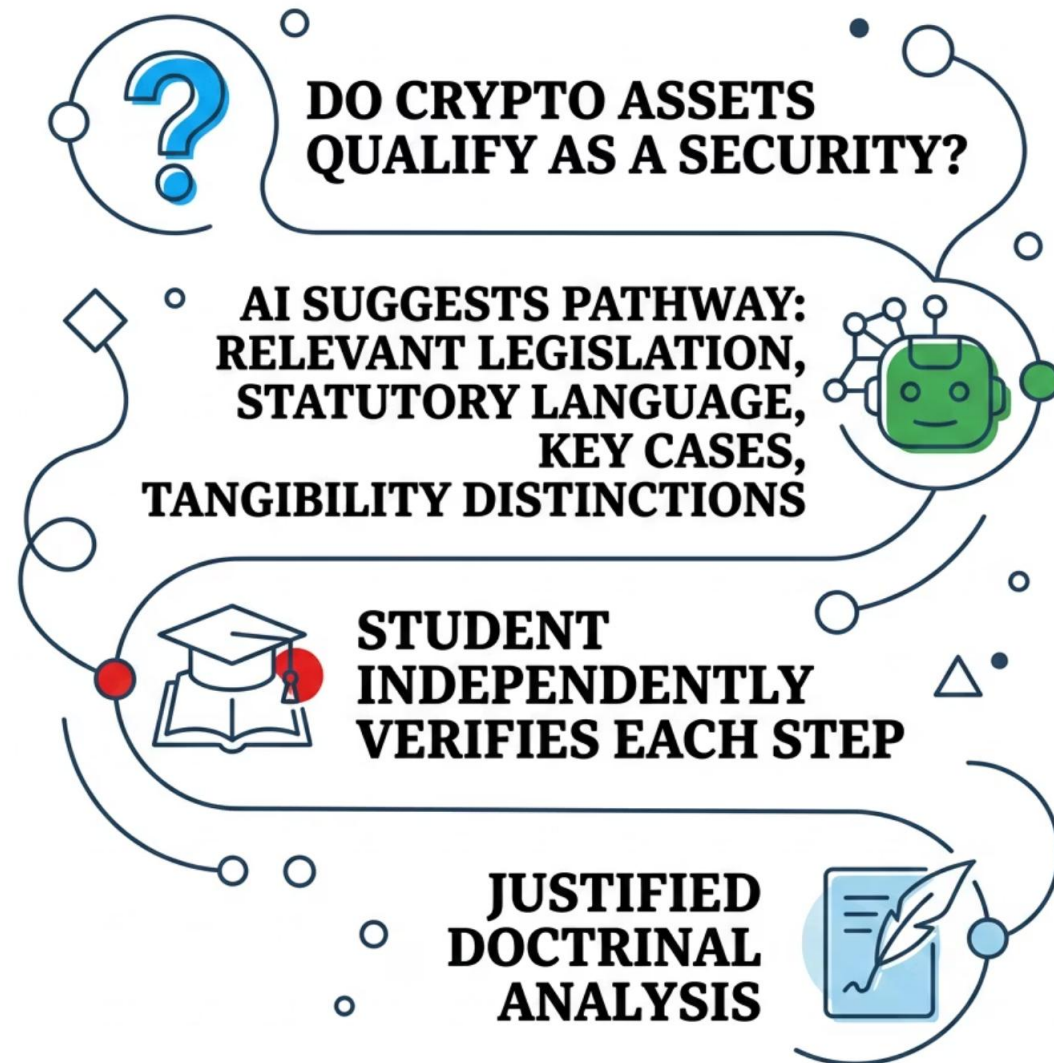
AI Intervention

AI exposes the mismatch: are SARs adequate to evaluate the whole AML framework, or should the question focus specifically on defensive filing practices?

Equality Value

Democratises access to the intellectual craft of aligning question, method, and evidence — often informally acquired by those with stronger research capital

AI-Guided Inquiry & Research Pathways



How It Works

AI suggests a route into a doctrinal problem — which legislation to consult, which conceptual distinctions matter, how to sequence inquiry. The student then **independently verifies** every step.

- i** AI can identify a potential next step. It cannot determine whether the route is legally defensible. Verification remains the student's responsibility.

This strengthens rather than displaces independent study — helping students move from uncertainty to structured inquiry.

Critique Through Flawed or Hallucinatory Outputs

One of the most powerful uses of AI lies not in generating polished text, but in generating material students must **interrogate, challenge, and correct**.



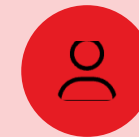
Detect Invented Authorities

Students identify fabricated cases and explain why the citation is unreliable



Identify Overstated Propositions

Students flag where legal claims exceed what the sources actually support



Reconstruct Defensible Analysis

Students rebuild the answer into a legally sound and justified form

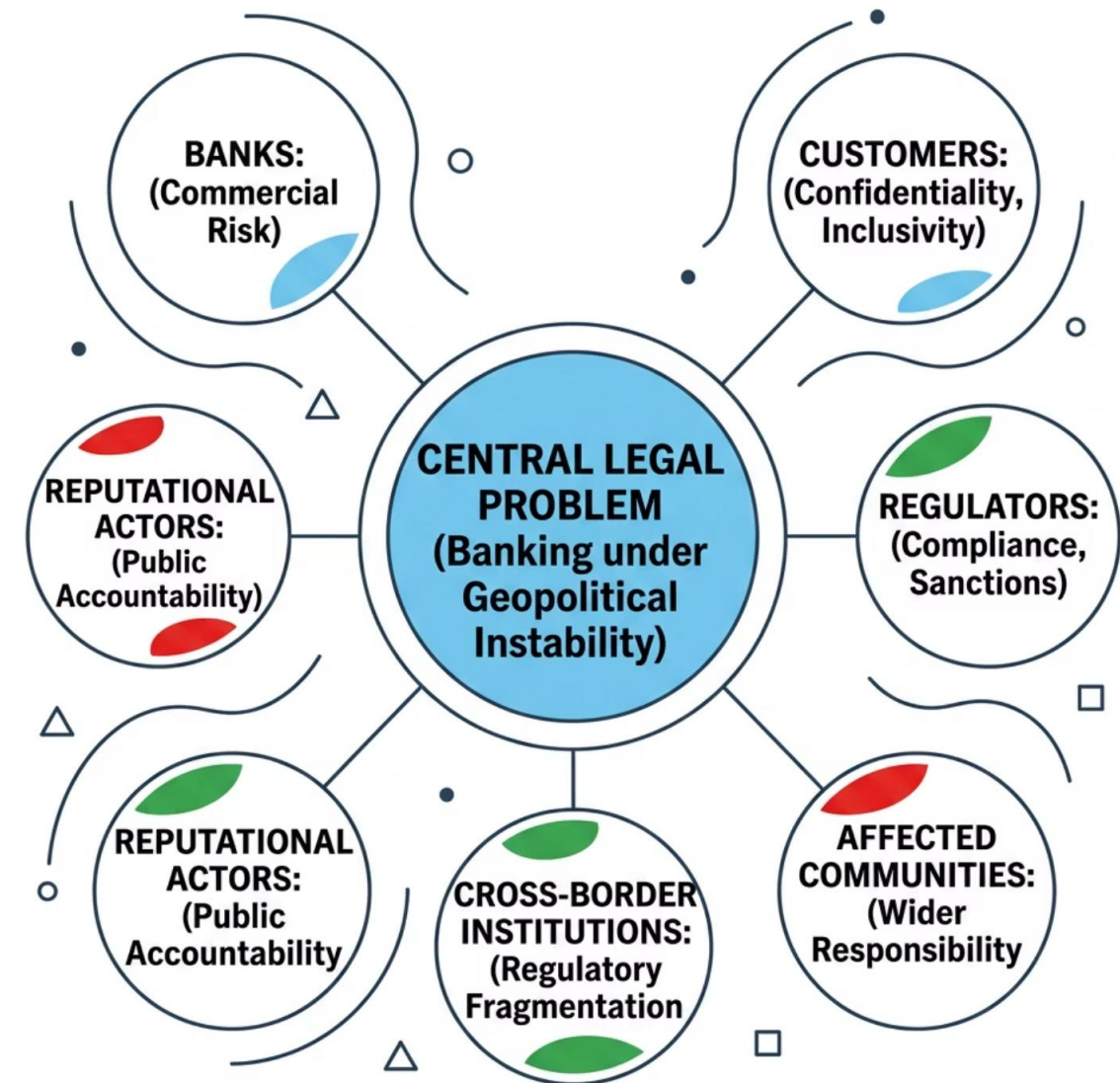
⊗ **Key instinct reinforced:** Fluency is not proof. The ability to distrust apparently persuasive material is unevenly distributed — structured engagement makes this habit more widely teachable.

AI-Assisted Jurisdictional & Stakeholder Analysis

Legal problems in banking, financial regulation, and global markets involve multiple jurisdictions, stakeholder interests, and competing normative claims. Students do not always find it easy to generate these layers of perspective.

AI can be prompted to introduce **comparative perspectives, stakeholder objections, and scenario variations** — surfacing issues from the standpoint of banks, customers, regulators, affected communities, and cross-border institutions.

This develops the contextual and professional judgment that legal reasoning in practice demands.



AI-Mediated Discussion, Presentation & Negotiation Support

01

Counter-Perspective Questions

AI generates stakeholder-based challenges during student presentations, requiring oral defence and refinement of argument

02

Dynamic Scenario Variation

In negotiation exercises, AI introduces new facts or altered constraints, requiring students to adapt strategy in real time

03

Reflective Evaluation

Students explain whether AI interventions were legally sound and how they altered — or failed to alter — their reasoning

 Safeguard: No client-identifiable or confidential data should ever be entered into AI systems in practice-based settings.

Four Common Principles Across All Six Approaches

1

Scaffold, Not Substitute

Students remain responsible for substantive legal reasoning, source verification, and final judgment

2

Transparent & Governed

AI use is brought into the pedagogical frame openly — hidden use benefits the already confident; explicit use distributes support fairly

3

Outcome-Aligned

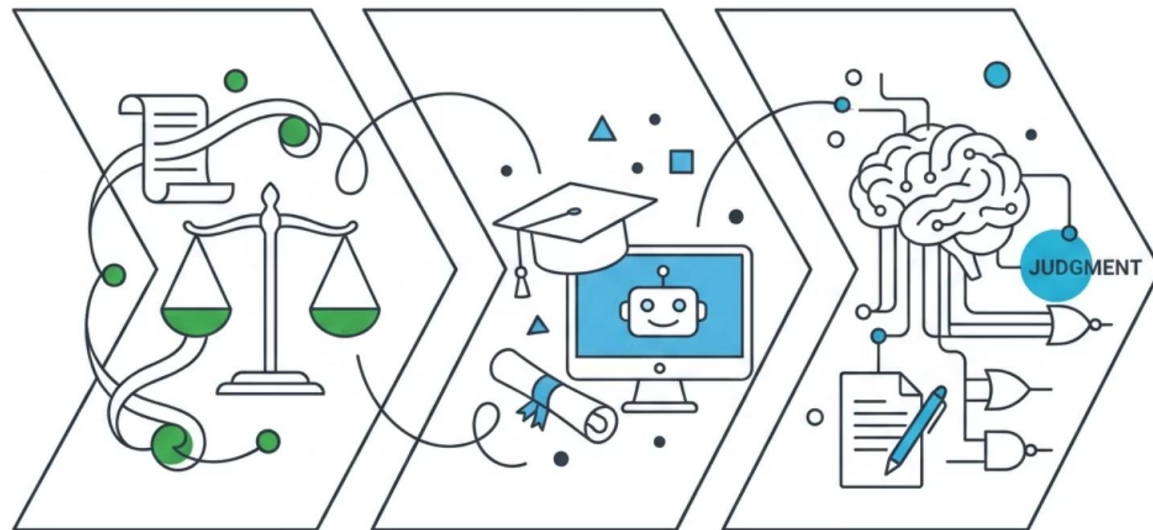
AI is used only where it may support defined Level 7 outcomes — not merely because it is available

4

Questioned, Not Trusted

Students are trained to interrogate, verify, reject where necessary, and reason beyond AI outputs

Broader Implications: Equality & Employability



1. Equality Governance:
Pedagogy must redistribute opportunity and confidence.

2. Professional Formation:
Graduates will encounter AI in all aspects of law.

3. Future Expertise:
Human judgment and reasoning through complexity become more more valuable.

Equality-oriented governance of AI should not stop at harm prevention. It must also ask how pedagogy can **redistribute opportunity, confidence, and capability** in classrooms already marked by unequal conditions.

- ✓ The distinctive value of legal education will lie even more sharply in cultivating judgment — the ability to frame the right question, verify authority, and reason through complexity.

Necessary Limits & Cautions

→ AI Is Not Inherently Equalising

Unequal access to advanced tools and variable institutional provision remain serious structural concerns

→ Confidentiality & Data Protection

No client-identifiable or confidential data should be input into AI systems; students must be made aware of these limits as part of any ethical framework

→ Risk of Dependency

A student habituated to AI-generated phrasing or uncritical of suggested pathways may not be developing the capacities postgraduate legal education values

→ Institutional Policy Requirements

Transparency, attribution, fairness, and consistency must be addressed if pedagogical AI use is to command legitimacy

These cautions **reinforce** the argument: AI can only be defended as an equality-enabling tool when its use is bounded, transparent, critical, and subordinate to the learning process.

The Six Approaches at a Glance



Language Refinement

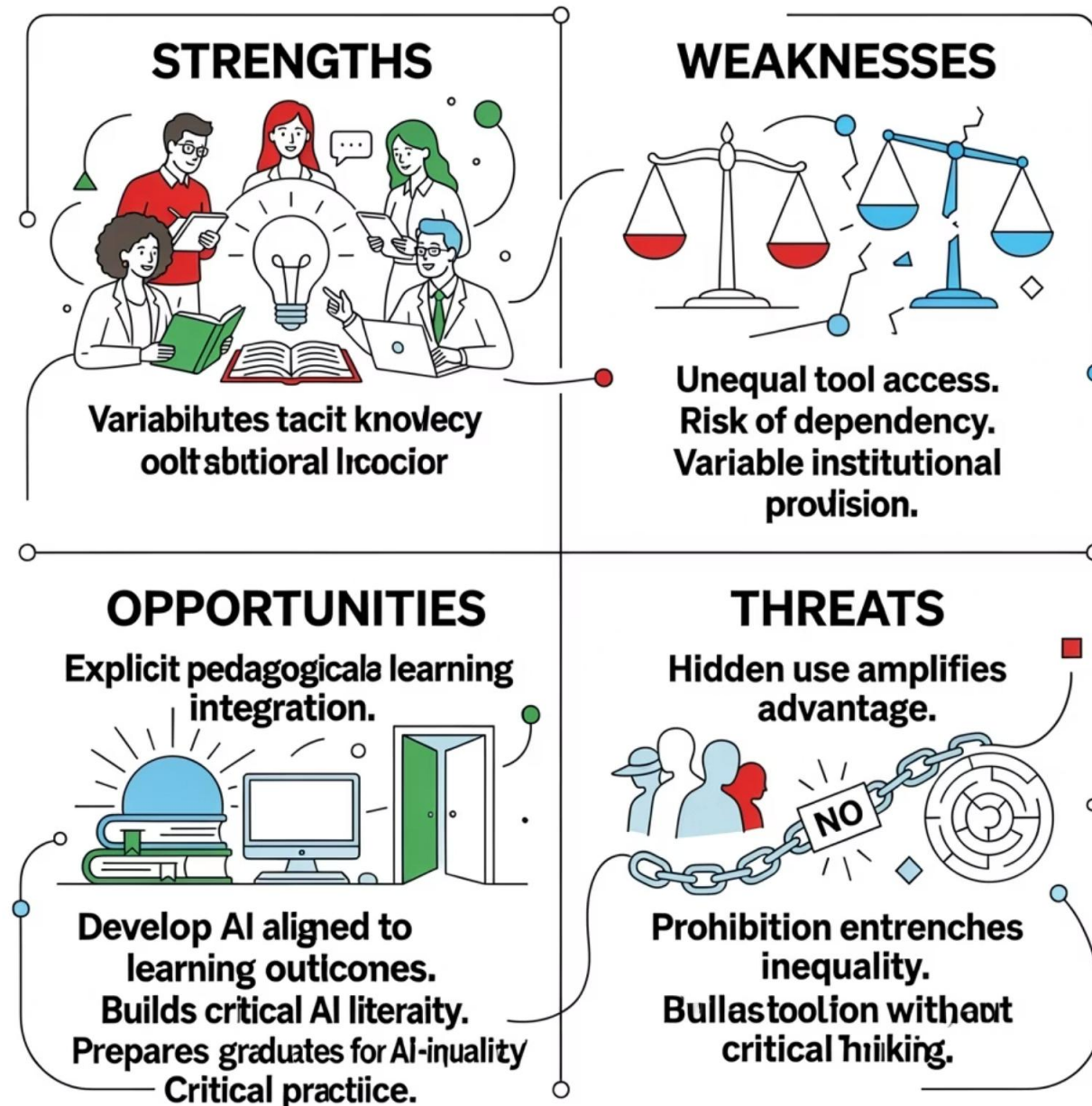
Question Narrowing

Inquiry Pathways

Critique Outputs

Across all six, AI is used to make hidden processes of legal learning more explicit and more broadly accessible — never to replace the intellectual labour of legal reasoning.

Equality in AI Governance: A Broader Framework



The challenge for legal education is not simply how to regulate AI from the outside, but how to teach students to:

- Engage with it critically
- Verify it rigorously
- Reason beyond it

❏ Institutional non-engagement is not neutral. It may reproduce inequality while appearing to defend standards.

Conclusion

AI should not replace legal reasoning. It should help students interrogate, refine, communicate, and defend that reasoning more effectively.

The Equality Argument

Where AI is integrated transparently and critically, it may redistribute access to the processes through which legal capability is developed and demonstrated

The Pedagogical Framework

Six approaches, four common principles — all anchored in Level 7 outcomes and the primacy of human legal reasoning

The Normative Imperative

Equality-oriented governance must go beyond harm prevention to ask how pedagogy redistributes opportunity, confidence, and capability