Queen’s Law - Law 360 Canada Responses
September 2023

What policies or guidance, including best practices, has your law school put in place, if any, for the 2023/2024 school year with respect to the use of generative artificial intelligence, such as ChatGPT by: Law school applicants? Students? Faculty? Administrative staff?

Queen’s University and the Faculty of Law recognizes that the teaching and learning landscape is shifting in exciting new directions. To remain successful in providing a transformative learning experience, we will identify and implement new opportunities that build on our strong foundations. The university has developed resources and guidance around curriculum design in response to the ever-growing emergence of generative AI tools and Large Language Model (LLM) software, found HERE.

At Queen’s Law, we recognize there is much to learn about the precise nature of the opportunities and challenges presented by generative AI and LLM software, especially given these technologies continue to develop rapidly. Our goal is to uphold our commitment to academic excellence, while preparing our students for AI-driven transformation in the legal sector.

We have adopted three guiding principles for the use of AI in the classroom:

(i) our default position is permissive in that students are permitted to use generative AI for learning purposes subject to (ii) and (iii) below;
(ii) we respect academic freedom; i.e. faculty may set limits to and expectations for the use of generative AI as they see fit for their courses; and
(iii) there is a mandatory rule of attribution when it comes to generative AI in the same way that we do for all contexts requiring academic integrity; i.e. text generated by AI cannot be presented as one’s own.

The Faculty’s Associate Dean (Academic Policy) has also recommended faculty provide appropriate warning to students about both the limits of generative AI and the importance of quality control.

Have any staff been hired or dedicated to deal with the above, including with respect to academic integrity?

Queen’s Law has made strategic investments in exploring the pedagogical, research, and practice implications and opportunities of emerging technologies. We have a dedicated research group called the Conflict Analytics Lab, which is developing an AI platform specifically for legal professionals called OpenJustice in conjunction with academics from Harvard, Northwestern, and global legal clinics. We also have an Education Development team, which, in part, develops innovative online learning modules in accordance with best practices. Finally, our Faculty includes subject-matter experts in emerging legal
technologies, including Bita Amani and Samuel Dahan. The Faculty’s Dean, Colleen M. Flood, is also a leading scholar in AI and health care law and policy.

Together, our subject matter experts and senior administrators are staying up to date on the latest developments in AI, and the Associate Dean (Academic Policy) is working closely with faculty members to share information and provide guidance.

If the law school has not yet put in place any policies or guidance, please tell us why.
N/A

Is the law school still working on GenAI policies/guidance and who is involved in that discussion and decision-making?

We anticipate continuing to evolve our policies and guidance in response to both data from learned experience and further development of AI tools and ensuring all stakeholders in our community are consulted during this process. We also work closely with the Vice-Provost of Teaching and Learning at Queen’s on university-wide policies and guidelines.

What are the areas of most concern about GenAI use and what sticking points or areas of contention are/were there in the development of policies, best practices and guidelines?

The most significant area of concern relates to the fact that this is still very much an emerging technology. The capabilities are evolving which means that the opportunities and risks are also evolving. Our ultimate goal is to uphold our commitment to academic excellence, while equipping our students with the skills they need to excel and to meet the challenges and opportunities emerging from AI-driven transformation from the legal sector and society more broadly.

Are faculty and staff allowed to determine individually how they wish to treat GenAI use by students?

Yes, with the exception of our mandatory rule of attribution when it comes to generative AI; i.e. text generated by AI cannot be presented as one’s own.

What GenAI uses are permitted? What uses are prohibited?

Other than a mandatory rule preventing departures form academic integrity, we are committed to ensuring positive learning outcomes for our students and facilitating their long-term success.

As mentioned above, at this stage in the technology’s evolution we will not be overly prescriptive about permissible and impermissible uses. We want our faculty to experiment to some degree as learned experience is extremely valuable and our law students will have to be able to deploy these technologies appropriately and evolve to use new technologies as they too evolve. Some faculty members have adopted a rule that prohibits the use of generative AI in assessments as the default while other have adopted a permissive rule as the default. We are planning a faculty retreat for May 2024, and what we have collectively learned in 2023/24 will be reviewed.
What concerns and ethical issues does the law school have with respect to Gen AI use by its students, faculty and staff?

The concerns and ethical issues relate to:

- generative AI being relied upon as a substitute and, therefore, preventing positive learning outcomes;
- the work of generative AI being presented without attribution; and
- the limits of generative AI resulting in work of poor quality; e.g. factually inaccurate given the tools’ propensity for “hallucinations”.

What opportunities does the law school see around GenAI with respect to the law school and its students?

From a pedagogical perspective, we want to ensure our students are equipped with a strong ethical foundation, excellent legal reasoning skills, and the ability to adapt to innovation and technological change in the legal sector. To support this, Queen’s Law offers a range of unparalleled experiential learning opportunities, including the Conflict Analytics Lab, and our newly launched Legal Tech Clinic, where students work with a cross-disciplinary network of engineers, computer scientists, legal scholars, and partner organizations to design and advance new legal services tools.

Expanding access to justice is also a core part of our mission, and we see the potential of AI to remove barriers to legal services, including costs. The Conflict Analytics Lab has launched a dozen legal AI systems designed to improve access to justice through technology, helping tens of thousands of Canadians navigate personal injury negotiations, workplace disputes, vaccine injury compensation claims, and more.

How can GenAI be most helpful to law students? Staff? and Faculty? Please provide examples.

We recognize that the arrival of sophisticated AI systems has accelerated transformation in the legal sector. The competitive edge in this changing landscape is going to those who can leverage technology, find opportunity in disruption, and harness its capabilities to improve the quality and value of legal services. This is why Queen’s Law continues to make strategic investments to position its students to be leaders in legal tech. Our initial observations suggest that generative AI has been helpful to members of our community (staff, faculty, students) in several ways.

1. **Generating written materials**: Generative AI may be utilized to produce initial drafts of communications. For example, the initial draft for the text of a law school brochure may be generated by an AI tool. The potential here is tremendous – if the technology is deployed appropriately with appropriate quality oversight, it could vastly improve efficiencies in production of written works.

2. **Research**: Generative AI is helpful in the same way that other research tools are helpful; e.g. Westlaw Canada. When conducting research or learning about a subject area, it is an additional
source of information. From a legal research perspective, the Conflict Analytics Lab’s OpenJustice project is an education and legal research tool that utilizes GPT 3.5 and other generative AI technologies to improve access to justice and enhance legal operations. The system will help the public navigate legal information more intuitively and aid legal clinics and law firms by providing more efficient ways of extracting and synthesizing vast legal knowledge.

(3) **Enhanced learning and problem solving:** Faculty members often test student understanding by requiring students to analyze a hypothetical fact pattern. Some instructors generate an analysis with an AI tool and ask the students to evaluate the analysis by the AI tool (thereby conveying the importance of quality control).

**Will the law school be teaching/training students and staff on how to use GenAI, including how to use it professionally and in an ethical way? Who will teach GenAI and in what ways and in what contexts? Will there be specific training/courses devoted to this?**

Absolutely, and work in this regard has already been initiated. For example, the Associate Dean (Academic Policy) organized two sessions for faculty and staff in August 2023. One was a panel discussion on Generative AI - Implications for Legal Education and Research moderated by Dean Colleen M. Flood. The panel consisted of Professor Bita Amani (expert on AI and IP), Professor Samuel Dahan (Director of Conflict Analytics Lab), and Associate Dean (Academic Policy) Mohamed Khimji. The other session was on ChatGPT – A Primer for Law School Faculty and Staff, led by Erica Friesen, our Research and Instruction Librarian (Law) and Online Learning Specialist.

In addition, generative AI is now part of the curriculum in our mandatory first course Introduction to Legal Skills (ILS). Hugo Choquette, our ILS Director, has shown tremendous leadership in integrating this emerging technology into the first-year curriculum.

**What changes does the law school anticipate or foresee as a result of GenAI use by law students, faculty and staff? For example, in evaluating students might there be greater use of oral examinations/in person oral assessments and oral assignments to gauge students’ grasp of the material? Will the law school be doing more invigilated closed-book or in-room examinations?**

As mentioned above, we are hesitant to be overly prescriptive without more learned experience, but we accept that we have much to learn to learn about the capabilities and limits of generative AI and how best to respond to it from a pedagogical perspective. We have always championed ethics, and the emergence of AI layers in new challenges for the teaching of ethics, for example, helping students understand the risks of algorithmic bias and the impact on clients and the practice of law.

For some time, we have also encouraged multiple forms of assessments in our courses. Each form will require a unique response from faculty. For example, some courses do utilize the traditional in-person invigilated exam. We use a platform called Examplify, which prevents students from accessing the internet during the exam; i.e. generative AI may not be used during the exam. Other courses will utilize a written assignment, such as research paper, as part of the assessment. A research paper, unlike an in person invigilated, requires more consideration on the part of the faculty member. For example, should the use of generative AI be permitted for research purposes? If not permitted, should students be
required to submit an attestation with their work? If permitted, how should it be cited? Should the generated text be submitted in addition to work of the student? How should the importance of verifying the generated text and quality control be conveyed to the students? We have encouraged our faculty members to experiment with a view to sharing our collective experience at the faculty retreat in May 2024.

What concerns, if any, does the law school have around student “cheating” and plagiarism that might be facilitated by GenAl, and how does it plan to detect such problems and deal with them?

Queen’s Law has enshrined policies, regulations, and core values pertaining to academic integrity. For AI, we consider the presentation of text generated by an AI tool as one’s own work to be a form of plagiarism and, therefore, a departure from academic integrity under our Academic Integrity Policy (the “Policy”). The Policy sets out a procedure for academic integrity investigations.

Detection is a complicated issue. We do not yet have a reliable tool for detecting the use of generative AI. Therefore, we have emphasized educating our community members about the potential and risk of generative AI.

Does the law school anticipate shifting its pedagogical approach away from knowledge/information recall to focus more on students’ analysis, judgment, creativity, and hands-on experiential learning?

As a law school, we have never focused too much on knowledge/information recall. We have a robust experiential learning program: https://law.queensu.ca/programs/jd/experiential-learning. Even in our traditional courses, faculty members employ multiple methods of assessment designed to encourage analysis, judgment, and creativity; e.g. a hypothetical fact situation requiring the application of legal standards that lend themselves to argument.