

The Ethics of Academic Legal Writing in the Age of Artificial Intelligence

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Abstract

Technology has become one of the most important pillars of modern life in many fields, including education, communication, entertainment, health, and law. Artificial intelligence is one of these technologies, creating new spaces and opportunities for various aspects of human life.

The swift progress of artificial intelligence (AI) has notably impacted academic writing within the legal domain, prompting intricate ethical considerations. AI tools like automated citation systems, legal research engines, and text generators offer benefits in enhancing legal scholarship while presenting dilemmas concerning authorship, originality, and professional accountability. This article delves into the ethical ramifications of employing AI in legal academic writing, scrutinizing the delineations between acceptable AI support and possible misapplication. It also suggests guidelines to uphold the intellectual rigor, transparency, and ethical integrity of legal writing amidst the AI era.

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Introduction

The use of artificial intelligence in academic writing has transformed the creation, modification and sharing of content by researchers.

AI is reshaping the legal practice and academic landscape through sophisticated tools such as Westlaw Edge for legal research and AI-driven drafting platforms, the legal profession undergoes a significant transformation. The influence of AI extends to legal academia, particularly in academic writing, introducing profound and intricate changes.

AI tools play a pivotal role in citation management, legal research, drafting, and even predictive analysis. Nevertheless, the integration of these technologies brings forth crucial ethical issues to legal academia, the notions of authorship and originality hold utmost importance.

As legal scholars engage with AI-powered tools, concerns emerge regarding the impact of AI on the intellectual process and potential implications for academic integrity.

This article delves into the ethical quandaries arising from AI utilization in legal writing, exploring its effects on authorship, plagiarism, the integrity of legal discourse, and the professional ethics of legal scholars.

We will address the following questions: How the Artificial Intelligence can influence in the legal academic writing process? Are there any ethical or unethical conditions that legal academic researcher must follow ?

This article serves as the foundation in evaluating the worry caused by the use of AI technologies in academic writing with a little more scrutiny.

To answer the problem raised, the research was divided into several titles, which are :

- **First:** AI and legal authorship

- **Second:** AI and Plagiarism
- **Third:** AI's Impact on Legal Reasoning
- **Forth :** Ethical Use of AI in Legal Writing

The conclusion will summarize the most important findings and propose several recommendations.

1- AI and legal Authorship

Artificial intelligence services are diverse, and one of the most important services is academic writing, as it can handle natural language or neural language programming. The latter has become complex enough that AI systems can understand and present natural human language. AI supported writing can be classified into few types: language generation and enhancement, language research, and some aspect of ethics.

The importance of establishing ethical and legal rules governing artificial intelligence lies in the fact that it is designed to perform work that benefits humanity, regardless of the surrounding or emerging circumstances. This requires the establishment of a regulatory and ethical mechanism that governs and regulates the work of artificial intelligence, in addition to the necessity of protecting jobs that will be negatively affected by the trend towards intelligent automation. Laws must also be formulated to ensure the preservation/protection of human rights, encourage innovation in the field of human-friendly artificial intelligence, and establish a system of values that governs the interaction between humans and machines (Wassila Saoud, 2023).

A) Ownership in Legal Writing

When delving into the realm of legal writing, the ethical and professional considerations surrounding authorship hold significant weight. Legal experts are required to produce content that mirrors their individual analysis and logical reasoning. Yet, with the advancement of AI tools that offer suggestions on wording, structure, and even content, the distinction between human and AI authorship becomes increasingly unclear. In the context of legal writing, authorship traditionally links the writer to the intellectual and creative effort involved in formulating legal arguments (Posner, 2007). The integration of AI prompts inquiries into the extent to which the writing process can be handed over to machines without compromising the

integrity of legal scholarship. As highlighted by Zamboni (2021), when AI tools play a substantial role in composing legal documents or articles, the issue of rightful credit for authorship becomes more intricate.

The American Bar Association (ABA) Model Rules of Professional Conduct emphasize that attorneys must uphold competence and personal accountability in their legal endeavors (Rule 1.1).

While these regulations mainly target legal practitioners, they also serve as a basis for assessing the ethical application of AI in legal academia. If AI significantly aids in creating a legal publication, should the scholar acknowledge this support? Failing to do so could potentially mislead readers regarding the extent of the scholar's individual contribution and intellectual exertion.

B) Generation of materials

It is known that legal users or anyone can get text created by an AI system under conditions. For example, Open AI's ChatGPT and Bard by Google work with simple instructions to construct relevant, coherent writing ranging from short paragraphs to summarizing essays to complete write ups. These features would bring remarkable benefits as they can assist scholars to ignore writer's block and other down times by writing certain portions significantly faster.

A recent study by Smith et al. (2022) reported that learners interacted with AI writing aides positively noting their capacity to not only improve but also finish up written tasks in 30% less time than normal. That way, much more time was dedicated to research and analyzing, rather than writing itself.

C) Language Enhancement

Grammar-checking and composition enhancement software, including the tools predominantly powered by AI technology, such as Grammarly, ProWritingAid, and Hemingway Editor have instant features for grammar checking, style advice and judgment, and readability assessment. Simple tools allow users to enhance their

writing by detecting and correcting errors along the flow including but not limited to grammar, awkward phrases, and highly worded sentences.

Example : Research conducted by Li and Zhang in 2021 found out that applying AI editing tools improve the result of students' academic papers because they receive better feedback from peers and instructors regarding the writing against submission.

D) Research Assistance

AI can enhance the research process by providing a plethora of academic sources using an efficient modern-day approach. We argue that literature search tools like Semantic Scholar and ResearchGate apply certain AI algorithms that help recommend relevant papers based on user queries and previous searches therefore, helping in the literature review process.

Artificial intelligence technologies are used for students or legal researchers by analyzing their learning patterns, previous experiences and abilities. Artificial intelligence works as a personal educational assistant for everyone. It analyzes their personal and academic data such as their learning method, level, knowledge, skills and goals. Then, it provides diverse educational materials that are adapted to their needs, level and expectations regarding lessons, exercises and tests. It also provides virtual teachers, chatbots that respond to students' inquiries and questions and encourage them to learn, and other scientific activities that motivate them to study (Babouche & Zaim, 2024).

According to Chen et al (2023), AI-assisted tools designed to search for relevant literature also significantly enhanced the effectiveness of conducting literature reviews, enabling improvements of over 40% making it easier for research to find critical studies or areas lacking research in the existing literature.

E) Institutional Policies and Guidelines

Given the increasingly prominent role of AI in legal reasoning, it is (indeed) essential to establish ethical guidelines to govern its use in legal scholarship and practice. These guidelines must address the limitations of AI ; however, they should also ensure that human judgment and ethical considerations remain central (to) legal reasoning. Although technology can enhance efficiency, this does not negate the necessity for human oversight, because the nuances of legal interpretation often evade algorithmic comprehension. Consequently, it is critical that the legal field embraces these guidelines: they will serve as a framework for balancing innovation with the integrity of the law.

This would also imply that as the use of artificial intelligence tools in academic writing becomes more mainstream, policies and guidelines will be developed by academic institutions that assure a set of ethics are considered, academic integrity is upheld, and use of AI aligns with the core values of scholarship. Establishing comprehensive frameworks for the ethical use of AI in academic settings is essential for navigating the complexities associated with authorship, integrity, and originality (Binns, 2018).

One of the most salient objectives institutional policies have been trying to clarify relates to the acceptability of AI tool utilization. The guidelines would need to emphasize how AI might become a support in doing research and writing while also making clear the expectations for critical engagement and original thought. For example, institutions might advise that AI-generated content can be helpful in brainstorming or in refining clarity but should not replace independent analysis and argumentation. Turner & Adams, 2024. This approach encourages scholars to leverage AI's capabilities while maintaining their intellectual contributions, thus upholding the authenticity of their work (O'Neill, 2016).

Apart from providing acceptable uses of AI, institutional policies should deal with issues regarding transparency and disclosure. Scholars should be encouraged to disclose how much they have used AI tools in their research and writing.

Transparency fosters trust within the academic community and ensures that readers and peers are aware of the methodologies employed (Elish & boyd, 2018). By requiring disclosure, institutions can also promote accountability, ensuring that researchers remain responsible for the content produced with the assistance of AI.

Moreover, there are implications for academic integrity that institutions should consider. Policies should clearly describe the consequences for misconduct involving AI use, such as plagiarism and misrepresentation of authorship. With clear expectations and corresponding consequences, academic institutions could help deter unethical behavior and remind individuals of the importance of integrity within scholarly works (Stodden & Sullivant, 2017). Also, training programs and workshops can be implemented to instruct faculty members and students on these policies to instill a culture of ethical AI use. The development of institutional guidelines should also involve collaborative efforts among various stakeholders, including faculty, administrators, and ethicists. This collaborative approach ensures that policies reflect the diverse perspectives and expertise within the academic community (Haggerty & Ericson, 2000). Engaging in dialogue about the ethical implications of AI in research and writing can lead to more nuanced and effective policies that address the unique challenges posed by these technologies. In the end, this means that, with AI becoming indispensable in higher education writing, clear institutional policies and guidelines take center stage. They should promote ethical practices, make sure transparency is ensured in doing so, and protect academic integrity. It is by fostering an atmosphere where AI is used responsibly that an institution can navigate the challenges of technology in scholarship while upholding core values of academic excellence.

2- AI and Plagiarism

The long-standing issue of plagiarism — taking someone else's work and presenting it as your own — has evolved with the rise of AI in academic writing.

Plagiarism can manifest in various forms, such as blatant copying, paraphrasing, and unintentional plagiarism. This issue becomes particularly significant with AI-generated content, as users often

rewrite phrases and incorporate ideas based on the vast datasets the AI has been trained on. Complicating matters further, users may not realize that when AI generates text that closely resembles existing works, it can unintentionally violate academic integrity. Unlike traditional methods of detecting plagiarism, which struggle to identify unique similarities produced by AI, this presents a substantial challenge for institutions aiming to uphold academic standards and originality across their campuses.

A) Originality in Legal Scholarship

Plagiarism poses a significant ethical challenge in the realm of legal writing, whether in professional practice or academic settings. Scholars specializing in law are held to a high standard of creating original content, offering fresh perspectives and in-depth analyses to enrich the discipline.

AI's recent progress in academic writing raises many tricky questions about who writes what and who's responsible. We think the author oversees a paper's content, ideas, and arguments. But when AI tools play a big part in writing—whether it's coming up with content thinking up ideas or organizing things—it's not so clear who the real author is (Stodden & Sullivant 2017). This lack of clarity causes big problems for the rules we have about being honest in academics, as AI keeps changing how we do research and write. One of the biggest headaches with AI-created content is figuring out who gets credit. When AI has a big hand in making or shaping the work, it's tough to decide who should be named as the author.

The advent of artificial intelligence, particularly AI-driven text generation tools like GPT, disrupts conventional views on plagiarism and originality. While content generated by AI may not involve direct replication from existing sources, it sparks concerns regarding the authenticity of the produced work.

According to Stern and Elias (2021), AI platforms have the capability to generate text that is technically novel but may lack the critical thinking and scholarly depth expected in academic discourse.

Legal academic circles prioritize not only linguistic originality but also originality of ideas. When legal scholars rely on AI to compose substantial parts of their work, even if the material is technically unique, a fundamental question arises : Does this practice erode the essence of academic honesty? furthermore, plagiarism detection systems like Turnitin or authenticate may struggle to identify AI-generated content since it does not stem from direct copying of known sources.

Consequently, legal scholars and academic institutions confront ethical dilemmas concerning the integration of AI-generated text in scholarly endeavors. As proposed by Lipshaw (2020), institutions need to delineate the boundaries of plagiarism in an AI-influenced landscape and revise their guidelines to prevent AI from becoming a loophole for academic malpractice.

While some consider the human user to be the sole author, others propose that a contribution of AI (Binns 2018).

This presupposes that there are ethical debates on the ownership of ideas and use of AI as co-authors. Secondly, there is a lack of clear directions on how to present AI contributions so as to establish accountability in academic work which might lead to legal disputes about intellectual property Elish & Boyd 2018. In addition to that, the implications of accountability far exceed the realm of attribution. In the context of research integrity, it will increasingly be important to establish to what extent human authors are responsible for the actual content created by the AI. If an AI tool produces misleading, erroneous, or biased information, one question is: to what extent can the human author be held accountable? Misinformation might threaten scholarly credibility, and there will be a great need for authors to critically assess and verify the AI-generated content prior to publication. Turner & Adams (2024).

The evolving landscape of authorship necessitates that academic institutions reexamine their definitions and standards of authorship. Establishing clear guidelines for acknowledging AI contributions can help clarify expectations and responsibilities. A few institutions have already begun to develop policies that outline acceptable practices

with regard to the use of AI in research, one aspect of which is disclosure of the role of AI in writing (O'Neill, 2016). A culture of accountability, therefore, on the part of academic institutions fosters responsible usage of these AI tools while promoting the integrity of the scholarly work.

In the end, this confluence between AI and authorship serves to further complicate the notion of accountability in academic writing. It is therefore paramount that as AI technologies continue to be incorporated into the research process, the academic community establish guidelines to deal with not only issues of attribution and responsibility but also ethical concerns with regards to AI-assisted authorship. Ongoing dialogue and collaboration among scholars, ethicists, and technologists will be required as these are navigated with a view towards ensuring the integrity of contributions going forward in the AI era.

B) Data and information distortion

Plagiarism heavily relies on distorting data and information by manipulating or misrepresenting ideas and research findings. It involves copying or rephrasing someone Work without giving credit to the creator. This does not deprive the creator of recognition but also alters the context and essence of the information shared. Such distortion can result in misconceptions and false information that could erode the credibility of professional discussions (Pennycook 1996). When individuals fail to give credit to their sources when writing content without acknowledgment leads to an appearance of understanding that can deceive readers and prolong inaccurate stories while impeding the progress of academic research efforts, in the long run This behavior ultimately undermines confidence, in the trustworthiness of information and devalues original intellectual insights.

An academic institution cannot afford to take risks with AI-based plagiarism, so there are several strategies that can be implemented. First and foremost, education is essential. The institution should foster a sense of academic integrity among its users by raising awareness about the ethics surrounding AI tools and emphasizing the importance

of original work. Additionally, originality can be cultivated through meaningful engagement with AI-generated content, encouraging scholars to integrate its use into their work as a supportive tool rather than a replacement for human creativity. Moreover, institutions should prioritize investing in advanced plagiarism detection tools capable of identifying AI-generated materials. These tools would be invaluable in maintaining credibility in academic work, as current systems may not adequately address the complexities introduced by AI (Taylor & Wilson, 2022). Lastly, establishing clear guidelines on the ethical use of AI tools will provide students and researchers with the necessary framework regarding expectations for original work and proper citation (Pritchard, 2020).

C) Integrity and Authenticity

Integrity and authenticity form the backbone of scholarly pursuits, which underpin the credibility of research and the trustworthiness of scholarly communication. These are challenged anew by principles that will warrant careful consideration in this era of AI-assisted academic writing. With the ever-increasing integration of AI tools into the very process of writing, there are emerging questions over the originality of thought and the actual engagement of the researcher with his or her subject(s). Haggerty & Ericson (2000).

Academic integrity largely pertains to the originality of ideas and arguments that are propounded in academic writing. With the increasing reliance on AI-generated content, the best effect one is likely to achieve on certain state-of-the-art topics is shallow thought processes. This is because various tools maintain text from pattern development and existing information rather than original thought (Binns, 2018). This can arguably overthrow the critical thinking and analytical skill needed for real scholarship. Consequently, the overuse of AI in writing may lead to a homogenization of ideas, where unique perspectives are diluted, and originality is sacrificed for the sake of efficiency (Stodden & Sullivant, 2017).

Furthermore, the risk of AI in generating deceptive or incorrect information is seen as a critical threat to the integrity of academic work. Scholars may unconsciously embed errors or biases that are integral to the AI content and undermine the reliability of their

research. This issue is compounded by the challenge of fact-checking and verifying AI outputs, as researchers may lack the expertise to identify inaccuracies in specialized fields (Turner & Adams, 2024). Therefore, maintaining integrity in academic writing necessitates a proactive approach to critically evaluate and contextualize AI-generated material.

Originality in scholarship also depends on a personal commitment and intellectual investment by the researcher. Authentic scholarship reflects a deep understanding of the subject matter, characterized by original insights and a thorough exploration of the topic (Elish & boyd, 2018). When AI tools are used to generate content without significant human input or critical reflection, the authenticity of the resulting work may be called into question.

This predicament underpins the imperative of using AI to complement human creativity and insight rather than replace it. Haggerty & Ericson, 2000.

For maintaining integrity and authenticity in the era of AI, guidelines on the ethical use of AI tools in writing become a must for academic institutions. These guidelines should indicate how critical engagement helps a researcher embed AI-generated content into his work while maintaining his individual voice and perspective. This is what O'Neill suggests in his 2016 work. Additionally, creating a culture of awareness of the limitations of AI will further help the scholar through the ethical minefield in writing academia for responsible use of emerging technologies. In brief, the juncture of AI technology with the principles of integrity and authenticity in academic writing is very precarious. While AI resources can be so helpful in enhancing productivity, the problems on originality and depth of engagement in scholarly work also similarly raise a major concern. A culture of integrity and critical reflection is cultivated in academic scholarship to ensure authenticity of scholarly contributions.

3- AI's Impact on Legal Reasoning

Legal writing links closely to the growth of legal reasoning and critical thinking abilities. Writing legal arguments pushes scholars to interact with legal texts, study case law, and use legal principles for

new and changing issues. AI tools can help streamline research and drafting, but they might reduce the importance of human judgment in this process. AI systems like LexisNexis and Westlaw use algorithms to suggest legal sources based on keyword searches, which can speed up research. But depending too much on AI to find legal sources and arguments could result in shallow legal reasoning. Katz (2013) claims that AI tools are strong helpers, but they can't copy the subtlety and judgment needed in legal analysis. The risk is that legal scholars might use AI to bypass the mental effort that academic legal writing needs. In the world of legal academia, there's a worry about "outsourcing" brain work to AI tools. This could affect how young scholars grow. Law students and those just starting their academic careers might start to depend on AI to come up with legal arguments and organize their papers. This could rob them of the chance to dig into the material. Schwartz and Walters (2022) argue that legal education needs to independent critical thinking and analysis.

4- Ethical Use of AI in Legal Writing

Admittedly, the incorporation of AI will have several advantages in academic writing. Nonetheless, the risky effects overshadow the possible advantages. The creation of text is incredibly simple and nearly effortless — but so too are there problems with it in regards to originality, and the concept of theft and ownership.

While writing on fresh ideas, scholars often do some work that will overlap with what other scholars already have written — hence questions arise regarding the novelty of the material presented. It can also generate for compelling questions of responsibility where researchers are concerned – and where does the line start/stop in terms of authorship-vaporware? For example, a case study of AI-authored papers published in scholarly journals revealed attribution problems: authors did not know whom much to credit for the work: was it the author of the work or the AI (Thompson & Lee 2022).

To tackle the moral issues AI brings up in legal academic writing, schools need to set up rules that spell out what's okay and what's not. This part suggests a plan for using AI in legal writing, focusing on

being open, keeping academic honesty, and building up legal thinking skills.

- A) **Transparency:** Legal scholars should reveal how much they used AI tools when writing. This includes stating if AI helped manage citations, draft text, or create content. Floridi and Cowls (2019) argue that being open is key to keep trust in academic work and let readers know where ideas come from.
- B) **Academic Integrity:** Schools must spell out what counts as plagiarism when it comes to AI-written text. We should discourage legal scholars from using AI to produce main content and claiming it as their own work. Robertson (2020) points out that legal scholarship is about coming up with new legal ideas, not just putting words on paper. This makes it vital to guard the originality of legal writing.
- C) **Personal Accountability:** Even when using AI tools for technical assistance, legal scholars must be accountable for the whole work and its quality. ABA Model Rule 1.1 requires lawyers to provide competent representation which by extension applies to legal scholarship. AI should enhance not replace the scholar's independent judgment and intellectual labor (Susskind, 2019).
- D) **Educational Value:** Legal education should focus on critical thinking and legal reasoning skills with AI as a supplementary tool not primary resource. Institutions should integrate AI literacy into the curriculum, teach students how to use these tools ethically and effectively while keeping their intellectual engagement with the material (Schwartz & Walters, 2022).

Conclusion

The emergence of artificial intelligence (AI) in the realm of academic legal writing presents both significant opportunities and ethical dilemmas. While these AI tools can undoubtedly enhance efficiency and assist in drafting as well as research, they also pose a risk of undermining fundamental values such as authorship, originality and intellectual engagement (in legal scholarship). Legal institutions and educators must adapt to these changes : they need to establish clear ethical guidelines regarding the use of AI in legal writing. This is essential to ensure that the integrity of legal academia remains intact.

However, the ethics surrounding AI in legal writing is an evolving concern that requires careful scrutiny, particularly because AI technology is rapidly advancing. Although fostering transparency and maintaining academic integrity are critical, it is equally important to promote the development of legal reasoning. Consequently, legal scholars and institutions can navigate the challenges posed by AI, while simultaneously embracing its potential benefits for legal research and writing.

Propositions for Future Directions :

- Establishment of Clear Guidelines : Institutions should create specific policies by spelling out the acceptable practices of AI tools in academic writing, which must address such issues as authorship, accountability, and transparency.
- Ongoing Education and Training : The proper training focuses on how the ethical of institutions will be included. Even the faculty and students should understand the shifting paradigms and master the associated technological skills in writing.
- Promotion of Critical Inquiry: One of the main tasks for institutions is to watch the scholars' behaviors in readings and the ways of their interaction with AI-generated texts. In this way, the academic environment shall be conducive to the development of original ideas and intellectual depth.
- Development of Advanced Detection Tools : The introduction of advanced detection tools will help to safeguard academic integrity by investing in AI-generated content plagiarism detection which was specially developed for this purpose.

Fostering Interdisciplinary Dialogue: One step to tackle the issues of AI in academic writing is promoting the dialogue among ethicists, technologists, and educators.

Summing up, incorporating AI technology to academic writing is the start of a new era filled with innovation and collaboration, but on the other hand, the school of thought committed to ethical practices. Through the concerted efforts of addressing these constraints, the education sector faces AI with responsibility and uses its potentials properly while maintaining the genuineness and trustworthiness of the work in the digital environment.

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