

Book Review

How to embed authenticity in legal assessment: responding to generative AI, Veronica Ni Driscoll, Jo Wilson and Jeanette Ashton (Edward Elgar), 2026

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Anyone engaged in (higher) education today is likely to be concerned about the increasing role of artificial intelligence (AI) and the extent to which this impacts on various aspects of learning and teaching including, importantly, the assessment of student performance.

This book is therefore timely, and it opens a discussion that many will be glad to begin to have, if they have not started already. In addition, and at the core of the authors' intent, the book opens with the call for assessments in Law to be 'authentic' and they examine differing interpretations of authenticity ranging from preparing students for the demands of the real world (particularly equipping them with not just knowledge but work-related skills and values) to a much more nuanced position or what they term 'a multidimensional approach' incorporating, for example, collaboration and reflection on the part of students (and some might say their teachers).

For those of us who are familiar with experiential learning and teaching methods none of this is perhaps new, but when you add the role of AI to the picture then the book offers significant insights and raises vital questions (many of which are understandably, given the rapid development of AI, as yet, unanswered). The starting point must be, as the authors rightly advise, that students should be instructed in how to best use AI and then how to develop a critical awareness and analysis of what that technology can, does and may soon produce.

One of the main considerations then must be the extent to which we can assess the students actual understanding and a face to face, oral, examination of some kind is almost inevitable although that may prejudice those who struggle with such close and personal scrutiny. The book does helpfully suggest a variety of assessment methods to give students every opportunity to do themselves credit and examples are given as to how that may be carried out. Even so, what world are we preparing students for unless they can be robust enough to stand up to critical, if caring, questioning and associated pressure?

The first two parts of the book address, in turn, authenticity and AI in the context of assessment in legal education. The third part contains a set of case studies (20) looking at a variety of sometimes impressively innovative ways of assessing, taking AI into account. As examples of what can be done

the case studies provide valuable guidance for anyone wanting to revisit how their own modules or courses might be adapted, particularly given AI developments.

That said a few quibbles – it is a personal view and intended as constructive criticism, but I suggest that the book would have benefited from a number of further considerations:

- There is scant reference to the importance of learning outcomes (the topic is referred to just once in the index though there are several other mentions in the main body of the book). Any discussion of assessment is surely and necessarily linked to what it is we expect the students to learn? Unless the outcomes are clear (and SMART) the notion of constructive alignment means little. The careful crafting of outcomes should ensure that whatever assessment is used is authentic and effective.
- In the discussion on the impact of AI there is insufficient recognition of changing social norms particularly the seeming and increasing dependence on e-technology including many students' use of social media. Research elsewhere has suggested that this adversely affects attention spans, ability to focus on detail (so central to lawyers' work) and wider cognitive and critical capacity.
- I further suggest that authentic and effective assessment is reliant upon authentic learning and teaching where the exercise is one of collaboration rather than top-down instruction. In addition, the traditional approach, still retained by most law schools, is to deliver programmes in subject boxes – Tort, Crime, Land etc. This does not represent the 'messy' world of law and does not provide students with the opportunity to unpack legal issues from given scenarios and to demonstrate, authentically, that they can apply theory in practice – what better proof of understanding can you have than accurate identification and application? Think Bloom's taxonomy. Again, for those of us who are involved in experiential learning and teaching this is familiar stuff. The book would in my view have benefited from examining these points.
- The book does discuss assessing for learning but could have gone into further depth as well as considering the central question - why assess at all? If students are asked for their evaluation of their studies in my experience the frequent response is that we, as teachers, give insufficient feedback. It is well documented in educational theory that far more learning can be achieved with more formative and less summative assessment.
- Whilst the case studies are very useful as mentioned above it might have been helpful to have included examples of authentic assessment in the context of AI from other jurisdictions in both the common and civil law worlds. The work of the (UK) QAA and its benchmark standards and accreditation processes for a range of institutions at home and abroad sheds much light on the need for authentic assessment and the implications posed by AI.

Overall I found the book very stimulating to read even though it is very brief in terms of length (the first 2 parts only occupy 70 pages) and it will undoubtedly usefully add to the growing literature on these extremely important matters.