De-Skilling or Re-Skilling? The Case for Smarter Writing Assignments

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December 23, 2025

Abstract

This article challenges the assumption that AI inevitably leads to the de-skilling of law students. Some faculty understandably fear that students will use AI to bypass critical thinking and avoid meaningful effort. This article reframes AI as a potential catalyst for improving legal education rather than inherently a threat.

Concerns about de-skilling generally are based on the assumption that faculty will not change traditional writing assignments. This article analyzes why these assignments often fail to help students develop strong analytical and writing skills. These include limited instruction in basic writing skills, poor design, lack of feedback, and faculty inertia in the face of rapid technological change.

This article recommends replacing long, end-of-semester papers with a sequence of short assignments culminating in concise papers modeled on bar association journal articles. This approach should improve student analytical and writing skills, reduce incentives to misuse AI, and prepare students for the writing tasks they are likely to do in practice. Faculty can use this assignment with or without allowing students to use AI. If faculty teach students to use AI responsibly, both students and faculty can become more "AI literate."

Contents

1.   Introduction

Some faculty fear that AI will "de-skill" our students. They worry that students will use AI tools to avoid investing much thought or effort into their assignments. When students use AI this way, they bypass critical thinking, undermine writing ability, develop lazy habits of relying on AI, and fail to develop key skills.

These are legitimate concerns. Faculty are right to worry that students may not develop essential analytical and writing skills if they rely heavily on AI tools without guidance or regulation.

Much of the de-skilling framing depends on an assumption that faculty will continue to use the same writing assignments in upper-level courses as they have in the past. Rather than unconsciously making this assumption, we should focus on how best to improve student learning.

Let's be honest: Current methods of teaching legal writing are often inadequate. Many law students graduate unable to write clearly, concisely, or persuasively. This article describes problems with current writing instruction and suggests ways to substantially improve students' analytical and writing skills.

Concerns about de-skilling are leading some faculty to reexamine their writing assignments. These concerns provide an opportunity to rethink how we teach legal analysis and writing, not just how we regulate AI use.

This article recommends moving away from the traditional model of long final course papers written in law review style. Instead, you can assign several interim writing exercises that culminate in short papers written in bar journal style. This is consistent with revised ABA standards that will require law schools, starting next academic year, to provide formative assessments *throughout their curricula*.

You can use this approach with or without allowing students to use AI tools. When used responsibly, AI tools can enhance student learning and promote AI literacy – for both students and faculty.

Part 2 of this article examines the factors contributing to weak student writing. Parts 3 and 4 describe how you can redesign writing assignments to improve students' analytical and writing skills – with or without the use of AI tools. Part 5 argues that faculty themselves need to re-skill in response to changes in legal education in light of AI. The article concludes with a summary of key takeaways.

2.   Why Students Don't Learn to Write Well in Law School

A.   Limited Training Before Law School

Many students enter law school with poor basic writing skills. A substantial proportion struggle with grammar, punctuation, syntax, vocabulary, organization of ideas, and the development of coherent arguments. The lack of basic writing skills undermines their ability to produce course papers and, later, the professional writing expected of lawyers.

B.   Low Priority on Teaching Basic Writing Skills

Law students are required to take courses that include a "writing experience" in both a 1L and an upper-level course. Legal writing faculty may provide some instruction and feedback about basic writing skills, but their primary focus is on teaching legal research, citation, and writing documents that lawyers commonly produce. Most faculty who do not teach legal writing courses likely spend little time helping students write well or giving them meaningful feedback.

Query: In courses where you assign students to write papers, how much instruction and feedback do you provide about basic writing skills?

C.   Assignments Poorly Designed to Improve Analysis and Writing

The main requirement in many upper-level courses is a paper due at the end of the semester. These are often modeled on the format of student law review comments. Course papers typically are 20-30 pages – about 5,000-7,500 words. They are expected to include extensive footnotes, address an academic audience, and adopt a scholarly tone. These papers are quite different from the kinds of publications that most lawyers actually read or write. As a result, these assignments are poorly designed to improve students' analysis and writing because they emphasize length and academic conventions over focused analysis and revision.

D.   Little or No Formative Assessment and Feedback

Students typically receive little or no formative assessment when writing upper-level papers. The ABA defines formative assessment as "measurements *at different points during a course* or at different points over the span of a student's education that provide meaningful feedback to improve student learning." (Emphasis added.) Under the revised ABA Standard 314, "A law school shall utilize both formative and summative assessment methods *throughout its curriculum* to measure student achievement of course learning outcomes, improve student learning, and provide meaningful feedback to students." (Emphasis added.)

This standard, which takes effect next academic year, signals the centrality of formative assessment. Although the standard requires formative assessment only in all 1L courses, your dean may ask you to provide formative assessment in your upper-level courses to help your school comply with the ABA requirements.

Currently, some faculty may require students to submit outlines or brief descriptions of their ideas, but probably few routinely read full drafts and provide detailed feedback before students submit final drafts. At the end of the semester, when faculty grade papers, they are often overwhelmed by a large stack of lengthy papers and have little time, energy, or incentive to provide detailed feedback.

Grades provide a snapshot of the quality of students' thinking, but do not help them improve while they are still learning. Grades reflect the ultimate products, but generally don't address how students developed their thinking, why they made particular choices, or what they learned. Even if faculty provided detailed feedback on final papers, many students wouldn't read it – they can't use it to improve their grades, and they have usually moved on to the next semester's concerns.

E. Factors Driving Students' AI Use

Students frequently struggle to write long papers. These are complex assignments that require significant time and concentration. Students often prioritize other tasks or procrastinate until the end of the semester, when they are pressed for time to complete all their course assignments and prepare for exams. Their goal is often to complete each task efficiently to make time for others. By the time they finish drafting their papers, they may have little time or energy left for careful reflection or revision. The result is often bloated, underdeveloped writing.

Law school places a premium on getting good grades – both as tickets to desirable jobs and as markers of students' worth. Under these circumstances, some students predictably use AI to deal with the end-of-semester workload pressures and increase their chances of getting good grades.

F. Faculty Inertia and Wariness about AI

Faculty fears of de-skilling may be related to resistance to change. Faculty, like other humans, tend to favor familiar routines. They have tried-and-true syllabi, teaching methods, course materials, and grading rubrics. Their own training did not include instruction in prompting, hallucination management, or verification of AI output. For some, adapting to AI also means confronting an unfamiliar technological language that challenges their sense of professional mastery. It can feel overwhelming and even repellent. One colleague in a [recent survey](#) said, "AI makes me want to retire early."

Many faculty know that legal education should adapt to the AI era – but they may not know how. They may also lack the time or bandwidth, and the prospect of teaching (and learning) these things may feel daunting.

3.   How to Help Students Learn to Write Well

Most faculty are well aware of these dysfunctional dynamics. But they have had little incentive to change – until reading student papers that sound as if they were written by robots or corporate communication consultants.

The AI era gives faculty the opportunity to rethink their teaching methods to substantially improve students' learning. This section describes a writing assignment you can use without allowing students to use AI. The following part describes how AI can enhance students' analytical and writing skills in completing these assignments.

A.   Shift from Academic to Practical Legal Writing

Instead of traditional law review–style papers, you can assign papers modeled on short articles published in state bar association magazines. These articles are written for practicing lawyers, judges, and policymakers and emphasize clarity and relevance. They typically provide legal and/or policy analyses of discrete issues and are sharply focused with practical takeaways. They are short enough that lawyers actually read and value them.

Tell the truth: how often have you read students' law review comments? Do you think that practitioners read them more often than faculty do? That's what I thought.

Requiring students to write short, practical papers allows both students and faculty to focus more deeply on structure, clarity, and revision – especially when the process includes interim assignments such as outlines, drafts, and revisions. These assignments can help students develop a broader set of professional writing skills and produce work that is more like what they will write in practice.

These assignments are particularly valuable because they require students to engage in metacognition. They not only learn what they write about – they also learn how to *think about* writing and professional judgment.

B.   Foster Deeper Learning with Shorter Papers

Ironically, if you require students to write less, they may actually learn more. That's because they can focus more on a manageable amount of writing rather than racing to complete a marathon at the semester's end. If you limit papers to 2,000 words, for example, students have an incentive to make every word count – rather than adding filler to yield 5,000-7,500 words. After students write a certain amount, requiring them to write more is likely to produce diminishing educational benefits.

If students write shorter final papers, you can assign them to complete interim assignments to enhance the quality. This allows you to provide formative assessments that help students learn and improve during the writing process. As noted above, starting next year, law schools will be required to provide formative assessment "throughout [the] curriculum." Although the requirement doesn't require formative assessment in every upper-level course, this approach can significantly enhance student learning and make your courses more effective. Microsoft Word's "Track Changes" feature makes it easy to provide feedback and review students' revisions.

For example, in the third or fourth week of the semester, they might submit a plan for their paper. This could describe why their topic is important, their research plan, and the main points. You would provide feedback and suggestions to point them in the right direction.

In the eighth to tenth week of the semester, students would submit a first draft, and you would provide more feedback. This would be where you and the students would do the "heavy lifting." This should not be too onerous, however, because the papers would be relatively short and informed by earlier feedback.

Students would submit final papers at the end of the semester that respond to your suggestions. For both students and faculty, this should be much less burdensome than traditional long papers. The total amount of writing for the three components could be about the same as traditional papers but the separate assignments would cover the same topics. Students would have previously completed the first draft and so the final papers would focus on refining and polishing those drafts. You would be familiar with the papers and focus primarily on how they improved the first drafts.

These interim assignments also provide a natural structure for giving feedback at multiple points in the semester, allowing students to reflect, revise, and improve before submitting a final version. Breaking assignments into three parts enables you to provide the formative feedback required by law schools starting next academic year. More importantly, formative assessment is simply good pedagogy: it helps faculty give timely feedback that improves student learning.

The ABA Guidance Memo about Standard 314 states that "the amount and variety of assessments utilized by each school should demonstrate that it is seriously measuring its success in meeting the outcomes that it has identified as appropriate to its mission. . . . [S]chools [must] collect evidence that demonstrates the level of attainment." Using the three-part assignment would provide evidence required by the ABA Standard.

C.   Use a Multi-Stage Assignment

By breaking the assignment into three parts, it becomes easier to focus in depth on analytical and writing issues. If the interim assignments are due in the early and middle parts of the semester, there isn't as much time for students to procrastinate. This structure encourages sustained engagement and reduces the temptation to cram or cut corners at the end.

Moreover, placing the most demanding part of the assignment in the middle of the semester reduces conflict with end-of-semester deadlines competing for students' and faculty attention. By the time the final paper is due, they won't need to devote as much time to it.

D.   Teach Students to Write for Real Readers

One advantage of this approach is that students could produce publishable work. This series of assignments is likely to result in high-quality papers, some of which would be suitable for publication.

Faculty could compile the best papers into an SSRN mini-journal issue to share on social media or with professional networks. Students would gain a publication credit, faculty would raise their teaching profile, and people might actually read the resulting work – unlike the thousands of long seminar papers written each year that disappear into black holes of scholarship. Writing for real readers would help students see themselves as part of the legal community, not just students completing an assignment.

Some students might even submit their papers for publication in regular bar journals. Even if their papers are published only in SSRN collections, students would value the recognition (which they could include in their resumes), and this could motivate them to produce high-quality papers.

E.   Design Assignments to Discourage Misuse of AI

You can use this assignment and prohibit students from using AI. The structure of the assignment should reduce the expected benefit from using AI, but some students might be tempted to use it nonetheless. However, it would be harder for them to rely on AI without revealing a lack of original thought or effort, because they would submit multiple drafts and receive feedback throughout the process.

For suggestions to deter students from using AI in this assignment, see Appendices 1-3 in *Solving Professors' Dilemmas about Prohibiting or Promoting Student AI Use*, which includes model AI policies, a certification form, and a grading rubric.

4.   How to Help Students Use AI Effectively

A.   Develop Student Thinking and Writing Skills with AI

You can enhance students' learning by requiring them to use AI tools in the assignment described above. They can use these tools to develop habits of reflection, revision, and professional judgment – skills that lawyers use every day. In doing so, they build the skills that legal education aspires to teach but too often does not.

As various scholars have suggested, AI tools can serve as writing coaches – brainstorming ideas, suggesting revisions, generating multiple language options, or providing opportunities to experiment with tone and structure. Students learn to manage the process of working with AI tools – prompting strategically, analyzing outputs, and using their judgment to shape the final product by deciding which responses to use or discard.

Consider how students might use AI in the three-stage assignment to write a bar-journal-style article. When drafting an outline, students could have a dialogue with an AI tool regarding what they want to write about, why it matters, alternative angles to pursue, and how to research and organize their papers. They would typically draft an outline reflecting their own judgments about what to write, accepting some AI suggestions and rejecting others.

When producing the first draft, the strategy students use to prompt AI can significantly affect their papers. For example, students can use AI to help brainstorm ideas or consider different ways to express their ideas, which can make it easier to get started and improve the quality of their drafts.

When writing the final draft, students would focus on fine-grained revisions based on your feedback on the first draft. Rather than wholesale redrafting, they might reorganize parts of the paper, revise the title and headings, strengthen key points, and polish the language.

AI tools can be especially helpful with basic writing tasks such as grammar correction, sentence construction, vocabulary refinement, and paragraph organization. These tools can actually teach basic writing skills in ways that no one else may have taught, and no one likely will. For many students, this may be the first time they receive consistent, immediate feedback on how to write well. Allowing students to use AI for this purpose promotes critical thinking by helping them express their ideas more clearly and effectively. Appendix 2 of *The Art of AI Prompting in Law and Dispute Resolution Practice* includes model prompts addressing the content, reasoning, audience, tone, structure, clarity, constraints, and verification in drafting and editing articles.

By using AI tools, students can see writing as a process rather than just a finished product. Grading criteria could emphasize the writing process as much as the

final product. For example, you could require students to submit logs summarizing their AI prompts and how they used the responses. Reading students' AI chat transcripts can reveal how they interact with the tools and demonstrate their reasoning, choices, and understanding, as [faculty reported in a focus group](#). Indeed, the transcripts and students' responses to your feedback may reveal their thinking better than the final papers. Appendix 1 of *Solving Professors' Dilemmas* includes a grading rubric with AI-specific criteria, such as transparency, prompt quality, and use of human judgment.

B.   Use Writing Assignments to Build AI Literacy

In addition to developing strong analytical, legal, and writing skills, students will increasingly need to be "AI literate" to do their jobs well – and to get jobs in the first place. AI literacy means that students are able to:

- Understand what AI tools can and can't do in legal analysis and writing
- Use AI tools thoughtfully and ethically to strengthen their legal skills
- Evaluate AI outputs for relevance, accuracy, bias, and sourcing
- Clearly explain how and why AI was used in legal work

AI literacy includes both (1) the technical skills of how to use AI tools, and (2) professional judgment about when to use or avoid them.

Appendix 4 of *Solving Professors' Dilemmas* provides more detail about why AI literacy matters for employment and professional identity, traits of AI-literate legal writers, and practical techniques to build AI literacy.

5.   Re-Skilling Faculty for the AI Era

Students need new skills to thrive in the AI era – and so do we. Some faculty are afraid of looking uninformed or unprepared in front of students. But our authority does not come from knowing everything. It comes from showing how to learn what we do not yet know. When we admit uncertainty and invite collaboration, we model the very intellectual habits we value.

One of the easiest ways for faculty to gain AI skills is to read students' AI chat transcripts. You can learn to recognize differences in the quality of prompts and how AI tools tend to respond to them. Analyzing these chats doesn't require you to become a tech guru. Rather, it draws on your intellectual and legal judgment – areas where we already have expertise.

If you are willing to develop your own AI skills, you will inevitably have to experiment. This is new territory. Faculty, students, and the technology itself are all evolving, often at different speeds. You will need time to learn, try different approaches, and adjust. As you become more fluent with these tools, you can enhance

your teaching and credibility in shaping the future of legal education. For a good place to start, see *The Art of AI Prompting in Law and Dispute Resolution Practice*.

6.   Conclusion

Faculty should not treat the rise of AI as necessarily a threat to student learning. We should treat it as an educational design challenge – and an opportunity.

The pre-AI status quo wasn't so great for many students – especially those in the bottom of the class.

Concerns about misuse of AI can prompt us to rethink and improve our teaching methods. Rather than asking, "How do we stop students from using AI?" we should ask: "How can we help students learn what they need to know? How can we take advantage of this increasingly prevalent technology to prepare students for the world they will enter after graduation?"

The difference between de-skilling and re-skilling is not whether students use AI. It's whether we are willing to improve our teaching methods to meet students' learning needs.

Starting next academic year, law schools will be required to provide formative assessment throughout the curriculum. But more importantly, formative assessment is just good pedagogy – a practical way to help students learn.

If we want students to think more deeply and engage more fully, we should focus on how we teach and grade – not just whether they use AI.

Meeting the AI moment with thoughtful pedagogy may be the most powerful way we can strengthen teaching and learning in this time of change.