

RESPONSIBLE REGULATION OF ARTIFICIAL
INTELLIGENCE IN THE LEGAL PROFESSION THROUGH A
SPLIT BAR: IMPLICATIONS FOR LEGAL EDUCATORS

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ABSTRACT

Artificial intelligence (AI), particularly generative AI, poses a number of unique challenges to the legal profession and legal education. As discussed in numerous empirical studies, generative AI negatively affects the performance of both students and knowledge workers, causing harm to both individuals and society at large.

This is not to say that generative AI does not have its benefits. Indeed, AI's ability to reduce time and costs has led many people within the legal profession to become so enamored of AI that it is impossible to envision a future without automation.

Given these realities, it would be futile to propose the elimination of generative AI from the justice sector. Instead, the goal of the legal profession and of this Essay must be to find a way to maximize the appropriate use of generative AI in law while minimizing the dangers to human autonomy and creativity.

Even a cursory analysis of the extent and nature of the dangers of generative AI suggests that simply tweaking existing systems will not be enough. Instead, fundamental reforms of the legal profession and legal education are needed to ensure that adequate protections are in place.

This Essay proposes a new way of structuring both the legal profession and legal education, building on time-tested techniques used in England while incorporating modifications that take the special nature of generative AI into account. In so doing, the proposal contained herein not only complies with cautions enunciated by empirical scholars concerning the use

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of generative AI, it also takes the legal profession and legal education into the twenty-first century in a logical and responsible manner.

INTRODUCTION

Artificial intelligence (AI) is big business, especially in the legal sector.¹ Bolstered by pro-AI edicts from government officials,² practitioners are racing to get up to speed on new technology while academics actively discuss how best to incorporate AI into the law school curriculum, even though surveys of higher education professionals have indicated that “the rollout of AI at their colleges and universities has not made their jobs any better, but it has made some aspects of their work worse.”³

Although most of the debate regarding AI focuses on technological concerns,⁴ the real issue is both broader and more fundamental.⁵ Indeed,

1. See Christopher Mims, *Silicon Valley's New Strategy: Move Slow and Build Things*, WALL ST. J. (Aug. 1, 2025, 5:30 AM), <https://www.wsj.com/tech/ai/silicon-valley-ai-infrastructure-capex-cffe0431> [<https://perma.cc/XMA4-MSEA>] (suggesting the AI industry is propping up the U.S. economy). For example, Jus Mundi recently advertised a new proprietary AI tool for international arbitrators after raising \$22 million from investors in August 2024. See *Jus Mundi – Company Profile*, TRACXN (July 28, 2025), https://tracxn.com/d/companies/jus-mundi/_fVUKwZTnKvTmQpQXGT3e73G4UZu8y7TOuHFWOavd40w [<https://perma.cc/6DMM-73EA>]; *Jus Mundi Introduces Jus AI: A Game-Changing GPT-Powered AI Solution for the Arbitration Community*, DAILY JUS (June 29, 2023), <https://dailyjus.com/news/2023/06/jus-mundi-introduces-jus-ai-a-game-changing-gpt-powered-ai-solution-for-the-arbitration-community> [<https://perma.cc/3YK4-XPLV>]. Concerns have also been raised about the impact of “corporate empiricism,” whereby profit-minded institutions undertake “research” that can erroneously shape scientific analysis of social issues. See Dirk Lindebaum et al., *Big Data, Proxies, Algorithmic Decision-Making and the Future of Management Theory*, 61 J. MGMT. STUD. 2724, 2725–26 (2024).

2. See Advancing Artificial Intelligence Education for American Youth, 90 Fed. Reg. 17519 (Apr. 23, 2025) [hereinafter Advancing AI Education]; Removing Barriers to American Leadership in Artificial Intelligence, 90 Fed. Reg. 8741 (Jan. 23, 2025) [hereinafter Removing Barriers]; Advancing United States Leadership in Artificial Intelligence Infrastructure, 90 Fed. Reg. 5469 (Jan. 14, 2025) [hereinafter Advancing United States Leadership].

3. AM. ASS'N OF U. PROFESSORS, ARTIFICIAL INTELLIGENCE AND ACADEMIC PROFESSIONS 5 (2025), <https://www.aaup.org/sites/default/files/2025-07/TREP-Artificial-Intelligence-and-Academic-Professions.pdf> [<https://perma.cc/T4Z6-WFV4>]; see also Julie L. Kimbrough, *Developing Lawyering Skills in the Age of Artificial Intelligence: A Framework for Legal Education*, 29 J. TECH. L. & POL'Y 31, 35 (2025); Dirk Lindebaum & Peter Fleming, *ChatGPT Undermines Human Reflexivity, Scientific Responsibility, and Responsible Management Research*, 35 BRIT. J. MGMT. 566, 566–67 (2024) (discussing impact of AI in other research fields); Lee F. Peoples, *Artificial Intelligence and Legal Analysis: Implications for Legal Education and the Profession*, 117 L. LIBR. J. 52, 53–54 (2025).

4. See Peoples, *supra* note 3, at 53–54.

5. See Lindebaum & Fleming, *supra* note 3, at 573 (stating that the issue is more about humans than it is about technology).

empirical studies suggest that the most compelling and pervasive problem with AI—particularly generative AI⁶—will be its negative effect on human behavior and cognition.⁷ As I explain in detail in other publications, these harmful effects will arise on both systemic and individualistic levels, affecting everything from the public perception of justice to the ability of lawyers to craft sophisticated legal arguments.⁸

Generative AI will also affect legal education. According to numerous empirical studies, generative AI robs students of both their motivation and ability to learn complex legal concepts.⁹ Because generative AI appears to be as addictive as other forms of digital technology, individuals may be reluctant or unable to change their AI-reliant ways once they are hooked.¹⁰

While the legal profession often prefers to adopt a “wait and see” attitude toward new challenges, prudence demands urgent and immediate action. Indeed, experts have already voiced concerns about the loss of knowledge and abilities (a process known as deskilling) as generative AI becomes ever-more firmly entrenched in the justice sector.¹¹

As troubling as generative AI may be, it has its benefits. No one can

6. Generative AI creates new content rather than simply searching or organizing existing content. See Dan Milmo, *Claude 2: ChatGPT Rival Launches Chatbot That Can Summarise a Novel*, THE GUARDIAN (July 12, 2023, 9:19 AM), <https://www.theguardian.com/technology/2023/jul/12/claude-2-anthropic-launches-chatbot-rival-chatgpt> [<https://perma.cc/PJ2V-PPEU>].

7. See Peoples, *supra* note 3, at 82; S.I. Strong, *Artificial Intelligence in Civil Justice Systems: An Empirical and Interdisciplinary Analysis and Proposal for Moving Forward*, 41 OHIO ST. J. ON DISP. RESOL. (forthcoming 2026) (manuscript at 27) (on file with author).

8. See Strong, *supra* note 7 (manuscript at 11–29).

9. See *id.* (manuscript at 23).

10. See Lance Eliot, *Being Addicted to Generative AI*, FORBES (Aug. 24, 2024, 3:24 AM), <https://www.forbes.com/sites/lanceeliot/2024/08/24/being-addicted-to-generative-ai/> [<https://perma.cc/XT2Q-A6Y3>]; Tao Zhou & Chunlei Zhang, *Examining Generative AI User Addiction From a C-A-C Perspective*, 78 TECH. SOC'Y. 1, 8 (2024).

11. See Kevin Crowston & Francesco Bolici, *Deskilling and Upskilling with AI Systems*, 30 INFO. RSCH. 1009, 1010 (2025); Joshua Rozenberg, *What Do Judges Think of Artificial Intelligence?*, THE L. SOC'Y GAZETTE (June 23, 2025), <https://www.lawgazette.co.uk/commentary-and-opinion/what-do-judges-think-of-artificial-intelligence/5123666.article> [<https://perma.cc/74PE-YQPH>] (noting judicial concerns about becoming unable to read and understand source materials as a result of the (over)use of AI). Deskilling in the medical profession has been found to occur within months of adopting AI-assisted techniques. See Krzysztof Budzyń et al., *Endoscopist Deskilling Risk After Exposure to Artificial Intelligence in Colonoscopy: A Multicentre, Observational Study*, LANCET GASTROENTEROL HEPATOL (Aug. 12, 2025), [https://www.thelancet.com/journals/langas/article/PIIS2468-1253\(25\)00133-5/abstract](https://www.thelancet.com/journals/langas/article/PIIS2468-1253(25)00133-5/abstract) [<https://perma.cc/55RK-2G2Y>]; Miranda Jeyaretnam, *New Study Suggests Using AI Made Doctors Less Skilled at Spotting Cancer*, TIME (Aug. 13, 2025, 4:45 AM), <https://time.com/7309274/ai-lancet-study-artificial-intelligence-colonoscopy-cancer-detection-medicine-deskilling/> [<https://perma.cc/8JFA-57QY>].

doubt the ability of generative AI to reduce time and costs, which can subsequently increase access to justice.¹² As a result, the goal, both of this Essay and of society at large, must be to identify a way to embrace the benefits of generative AI while minimizing its detrimental effects on individuals and justice systems.

The Essay proceeds as follows. The introduction begins by identifying a possible means of reorganizing the legal profession to allow the use of generative AI in appropriate cases while protecting human creativity in law.¹³ Section I continues by outlining how legal education might change to support the new professional structure described earlier in that section. Next, Section II discusses the benefits and drawbacks of the proposed changes. This Essay concludes with additional forward-looking observations.

I. CHANGING THE PROFESSION TO ADAPT TO GENERATIVE AI

Ever since generative AI burst upon the scene in 2023, the legal profession has sought to forestall problematic uses of that technology in the justice sector.¹⁴ So far, the primary means of addressing the challenges associated with generative AI have involved voluntary disclosures and human review of machine outputs.¹⁵ Unfortunately, these techniques have not only failed on their own terms, with lawyers failing to catch, let alone

12. See Amy J. Schmitz & John Zeleznikow, *Intelligent Legal Tech to Empower Self-Represented Litigants*, 23 COLUM. SCI. & TECH. L. REV. 142, 144–46 (2021). *But see* Strong, *supra* note 7 (manuscript at 11–21) (discussing harms to civil justice from generative AI).

13. See generally Council Regulation 2024/1689, art. 14, 2024 O.J. (L) 77 (EU) (requiring human oversight in AI as part of the European Union Artificial Intelligence Act); Schmitz & Zeleznikow, *supra* note 12, at 181.

14. See Strong, *supra* note 7 (manuscript at 1–5); S.I. Strong, *Rage Against the Machine: Who is Responsible for Regulating Generative Artificial Intelligence in Domestic and Cross-Border Litigation?*, 2023 U. ILL. L. REV. ONLINE 165, 169–75 (2023) [hereinafter *Rage Against the Machine*] (outlining potential actors).

15. See generally ABA Comm. on Ethics & Pro. Resp., Formal Op. 512 (2024) [hereinafter ABA Formal Op. 512] (discussing ethical obligations lawyers must abide by when using generative artificial intelligence tools when working with clients); SILICON VALLEY ARBITRATION & MEDIATION CTR., SVAMC GUIDELINES ON THE USE OF ARTIFICIAL INTELLIGENCE IN ARBITRATION 21 (1st ed. 2024), <https://svamc.org/wp-content/uploads/SVAMC-AI-Guidelines-First-Edition.pdf> [<https://perma.cc/7EQY-GG7C>]; Christopher S. Yoo, *Beyond Algorithmic Disclosure for AI*, 25 COLUM. SCI. & TECH. L. REV. 314, 315–16 (2024) (discussing the breadth of disclosure that is necessary to ensure the transparency of generative AI); S.I. Strong, *Artificial Intelligence in Civil Proceedings in the United States*, 74 AM. J. COMP. L. (forthcoming 2026).

disclose, hallucinations to courts and employees breaching their own firms' bans on generative AI, but they have also failed to address the real problem with generative AI, namely, the detrimental effect that generative AI has on individuals' cognitive skills and the operation of the justice system as a whole.¹⁶

This Essay argues that the best—if not only—way to respond to empirically-established concerns relating to the use of generative AI is to adopt a split bar system, similar to what is used in England.¹⁷ However, this suggested approach does not simply adopt the English model as it currently stands. Instead, the proposal allocates different responsibilities to different branches of the legal profession based on their use of and facility with generative AI.

In order for this proposal to succeed, certain changes must also be made to legal education. Those changes are outlined in the second subsection below.

A. Proposed Changes to the Legal Profession

To understand the current proposal, it is necessary to understand the differences between English barristers and solicitors. Barristers are best known for acting as advocates in court, but they also provide solicitors with independent legal opinions on thorny questions of law in both transactional and litigation-related matters.¹⁸ Because barristers provide objective, disinterested opinions on legal considerations, they are frequently viewed as purveyors of “the law.”¹⁹ Barristers are typically self-employed and engaged by solicitors to assist with a case or transaction, rather than being

16. See Strong, *supra* note 7 (manuscript at 17, 23).

17. See generally J.H. Baker, *Counsellors and Barristers: An Historical Study*, 27 CAMBRIDGE L.J. 205, 205–06 (1969); Louise Lark Hill, *Alternative Business Structures for Lawyers and Law Firms: A View from the Global Legal Services Market*, 18 OR. REV. INT'L L. 135, 162–69 (2017). The two professions have grown closer over the last few years, although traditional distinctions remain. See Leslie Thomas, *Do We Need Barristers?*, GRESHAM COLL. 5 (Feb. 2, 2023), https://www.gresham.ac.uk/sites/default/files/transcript/2023-02-02-1800_Thomas-T.pdf [<https://perma.cc/436V-REDQ>]. Proposals to adopt a split bar in the United States have been made for nearly a century. See Benjamin Wham, *The Barrister and the Solicitor in British Practice: The Desirability of Similar Distinction in the United States*, 21 A.B.A. J. 486, 489–93 (1935).

18. See generally Baker, *supra* note 17, at 214–15. See also Thomas, *supra* note 17, at 6; *How to Become a Barrister*, THE UNIV. OF L., <https://www.law.ac.uk/employability/career-finder/barrister/> [<https://perma.cc/XXG5-G77T>] (last visited Sept. 22, 2025).

19. See Thomas, *supra* note 17, at 6.

hired by clients themselves.²⁰

Solicitors, on the other hand, interact directly with clients (indeed, they are typically a potential client's first port of call) and act as a conduit between clients and barristers if and when a barrister's services are needed.²¹ Solicitors work on both transactional and litigation-related matters,²² although the relevant regulatory regimes ensures that the duties they perform in litigation are different than those performed by barristers, thereby avoiding any potential conflicts between the two branches of the profession.²³ For example, solicitors working in litigation are typically responsible for developing the factual aspects of the case, in contrast to the barristers, who focus on legal issues.²⁴ Though solicitors certainly undertake legal research as part of their litigation work, the most challenging questions are typically referred to barristers.²⁵ Solicitors also have different employment structures and work primarily in firms or partnerships, though some may be self-employed, solo practitioners.²⁶

The current proposal resembles the English system by classifying one group of lawyers as providers of objective, independent legal advice concerning complex questions of law (similar to English barristers) and one group of lawyers as providers of more standardized legal advice and services (similar to English solicitors). In the model proposed herein, the providers of standardized legal advice would rely heavily on generative AI to facilitate both their transactional and litigation-related tasks, since generative AI is best-suited for duplication rather than innovation. While

20. See *Legal Professionals – Who Does What?*, THE L. SOC'Y [hereinafter *Legal Professionals*], <https://www.lawsociety.org.uk/public/for-public-visitors/resources/who-does-what> [https://perma.cc/YQ6P-6BRL] (last visited Sept. 22, 2025); see also Thomas, *supra* note 17, at 1–2.

21. See generally *Legal Professionals*, *supra* note 20.

22. Solicitors' transactional work can include corporate work but more frequently involves standardized matters, such as conveyancing of property and drafting of wills. See KONRAD ZWEIGERT & HEIN KÖTZ, AN INTRODUCTION TO COMPARATIVE LAW 212–13 (3d rev. ed., Oxford Univ. Press 1998); Thomas, *supra* note 17, at 6.

23. See Legal Services Act 2007, c. 29 §§ 13–14 (UK) (regulating when persons are entitled to conduct legal activity); see also BAR STANDARDS BD., THE BAR STANDARDS BOARD HANDBOOK: CONDUCTING LITIGATION GUIDANCE 1–2 (Oct. 2019), <https://www.barstandardsboard.org.uk/static/5942518a-3f66-49ae-9d7a0f430c12c3e1/Conducting-Litigation.pdf> [https://perma.cc/9Y8Q-B483] (discussing barristers' ability to conduct litigation if they are authorized under the Legal Services Act 2007).

24. See generally ZWEIGERT & KÖTZ, *supra* note 22, at 212–15.

25. See Thomas, *supra* note 17, at 6 (explaining that barristers may have more expertise than solicitors, depending on the area of law).

26. See Thomas, *supra* note 17, at 1–2.

some legal acumen would be necessary to provide appropriate advice, generative AI would allow significant savings of time and costs in matters that fell within well-established legal boundaries. Given the similarities to English solicitors, these individuals might be called “post-AI solicitors.”

The second group of legal professionals would focus on novel or complicated questions of law that fell outside well-established legal boundaries. These lawyers would not incorporate generative AI into their work, but would instead provide independent advice based on human—rather than machine—generated research and analysis. Regulations would identify the limited types of matters that these lawyers could take on, but the more challenging nature of their work and relatively small number of individuals working in this field (as compared to post-AI solicitors) would allow them to charge higher fees for their services. Given the similarities to English barristers, these individuals might be called “post-AI barristers.”

Clients would initially take their legal questions to post-AI solicitors, who might be able to provide appropriate legal services without engaging a post-AI barrister. However, post-AI solicitors would be encouraged (and in some cases required under the relevant regulations) to seek the assistance of post-AI barristers in appropriate matters. Because post-AI solicitors and post-AI barristers would conduct different types of work under the governing regulations, and because post-AI barristers could provide advice on a single aspect of a transaction or dispute without necessarily taking over the entire matter, sufficient incentive exists for post-AI solicitors to seek the assistance of post-AI barristers when needed.

Because the different branches of the post-AI profession would be subject to different regulatory regimes, some thought must be given to attorneys’ employment structures. One option would be to keep the two branches entirely separate, with post-AI barristers either acting completely independently (perhaps joining together into “sets” or “chambers” to share certain overhead costs, as is the case in England) or organizing themselves into partnerships resembling contemporary appellate practice boutiques in the United States. Post-AI solicitors would be employed in their own separate firms or as solo practitioners, as is the case in England.

A second possibility would see post-AI barristers working in the same firm as post-AI solicitors but housed in a different practice group. Conceptually, there is no reason why post-AI barristers could not work in

the same firm as post-AI solicitors.²⁷ Pragmatically, however, this approach would still need some post-AI barristers to work independently to facilitate the referral of novel questions of law from post-AI solicitors to post-AI barristers. This process could become tricky if all or most post-AI barristers were employed in the same firm as post-AI solicitors, since concerns would arise about post-AI barristers poaching clients on behalf of their post-AI solicitor-partners.

B. Proposed Changes to Legal Education

The above-mentioned changes to the legal profession would require, or at least benefit from, changes to the education of young lawyers. England, again, offers several insights into how that might be done.²⁸

English barristers and solicitors both complete several phases of training before becoming fully qualified to practice.²⁹ Although solicitors changed their educational path in 2021, the system that was in place prior to those reforms provides the template for the post-AI model described below.³⁰

English barristers begin their training with academic coursework, receiving either an undergraduate degree in law or a non-law degree followed by a “conversion” course in law.³¹ Next, prospective barristers

27. Indeed, English barristers are technically permitted to work with solicitors in firms, though it is not common. See Thomas, *supra* note 17, at 2.

28. See ZWEIGERT & KÖTZ, *supra* note 22, at 215–16.

29. See generally Thomas, *supra* note 17, at 4 (explaining how the training of barristers has changed throughout the centuries).

30. Prospective solicitors now simply need to obtain a degree in any subject, pass two qualifying exams, complete two years of qualifying work experience, and satisfy character and suitability requirements. See *Solicitors Qualifying Examination (SQE)*, THE L. SOC’Y (Sept. 21, 2021) [hereinafter *Solicitors Qualifying Examination (SQE)*], <https://www.lawsociety.org.uk/career-advice/becoming-a-solicitor/solicitors-qualifying-examination-sqe/> [https://perma.cc/2KQV-9LMT]; *Becoming a Solicitor*, THE L. SOC’Y (Mar. 27, 2025) [hereinafter *Becoming a Solicitor*], <https://www.lawsociety.org.uk/career-advice/becoming-a-solicitor> [https://perma.cc/L8NP-RCUH]; see also *The Legal Practice Course*, THE L. SOC’Y (Aug. 28, 2019), <https://www.lawsociety.org.uk/career-advice/becoming-a-solicitor/qualifying-with-a-degree/the-legal-practice-course> [https://perma.cc/3497-FS9C].

31. See *Becoming a Barrister: An Overview*, BAR STANDARDS BD. (Feb. 5, 2025), <https://www.barstandardsboard.org.uk/training-qualification/becoming-a-barrister.html> [https://perma.cc/M3TJ-6UWF] [hereinafter *Becoming a Barrister*]; see also *Bar Training: Who Does What*, BAR STANDARDS BD. (Feb. 4, 2025), <https://www.barstandardsboard.org.uk/training-qualification/becoming-a-barrister/bar-training-who-does-what.html> [https://perma.cc/DH9L-5CER] (explaining the various organizations that train barristers).

complete specialized vocational training that combines a one-year bar training course with practical training at one of the Inns of Court, which are the only institutions in England that are capable of “calling” an individual to the bar.³² Finally, students complete a pupillage, which consists of one year of work experience with a fully qualified barrister.³³ Following the successful conclusion of the pupillage, the new barrister is ready to practice.³⁴

English solicitors follow a similar educational path in the model under discussion.³⁵ Candidates begin their careers with an undergraduate degree in law or a degree in another subject followed by a conversion course.³⁶ During the academic phase, prospective solicitors study side by side with prospective barristers in the same universities.³⁷ This approach not only helps students determine which aspects of the law they enjoy most, it also helps them decide whether they are best-suited for a career as a barrister or a solicitor, or indeed whether they want to practice law at all (not all English law graduates go on to practice as lawyers).

Combining students during the academic phase also allows vocational training courses and future employers, as well as the students themselves, to gauge how well some individuals do in comparison to others. Because barristerial careers are far more competitive, it is important to give students an idea early on about how well they rank against others in their cohort.³⁸

After completing their academic training, prospective solicitors complete a year of specialized vocational training that differs from that offered to prospective barristers.³⁹ That course is followed by two years of

32. See *Becoming a Barrister*, *supra* note 31; *The Inns of Court*, CHAMBERS STUDENT, <https://www.chambersstudent.co.uk/the-bar/the-inns-of-court> [<https://perma.cc/YKU8-TUQM>] (last visited Sept. 22, 2025).

33. See *Becoming a Barrister*, *supra* note 31.

34. See Thomas, *supra* note 17, at 4 (“In 1959 it became compulsory to complete a period of 12 months’ pupillage in chambers after Call to the Bar. . .”).

35. See *Solicitors Qualifying Examination (SQE)*, *supra* note 30.

36. See *Becoming a Solicitor*, *supra* note 30.

37. See Michael O’Farrell, *A Law Unto Themselves*, IRISH EXAM’R (Mar. 8, 2004, 0:00 AM), <https://www.irishexaminer.com/news/arid-10098714.html> [<https://perma.cc/W4K9-H2ZR>].

38. See, e.g., “It is Significantly Harder to Become a Barrister Than a Solicitor,” *Claims Barrister*, LEGAL CHEEK (June 28, 2024, 10:36 AM), <https://www.legalcheek.com/2024/06/it-is-significantly-harder-to-become-a-barrister-than-a-solicitor-claims-barrister/> [<https://perma.cc/464E-4JQM>]; *Pupillage/Work-based Learning Component of Bar Training*, BAR STANDARDS BD. (Feb. 4, 2025), <https://www.barstandardsboard.org.uk/training-qualification/becoming-a-barrister/pupillage-component.html> [<https://perma.cc/QMD3-SGRL>] (“Obtaining a pupillage is very competitive . . .”).

39. See *Solicitors Qualifying Examination (SQE)*, *supra* note 30.

qualifying work experience under the supervision of a fully qualified solicitor, a process known as a traineeship.⁴⁰ Once the traineeship has concluded, the individual is fully qualified.

The post-AI educational regime would mimic the English model to some degree, albeit with several changes relating to training in AI, particularly generative AI. Under the proposed model, professional training for post-AI lawyers would begin with an academic degree in law for both branches of the profession. It is recommended that the degree be offered at the undergraduate level, as is the case in England, to cut down on educational costs, something that is particularly important given recent cuts by the federal government to student funding.⁴¹ Short conversion courses would also be allowed for those few individuals who decided to pursue law after completing a degree in another subject.

The academic phase would cover most of the material that is currently taught in law schools, but with less of an emphasis on practical skills, since those skills would be addressed in career-specific vocational courses. Instead, the academic degree would concentrate on providing prospective lawyers with a thorough understanding of the content of the law. Student use of generative AI would be limited or disallowed to ensure that students obtained an independent understanding of the material and honed their analytical skills through conventional means.

Once the academic component has been completed, students would choose which training path to pursue. Those seeking to qualify as a post-AI solicitor would enroll in a one-year vocational course that focused heavily on how to use generative AI in legal settings. Skills-based coursework could include everything from coding and research strategies for generative AI to ethical considerations relating to the use of generative AI in legal settings.

Vocational training for post-AI barristers would de-emphasize technology skills. Instead, these students would learn more traditional approaches to legal research, analysis, and drafting. In so doing, these students would be acquiring the skills necessary to analyze novel questions

40. *See id.*

41. *See* Nicole Jeanine Johnson, *How Trump's Tax Cuts Affect Federal Student Aid*, REUTERS (July 8, 2025), <https://www.reuters.com/world/us/how-trumps-tax-cuts-affect-federal-student-aid-2025-07-08/> [<https://perma.cc/H4ER-ZJDB>] (discussing caps to the amount students borrow and limitations on Pell Grants). Others have proposed making law an undergraduate degree. *See* John O. McGinnis & Russell D. Mangas, *An Undergraduate Option for Legal Education*, 38 INT'L REV. L. & ECON. 117, 117–18 (2014).

of law with little or no assistance from generative AI, since that is the nature of the work conducted by fully qualified post-AI barristers.

Both types of vocational courses would be followed by hands-on work experience. Post-AI solicitors would undertake traineeships while post-AI barristers would undertake pupillages to help improve their skills under the supervision of fully qualified lawyers before becoming fully qualified.

II. BENEFITS AND DRAWBACKS OF THE PROPOSED CHANGES TO THE LEGAL PROFESSION AND LEGAL EDUCATION

Although the proposal reflected in this Essay carries significant benefits for both individuals and society, some drawbacks also exist, as highlighted in the following two subsections.

A. Benefits

The first benefit of the proposed changes involves increased transparency. Clearly outlining which lawyers can rely on generative AI, and when they can rely on generative AI, allows both the profession and the public to understand when, how, and to what extent legal advice has been generated by a machine. Allowing human-generated legal advice to supplement AI-generated advice ensures that clients are getting the best of both worlds, thereby increasing confidence in the public justice system.

The second benefit relates to the quality of judging. While it is beyond the scope of the current Essay to discuss whether and to what extent judges should be allowed to rely on generative AI, it would seem clear that judges should be experts in independent research and critical analysis, since most of the matters that make it to trial will have some novel element. As a result, it appears likely that judges in the post-AI system would be initially trained as barristers, as is currently the case in England.⁴² Knowing that judges were pulled from the ranks of the most highly qualified lawyers in the legal system would increase faith in the public justice system.

The third benefit is more pragmatic. Allowing post-AI solicitors to rely on generative AI will result in significant savings of time and costs in fields

42. See generally Sarah M.R. Cravens, *In Pursuit of Actual Justice*, 59 ALA. L. REV. 1, 19–21 (2007) (noting the challenges associated with maintaining public confidence in justice systems due to the “possibilities of improper bias”). In England, most senior judges are former barristers rather than former solicitors. See Thomas, *supra* note 17, at 5.

where path dependency and reduced creativity pose relatively few risks.⁴³ Streamlining the educational path for post-AI solicitors (by allowing the academic phase of training to be completed at the undergraduate, rather than graduate, level) can also help keep costs down for clients, since post-AI solicitors will not be burdened by as much student debt as is currently the case.

Under the proposed model, post-AI barristers will likely charge higher fees than post-AI solicitors. Higher fees would be warranted due to the complexity of barristerial work and the competitive nature of the training process. However, costs would not increase on a systemic basis, since barristers would not be engaged in all matters, nor would they necessarily be engaged to handle the entirety of a particular matter. Instead, barristers' fees would only be incurred when heightened training and expertise is required.⁴⁴

Fourth, the proposed changes address concerns raised by empirical research showing that generative AI hinders the learning process by reducing students' motivation to learn as well as their ability to acquire critical thinking skills and absorb challenging content.⁴⁵ Disallowing the use of generative AI during the academic phase of legal education not only promotes actual (as opposed to apparent) learning and fosters a common understanding between post-AI solicitors and barristers about the content of the law, but it is consistent with rules of professional responsibility outlining lawyers' ethical duties to personally verify the output of generative AI, since it ensures that post-AI solicitors will have an independent understanding of fundamental principles of law.⁴⁶ Furthermore, separating the academic phase from the vocational skills phase of legal education facilitates the teaching of technical and other skills during the second two stages of professional education, since such coursework can build on students' pre-existing knowledge of the substantive law and avoids the likelihood of overloading an already full, substantive curriculum.

43. See Strong, *supra* note 7 (manuscript at 11–21) (discussing the production of path dependency through generative AI).

44. This system does not run afoul of concerns enunciated by Drew Simshaw regarding the bifurcation of the legal profession in the wake of AI. See Drew Simshaw, *Access to A.I. Justice: Avoiding an Inequitable Two-Tiered System of Legal Services*, 24 YALE J.L. & TECH. 150, 156 (2022); see also Strong, *supra* note 7 (manuscript at 38–39) (discussing Simshaw's hypothesis).

45. See Strong, *supra* note 7 (manuscript at 21–29) (discussing empirical studies).

46. See ABA Formal Op. 512, *supra* note 15.

Fifth, the proposed changes take new cultural realities about legal practice into account. Law students and junior lawyers have increasingly enunciated a desire to adopt a different work-life balance than was accepted by older generations.⁴⁷ Many young lawyers aspire to a more traditional 9-to-5 approach in their careers, rather than the 80-hour work weeks typical of older lawyers pursuing partnership.⁴⁸ If generative AI lives up to its promise of reducing time spent on various tasks, then those who want a more reasonable work-life balance will be able to obtain that by choosing a career as a post-AI solicitor.

Of course, not every junior lawyer or law student is averse to working long hours and expending significant cognitive effort to resolve complex questions of law and practice. Some people thrive on difficult mental challenges. These are the people who are well-suited to act as post-AI barristers. Their temperamental disinclination to rely on tools that blunt deep engagement with research materials is precisely what the legal profession needs to maintain human agency and expertise in the justice sector.⁴⁹

Sixth, the proposed changes provide ample opportunity for students to choose the profession that is best suited to their interests and capabilities. Because the academic phase is identical for both branches of the profession, students have time to make an informed decision about which path is best for them. The shared academic phase also ensures that both branches of the profession share a common understanding of basic principles of law.

47. See Emily Grant & Elisabeth Wilder, *I Quit: Lessons for Educators from the Great Resignation*, 84 U. PITT. L. REV. 1, 18 (2023); Rachael Wolfram & Morgan Walsh, *A Legal Paradigm Shift: Decoding Workplace Values of Upcoming Attorneys*, 346 N.J. LAW. 42, 42–44 (2024); see generally Stacy Garrels, *Bosses Are Firing Gen Z at Alarming Rates and Blame These Behaviors*, MSN: FINANCEBUZZ MONEY, <https://www.msn.com/en-us/money/markets/bosses-are-firing-gen-z-at-alarming-rates-and-blame-these-behaviors/ar-AA1IQEro?ocid=hpmsn&cvid=3839f13800984e88b7b8dedfeb061e88&ei=35> [https://perma.cc/HT6W-LC6S] (last visited Sept. 22, 2025) (describing the characteristics of Generation Z in the workplace).

48. See generally Wolfram & Walsh, *supra* note 47, at 43.

49. See generally Monika Cooper & Millard McElwee, *Embracing Human Intelligence in the Digital Age*, RAND (Dec. 20, 2024), <https://www.rand.org/pubs/commentary/2024/12/embracing-human-intelligence-in-the-digital-age.html> [https://perma.cc/E7ST-BJNQ] (noting the challenge of integrating AI without interfering with the importance of human intelligence); see also Bill Fischer, *The End of Expertise*, HARV. BUS. REV. (Oct. 19, 2015), <https://hbr.org/2015/10/the-end-of-expertise> [https://perma.cc/LG6U-4XYC].

B. Drawbacks

As beneficial as the proposed model is, there are some drawbacks. First, the educational model is built on the assumption that students will arrive at law school with certain basic skills in reading, writing, and analysis. Legal educators are already concerned about students' abilities in these areas,⁵⁰ but the heavy promotion of generative AI in the pre-collegiate curriculum⁵¹ will likely exacerbate these problems, since students will rely on generative AI to complete these tasks rather than learning how to do them themselves.⁵² Even if legal educators were to agree to teach basic skills in research, writing, and critical analysis, many students may resist such efforts because the routine use of generative AI has permanently robbed them of their motivation or ability to expend the cognitive effort required to learn new and challenging material.⁵³ This concern is particularly acute given reports about the addictive nature of generative AI.⁵⁴

The second drawback is more psychological than logical. Empiricists have long shown the existence of a "status quo bias," meaning a preference for established modes of behavior even if such behavior is not inherently better than potential alternatives.⁵⁵ This bias favoring current educational and professional structures may derail any efforts to respond reasonably to the challenges of generative AI.

CONCLUSION

Generative AI is, without a doubt, the wave of the future. However, these advances come at a cost, both professionally and educationally. Empirical studies have already identified numerous harms that will occur to both individuals and society at large if generative AI is not properly regulated.⁵⁶ Additional harms, including the deskilling of legal

50. See Carolyn V. Williams, *#CriticalReading #WickedProblem*, 44 S. ILL. U. L.J. 179, 180, 182, 221 (2020).

51. See Advancing AI Education, *supra* note 2.

52. See Strong, *supra* note 7 (manuscript at 11–29).

53. See *id.* (manuscript at 21–29) (citing empirical studies).

54. See Eliot, *supra* note 10; Zhou & Zhang, *supra* note 10, at 8.

55. See S.I. Strong, *Truth in a Post-Truth Society: How Sticky Defaults, Status Quo Bias, and the Sovereign Prerogative Influence the Perceived Legitimacy of Arbitration*, 2018 U. ILL. L. REV. 533, 539 (2018).

56. See Strong, *supra* note 7 (manuscript at 11–29).

professionals, are already imminent.⁵⁷

This Essay provides a reasonable, time-tested solution to the challenges of generative AI. England has used a split bar for centuries, and adapting that model to allow different branches of the profession to utilize generative AI in different ways and for different purposes promotes public confidence in the judicial system while also benefitting clients, students, and individual lawyers.

While lawyers are often predisposed to avoid sudden change,⁵⁸ the challenges presented by generative AI are increasing daily. Economic, social, and political forces are pressuring individuals and institutions to adopt pro-AI agendas, based in many cases on value-laden presumptions about the assumed benefits of technology rather than on fully informed analyses regarding the advantages and disadvantages of various strategies.⁵⁹ This is not an issue that can wait, nor is it something that can be resolved through small adjustments to the existing system. Instead, more comprehensive solutions, including the one proposed herein, must be considered, and must be considered in the near, not distant, future.

57. See Crowston & Bolici, *supra* note 11, at 1010; Rozenberg, *supra* note 11.

58. See Jonathan R. Macey, *Lawyers in Agencies: Economics, Social Psychology, and Process*, 61 L. & CONTEMP. PROBS. 109, 110 (1998).

59. See Frank den Hond & Christine Moser, *Useful Servant or Dangerous Master? Technology in Business and Social Debates*, 62 BUS. & SOC'Y 87, 95 (2022); see also Preventing Woke AI in the Federal Government, 90 Fed. Reg. 35389 (July 23, 2025); Advancing AI Education, *supra* note 2; Removing Barriers, *supra* note 2; Advancing United States Leadership, *supra* note 2.

