ARTIFICIAL INTELLIGENCE IN RESEARCH AND POLICY-MAKING

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Artificial intelligence (AI) has increasingly become a consuming preoccupation for law students, lawyers, and judges.[1] This evolving technology has the potential to reform almost everything we do as lawyers, from negotiating to contract drafting to brief writing.[2] Looking at the larger picture, how AI shapes the legal profession equally shapes legal education, and AI has great potential to transform instructional and assessment methods as we know them.[3]

Lawyers must also attend to the need for AI regulation and policy making in multiple contexts. The three insightful articles included in this symposium address regulatory frameworks to manage this need. Claire Boine's contribution reflects upon the ways in which AI narratives have influenced international efforts to regulate the technology. Frank Fagan grapples with the need for AI policy evolution in relation to biomedical research, especially with respect to ensuring that the data researchers generate is properly reported to inform AI-enhanced medical advancements. Finally, in the university context, Joseph Yockey presents a comprehensive intellectual property assessment and proposal to navigate the complex issues associated with the portability of AI-powered research and other academic work products. These three pieces make substantial contributions to our understanding of necessary adaptations in light of pressing and revolutionary technological change.

First, in "How Narratives Are Shaping AI Law and Policy," Dr. Boine

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1. *See* Stefanie Lindquist & Oliver Roberts, *Law Schools Without AI Training Fail Next Generation of Lawyers*, BLOOMBERG L. (Oct. 17, 2025, at 3:30 CDT), https://news.bloomberglaw.com/legal-exchange-insights-and-commentary/law-schools-without-ai-training-fail-next-generation-of-lawyers [https://perma.cc/NR82-XATK].

2. *See id.*

3. *See id.*

argues that stories are central—not peripheral—to AI governance.[4] Dr. Boine suggests that these narratives help us make sense of the world, but also channel which policy responses that feel reasonable, especially in a context where AI is "definitionally unstable" and subject to multiple understandings.[5] Narratives include public metaphors (like "Sputnik moments") and expert mental models (such as how capabilities scale with compute). And while they are grounded in reality, they may weave facts and interpretations together in ways that are incomplete or inaccurate. The Essay, through case studies, shows that these stories do real work: symbolic narratives and historical analogies (e.g., the Cold War, Sputnik, the moon landing) structure geopolitical responses to AI, turning something as small as a board game match into a catalyst for large-scale industrial policy changes, while technical narratives about scaling influence how regulators conceptualize and regulate general-purpose AI. The Essay concludes that because AI is a moving, opaque target, some narratives will naturally fill the gap in policymaking; narrative choice is itself a form of governance, capable of both clarifying and obscuring. Rather than trying to purge narratives, the Essay urges policymakers to choose and refine them—offering 'trust' as a constructive counter-story. One that frames regulation as enabling durable adoption and legitimate markets, especially in EU digital law, where consumer trust is invoked to justify harm-prevention as a basis for technological uptake and economic growth.

Second, in "The Governance of Clinical Trial Data," Frank Fagan argues that chronic underreporting of clinical trial results is no longer just a traditional transparency or ethics problem; it is now a core training data issue for AI in health care.[6] Between one-third and one-half of completed trials never disclose results, and reported trials skew toward positive findings, producing a biased evidence base that distorts meta analyses, safety assessments, and, increasingly, AI models built on biomedical data.[7] Clinical trial results occupy a uniquely valuable position in the data ecosystem: they are adjudicated, endpoint-based, and methodologically comparable. When data goes missing, errors propagate through entire

4. *See generally* Claire Boine, *How Narratives Are Shaping AI Law and Policy*, 81 WASH. U. J.L. & POL'Y 7 (2026).

5. *See generally id.*

6. *See generally* Frank Fagan, *The Governance of Clinical Trial Data*, 81 WASH. U. J.L. & POL'Y __ (2026).

7. *See generally id.*

analytic pipelines, bursting far beyond localized floods. The Article emphasizes that noncompliance often reflects not malice but costs. Preparing and uploading compliant results to ClinicalTrials.gov can take around forty hours, with freelance medical writing alone costing $2,400–$3,200, plus thousands more in institutional close out fees.[8] Existing enforcement tools such as civil penalties and NIH grant sanctions work tolerably for large, late phase commercial trials, but fail across the long tail of small, resource constrained studies that collectively underpin biomedical knowledge. To address this, the Article proposes reframing clinical trial transparency as a training data supply problem and introduces a modest, institutional solution: fixed cost offsets for compliant uploads, funded by a two-tier access model. Tier one preserves today's system of free public summary results on ClinicalTrials.gov. Tier two introduces a licensed API that offers harmonized, machine readable datasets with normalized variables, standardized outcomes, and structured metadata for high volume users. This includes insurers, pharmaceutical consortia, and AI developers, who already pay for inferior proprietary data. Licensing revenues would support cost offset payments to investigators, aligning the distribution of costs and benefits. This light touch architecture combines targeted enforcement with incentives to preserve sensitive clinical trial evidence and sustain a reliable foundation for both biomedical research and AI-dependent health systems.

Third, "Scholarly Portability in an Era of AI-Mediated Research" addresses a different yet related problem: how AI tools and data are reshaping the governance of academic work within universities.[9] Joseph W. Yockey begins by explaining how existing legal and institutional categories—such as copyright, work-for-hire doctrines, institutional IP policies, research governance, and privacy—fail to provide clear default rules for the new kinds of 'assets' that arise in AI-mediated research. Traditional frameworks assumed clear boundaries between individual scholarly expression, institutional infrastructure, and regulated data, but AI blurs those boundaries. Researchers' prompts, fine-tuned models, custom AI agents, workflows, logs, and training datasets all mix personal expertise with institutional investment and legal or ethical constraints. The Article

8. *See generally id.*

9. *See generally* Joseph W. Yockey, *Scholarly Portability in an Era of AI-Mediated Research*, 81 WASH. U. J.L. & POL'Y __ (2026).

proposes a "scholarly portability" framework that re-categorizes AI-era research artifacts into three buckets. Category One is "scholarly expression and personal know-how" (human-authored materials and interaction histories analogous to methods notes, lab notebooks, or teaching materials), presumptively portable under a strengthened "traditional academic works" norm, meaning scholars can take these artifacts with them when moving institutions. Category Two is "AI operational artifacts" (models, agents, and workflows that embody significant institutional investment and serve as durable research infrastructure), artifacts that are portable but subject to a standardized transfer mechanism that preserves a "shop right"—a non-exclusive, royalty-free license for the originating university. Category Three is "regulated data" (any information governed by external or internal regulatory regimes), which is not presumptively portable and remains subject to constraints. The Article contends that this decoupled, categorical approach better aligns academic freedom with the realities of AI-mediated research and gives universities concrete policy tools for governing ownership, control, and mobility of AI-related research assets.

Taken together, these three articles offer a coherent account of how AI is reconfiguring both public and institutional governance. Further, they offer key insight into the central role that conceptual framing plays in that process. Dr. Boine shows that for large state and transnational bodies, narratives about AI—geopolitical analogies, competition stories, trust-based frames—direct attention, legitimize certain legal tools, and shape the structure of emerging regulatory regimes. Professor Fagan demonstrates that in the domain of biomedical research, treating clinical trial reporting as a training-data supply problem reveals new institutional solutions that blend incentives and enforcement to preserve a fragile evidentiary commons on which health systems depend. Professor Yockey, in turn, illustrates how universities must revisit basic categories like 'scholarly work,' 'infrastructure,' and 'data' to manage ownership, portability, and control over AI-mediated research assets. Across these settings, classification frameworks and narratives do more than describe the world; they help produce legal and institutional realities by determining what counts as an asset or a risk, who bears costs, and who enjoys control. The symposium thus converges on a shared normative project: making law and policy more self-conscious about the stories and categories that govern AI, ensuring that those structures enable innovation, protect rights, and academic freedom,

avoiding the blind spots that arise when fractured narratives are mistaken for the whole terrain.