Guidelines

AI in legal examination papers

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Contents

1 Background and objectives of the guidelines

The subject matter of the guidelines is legal papers that also serve as examination work (term papers in exercises [Übungen], seminar papers, bachelor's or master's theses). Their aim is to support examinees and examiners in the responsible use of AI systems.

The starting point for using AI systems in preparing examination papers is the legal framework. The guidance document "LS: Generative AI and Examinations Version 2.0" of Saarland University, dated 26 March 2025, does not contain any restrictions on the use of generative AI systems. The framework examination regulations of Saarland University also do not contain any provisions on the use of AI systems.

Similarly, the German Judiciary Act [Deutsches Richtergesetz], the Saarland Lawyers Training Act [Juristenausbildungsgesetz – JAG], and the Saarland Lawyers Training Ordinance [Juristenausbildungsordnung – JAO] contain no explicit references to AI systems. The same applies to the study regulations of the Law Faculty for the law degree programme (state examination) [Studienordnung – StudO], the specialisation regulations as amended in July 2025 [Schwerpunkt-bereichsordnung – SPBO], and the study and examination regulations for the LL.B. degree programme [Studien- und Prüfungsordnung LL.B. – StuPrO LL.B.] in the version of 12 May 2025.

This means that there are currently no explicit rules governing the use of AI systems, in particular, no prohibition or explicit requirement to provide information about the use of AI systems or their scope.

However, the aforementioned legal sources contain the requirement of originality of performance (JAG, StudO, SPBO, StudPrO LL.B.). This results in restrictions on the use of AI systems. Simply adopting a result generated by an AI system is just as inadmissible as adopting a result generated by another person.

Against this background, the use of generative AI systems leads to difficult questions of demarcation, as the originality of the author's work must be guaranteed.

2 Originality and AI use in legal writings

The existence of the required originality must be assessed in relation to the essential steps involved in producing a legal paper.

Essential steps include, in particular:

- **The selection of the subject of research**

The scope of the task varies and may already include the selection of the topic. In any case, this includes tailoring the topic, the structure of the work, and the focus of the investigation.

In some cases, these are highly individual decisions made by the author, but in others (structure), they may also be strongly influenced by convention.

- **Identifying and describing the relevant legal issues**

One essential requirement is the identification of the legal issues relevant to the topic and their description in understandable and technical language.

This is – at least in the case of theses written at the beginning of a degree programme – a task that is strongly influenced by the subject of the investigation and therefore requires little individual effort.

- **Determination and weighting of the legal issues to be examined**

One key requirement is the definition and weighting of the legal issues to be examined, which determine the content and focus of the thesis. At the same time, this shapes the central research questions and the academic content of the thesis.

This is a highly individual task, particularly for more extensive work such as master's theses, and is of great importance to the quality of the work.

- **Research and presentation of the state of the discussion**

Another essential requirement for an academic paper concerns the research and presentation of the state of the discussion. This includes, among other things, a complete description of the state of the discussion, a summary of statements of view, evidence of the various views, and the relevance of those views to the legal issues under investigation.

There is considerable individuality in this process, for example, in the intensity of the research and in the summary of statements of views within the presentation. On the other hand, there is little room for individuality in assessing the relevance of views to the legal issues and providing evidence of individual views.

- **Discussion of legal issues**

Probably the most demanding requirement for a legal thesis concerns the discussion of the legal issues raised, in particular, the derivation of a conclusion (own opinion) on these issues. The quality of the arguments and their relevance to the respective legal issue are particularly important here.

This task allows considerable scope for the author's originality.

- **Consistency and logical coherence of the analysis**

An essential academic achievement also lies in the coordination of the individual results from the analysis. What is relevant here is the consistency of the argumentation, which in particular should not contain any contradictions to premises or previously achieved results – an aspect that is particularly important in the case of several related legal issues. The consistency of the analysis as a whole is also important. The selection of the subjects of research and the focus must fit in with the central arguments.

This task is accompanied in part (e.g. consistency) by rather little and in part by considerable scope for originality.

- **Formal requirements**

The formal requirements for legal papers must be observed. There is little room for originality in this regard.

3 Advantages and disadvantages of using AI systems

The use of AI systems in the preparation of legal writings has considerable advantages. These relate in particular to the review, but also to the initial preparation of work results, for example, through support in research, etc.

Depending on the subject matter and type of application, the use of AI systems also entails considerable disadvantages and risks:

- **Loss of quality**
- **Loss of originality**
- **Risk of legal violations and infringements of third-party rights**

The significance of these disadvantages and risks depends on numerous factors. In addition to the currently rapidly changing performance of AI systems, the area of application of AI systems within scientific activity and the type of use are particularly decisive.

In general, the more individual the activity in question, the more the adoption of the results of AI systems leads to a loss of originality. The less individual the field of activity, the greater the efficiency gains typically are, while maintaining the same level of originality. For example, the use of AI systems for formalities usually makes sense, as there is little room for originality here, and quality improvements are regularly achieved. The same applies to checking spelling and grammar.

4 Responsible use of AI systems for legal research

Significant challenges regarding the use of AI systems arise from the performance of generative AI systems, which is currently in a state of flux. Even at present (August 2025), it is not possible to provide reliable assessments, as the potential of these systems for legal work has so far been scarcely researched. It is even more difficult to make reliable predictions about the expected performance gains of future systems.

4.1 Challenges and risks of using generative AI systems in legal writing

The use of AI systems for the creation of legal texts currently faces considerable challenges. Specific challenges include:

- Adapting AI systems to German law;
- Access of AI systems to legal databases;
- Access of AI systems to information not available online, especially pure print media;
- Errors in output ("hallucination").

These challenges have varying effects on the respective elements of legal work. For example, an AI system's research into the state of a discussion is often incomplete, as print media and, currently, also databases, are not directly accessible. The assessment of the relevance of research results for the legal issues raised by AI systems is currently still largely flawed, even though considerable progress has already been made and is expected to continue, particularly with regard to standard problems.

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From today's perspective, the novelty of legal issues is of great importance. The newer a legal issue is, the higher the risk of incorrect outputs from AI systems. On the other hand, AI systems already deliver very good results for well-discussed legal issues with stable opinions, as sufficient material is available online.

The systemic risks of generative AI systems should also be noted. These are currently based primarily on AI models developed using machine learning methods. These do not contain a pre-programmed understanding of legal review but work primarily with approximation ("good guessing") of the expected content based on patterns in training data, including random elements. Therefore, a typical danger of these AI systems is the so-called hallucination, i.e., the output of incorrect information. Typical errors include citing non-existent sources for a particular statement (incorrect citation). Although this risk is greatly reduced in the latest AI systems, it is fundamentally inherent in the system. Another risk relates to plagiarism, i.e. the verbatim reproduction of sources without sufficient attribution.

The content of a legal text generated by an AI system is attributed to the author. An incorrect citation caused by an AI system is therefore considered an incorrect citation by the examinee, and the same applies to plagiarism. Incorrect citations and plagiarism are very serious errors and can lead to failure of the examination and further legal consequences.

Regardless of these difficulties, AI systems are powerful tools for the creation of legal texts.

4.2 Responsible use of generative AI systems in legal texts

Given the considerable potential of AI systems to assist in the creation of legal texts, they should be used. Therefore, their use in examinations is also sensible. However, responsible use is required to preserve the originality of the work and to avoid or at least minimise the risks and disadvantages mentioned above.

From today's perspective, the use of AI systems for review purposes in particular can be recommended without reservation. AI systems can be used very effectively as "discussion partners" to improve the author's own work. However, it is essential to check the changes suggested by the AI system, as these are not currently error-free in legal texts.

Their use for research purposes can also be recommended without reservation, as long as all results are carefully checked and supplement the author's own research, but do not replace it.

The production of drafts, for example, an outline or sections of a text, is associated with particular risks, as this may affect the originality of the work. It is therefore essential to critically review all results from AI systems, especially suggestions for outlines, texts and references.

If the essential results of an AI system are adopted without being checked, the work lacks the necessary originality. The same applies to a grossly inadequate review of the generated results.

5 Assessment of law examination papers with the permitted use of AI systems

The possibility of using generative AI systems to create legal papers places considerable demands on examiners, as this use must be taken into account in the assessment. Overall, the use of such systems is certainly welcome, as the support they provide enables higher quality work in some areas at least, and this can therefore be expected. On the other hand, it is necessary to check for incorrect use of AI systems.

The support provided by AI systems means, for example, that compliance with formal requirements and linguistically correct expression can be expected without restriction. Overall, particularly demanding or individual parts of the assignment should be given special importance in the assessment. It may be appropriate to give these activities greater weight. This includes, for example, the completeness of the research, including in the area of sources that are not yet available online, and, in particular, the quality and stringency of the argumentation.

Particular importance is attached to checking the work for the required level of originality. Checking source references, the quality of the research and the rigour of the work is particularly important in this respect, as irresponsible use of AI systems is typically particularly evident here.

Responsible use of AI systems is promoted through appropriate examination tasks. Examination tasks with little individuality should be avoided. In the case of topic-based assignments, "well-discussed" topics should be avoided, as it is particularly easy for AI systems to generate large parts of the solution independently and particularly difficult to detect this (reliably).

6 Special considerations for legal case analyses

Legal case analyses have special features that are very conducive to the use of generative AI systems for the creation of texts. For example, legal case analyses follow a schematic process with little individuality, so that stable patterns can easily emerge. Furthermore, "standard cases" are widespread in teaching, so that suitable solutions for such cases are also widespread and available online to a considerable extent. As a result, AI systems can solve small-scale standard cases with high quality. Here, too, there are limitations with regard to the accessibility of sources, especially if they are not available online or are not freely available.

Subsumption cannot be performed by a generative AI system, but only imitated if stable patterns exist. The use of facts that are identical or very similar to standard cases makes this easier. Difficult distinctions involving the evaluation of unusual facts are challenging for AI systems. As with legal texts, dealing with disputes of opinion can also be difficult (see above).

Examination tasks whose subject matter is a legal case study as a term paper should therefore not be limited to such standard cases, not even to a majority of standard cases, and should contain parts of the task that are "difficult" for AI systems. It is therefore imperative to develop tasks that facilitate original performance of the examinees. Several approaches are conceivable in this regard. For

example, it may be advisable to use new formats, such as expert evaluation of case analyses or topical work generated by an AI system. In any case, it seems advisable to use new, ideally unfamiliar facts in case studies, whose similarity to known facts previously published or circulating on the internet is not immediately apparent.