

Why write a casebook—the first casebook, we believe—about Artificial Intelligence and Legal Reasoning?

Legal scholars traditionally focus on the law and legal institutions. This casebook is not about the law of AI. This casebook is about how AI will impact the law and legal institutions. AI will eventually mediate nearly all activity in these spaces, and it is already well on its way to doing so.

We wrote this book because it is crucial that lawyers, law faculty, and law students develop a deep functional understanding of AI and proactively engage with significant questions about the impact of AI on access to legal information and legal systems, governments and legal institutions, the rule of law, and constitutional democracy.

AI could help address the gap in equal access to justice, improve access to law and legal services for everyone, and fortify individual liberties. At the same time, AI could exacerbate inequalities, power imbalances, declining trust in institutions, polarization, and uncertainty about the stability of democratic norms.

Legal scholars have abundant opportunities to impact the path of AI for law through their research and teaching. Just as research has contributed to the development of both the law and AI, research should contribute to ensuring that the introduction of AI for law maximizes the benefits and minimizes the risks. Likewise, our students—future interns, law clerks, lawyers, legal engineers, judges, legislators, academics, executives, and leaders—must understand and effectively and responsibly use AI in their careers and help chart a course for a better future with AI in society.

Artificial Intelligence and Legal Reasoning explores the functional capabilities and limitations of AI; the possibilities and potential pitfalls of AI for law; the potential positive and negative impacts of AI on the rule of law; and the design of systems that appropriately incorporate human accountability, empathy, intentionality, critical thinking, and judgment. For our students, it is not about learning specific tools. It is about exploring what it means to be a lawyer in a digital world and preparing law students to be effective and successful legal thinkers, practitioners, and leaders.

This is a casebook about using AI, data analytics, and other computational technologies to perform legal tasks, including augmenting and automating legal reasoning, providing guidance to individuals, and assisting lawyers, judges, and other legal professionals with legal tasks. It is not a casebook about the law and regulation of technology, although it addresses the laws, regulations, rules of professional responsibility, and ethics principles relevant to using AI in legal-services delivery.

Our approach has been to serve two audiences: (1) faculty, to reduce the burden and learning curve to develop and deliver a class and engage with relevant scholarship, and (2) students, to provide engaging content, hands-on discussions, exercises, and simulations to help them develop the knowledge and skills to use AI responsibly and effectively in legal-services delivery. We designed the casebook to be jurisdiction agnostic (although admittedly U.S. centric), accessible to 1L, 2L, 3L, LLM, and Master of Science in Law students, and usable in interdisciplinary courses that bring law students together with computer science, information science, and other students—because the future of law will be engineered collaboratively.

This casebook also connects teaching with scholarship, introducing existing research and raising questions and challenges for research throughout. Scholarship could—and must, in our view—play an important role in the design and deployment of AI that improves the law and mitigates risks. Teaching this course will complement instructors’ scholarly agenda. Our hope is that this casebook and future editions will help to catalyze further the development of AI and Legal Reasoning as a recognized scholarly field.

We recognize a rich history of AI and Legal Reasoning scholarship that reached a critical mass in the 1970s and 80s. There is much to learn from this scholarship, especially given mounting evidence of the importance of combining both the latest probabilistic AI tools with traditional rules-driven approaches and knowledge engineering in AI systems (aka, neurosymbolic AI). We discuss this historical research in Chapter 1 and a few other places in the casebook, and we aim to engage with it further in future editions. Today’s challenge is that there has been an explosion of research, court opinions, and guidance in this space. We expect that the foundations that we have developed in the casebook will endure, but there will be many developments that will deserve coverage in future editions.

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