

Turning Risks of Cheating with AI into Opportunities — A Summary

A summary of John M. Lande, [Turning Risks of Cheating with AI into Opportunities for Better Teaching](#) (Missouri Legal Studies Research Paper No. 2025-58, Jan. 8, 2026). Read the full paper at ssrn.com/abstract=6042636.

The reframe

Lande takes the conventional framing of AI in law schools — “how do we stop students from cheating?” — and turns it inside out. He argues that AI-enabled cheating isn’t primarily a student-integrity problem. It’s a signal that something is wrong with the assessment.

If a student can use AI to produce a credible version of the answer a faculty member was going to grade, the problem isn’t that the student misused AI. The problem is that the assessment was measuring something an AI can now do. The fix isn’t to police the AI. The fix is to redesign the assessment so it measures something harder to delegate.

The moves

The paper offers practical strategies that faculty can adopt to design assignments that enhance student learning, promote good decision-making, discourage inappropriate AI use, and build responsible AI literacy. The strategies are framed in a way consistent with the ABA’s new requirement for formative assessment throughout the curriculum — Lande threads the AI response into the school-wide pedagogical pivot the ABA already requires.

A few recurring ones:

Move from product to process. If the graded artifact is “the final memo,” AI is the path of least resistance. If the graded artifact is “your draft history, your revisions, and a written reflection on what you changed and why,” the AI becomes a tool in a human process rather than a substitute for it.

Shift from summative to formative. An ungraded midterm that students get AI-generated feedback on trains them to read their own work critically. A graded midterm that locks out AI teaches them only how to game the lockout.

Make the process visible. In-class argumentation, oral follow-up questions, and graded drafts-in-progress all require the student to be present in their own reasoning. AI can assist at any stage, but it can’t stand in for the student in real time.

Explicitly teach responsible AI use. Treating AI as contraband produces furtive use. Treating it as a skill to be taught — with rules, exercises, and reflection — produces the kind of literate use the profession will demand.

Why this matters for the course

The “what are we testing on exams?” question in Module IV is the *institutional* version of Lande’s question. Module II takes it up at the pedagogical level.

The deeper point: most of the AI-in-law-school conversation is defensive. Ban it, detect it, police it, redesign the honor code. Lande’s reframe is that the defensive posture misses the opportunity. The ABA pushed law schools toward formative assessment *before* generative AI became a live issue; AI is now the forcing function that makes formative assessment unavoidable. Faculty who were going to need to redesign assessments anyway can redesign them for both reasons at once.

That reframe — AI as a *catalyst* for the pedagogical pivot law schools should already be making — is what distinguishes Lande’s contribution from the broader “what about AI on exams?” genre.

Where the argument is thinnest

The paper is pedagogy-forward, not empirical. Lande doesn’t run studies; he synthesizes the strategies in use at law schools that have engaged the problem seriously. That’s the right level for the argument — but it means the reader should treat the specific strategies as plausible starting points rather than validated interventions. Formative-assessment-plus-AI designs are still new enough that what works and what doesn’t is going to take a few academic years to shake out.

Also: the paper doesn’t grapple much with the scaling problem. Formative assessment at the individual-faculty level is straightforward. Scaling it across a full curriculum, with equitable grading load and consistent standards, is harder than the paper lets on. That’s a separate problem, but worth holding in mind.

The line that stays with you

If the assessment measures something AI can do, AI is a signal that the assessment was measuring the wrong thing. The fix is upstream.

Full citation: John M. Lande, Turning Risks of Cheating with AI into Opportunities for Better Teaching (University of Missouri School of Law Legal Studies Research Paper No. 2025-58, Jan. 8, 2026), ssrn.com/abstract=6042636.