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Reimagining Commercial Law

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Reimagining Commercial Law

On 1 June 2026, Birmingham Law School (BLS) hosted a 'Reimagining Commercial Law' Workshop, organised by Mrs Frances Seabridge, Associate Professor and BLS Academic Integrity Lead, and Dr Andreas Georgiou, Assistant Professor. It was funded by Birmingham Law School's Centre for Employability, Professional Legal Education and Research (CEPLER) and attended by legal practitioners, technology experts, and colleagues across Higher Education. Written submissions were also sent in from invited experts who were unable to attend on the day.

The key topics were Generative Artificial Intelligence (GAI), its impact on Higher Education, legal practice, and its future; employability and recruitment in the commercial law sector; the concept of commercial awareness; the development of transferable skills; issues of equality, diversity and inclusion; student feedback and concerns; and the design of formative and summative assessment.

The aims of the meeting were to evaluate the content of Birmingham Law School's Commercial Law module and to explore new ways of inspiring curiosity and preparing learners for the challenges of modern practice. The content of the commercial law curriculum was shared in advance with all the participants. The questions posed to participants included whether the course adequately reflects commercial practice, how commercial awareness could be integrated into our teaching, and what impact does technology have on legal education and practice. Particular attention was given to arbitration/alternative dispute resolution (ADR) as an increasingly relevant area of law. Participants were also asked what employability skills and attributes students should gain from the module, how the course could remain attractive to international students and contribute to the University's global profile, and how assessment can become more sustainable.

The contributions were divided into five categories according to their expertise:

- Legal Technology & Innovation;
- Legal Practice;

- Higher Education (Careers);
- Higher Education (Business);
- Higher Education (Law).

Legal Technology & Innovation

Derek Southall (Hyperscale Group) was the lead expert on technology, digitalisation, and the impact of GAI on legal education and practice. Drawing on his experience as a lawyer and his expertise in legal technology, innovation, knowledge management and digital marketplaces, his presentation focussed on emerging and anticipated trends in commercial practice, and how these can be incorporated into teaching and learning.

One of the key points was that GAI is a potential means for improving access to justice. Individuals from all social and economic backgrounds can acquire free and immediate legal advice, which fundamentally alters the nature of the legal profession, the perception of what lawyers do and when they are needed. Solicitors are no longer 'gatekeepers' of the law. This implies that firms must reorganise their practice but also change how they market their expertise to prospective clients. Marketing strategies may adjust to highlight specialisation, reputation, convenience, and personal rapport.

At the same time, GAI expands the capabilities of law firms by automating certain tasks. For example, GAI tools can assist with document review, legal research, contract analysis, routine checks; enabling firms to allocate more resources on high-value tasks that require professional judgement and strategy. GAI may also support the creation of services, such as AI-assisted compliance monitoring, AI-assisted risk management, and tailored client advice platforms. By improving the speed and expanding the scale of legal practice, GAI can enhance the expertise of legal professionals.

In terms of future developments, it can be anticipated that the GAI industry will become more specialised and more integrated. Large corporations ("hyperscalers"), such as Microsoft, have a competitive advantage over standalone GAI developers through a near-monopoly over workplace tools. This indicates the further integration of GAI into a wide range of services and the potential dependency on hyperscale providers. Furthermore, legal practice will be affected by targeted developments, such as GAI-assisted publishing platforms, research databases, and more. Changes in the industry transform the skills

that students must develop during their time at university as well as the essential characteristics of a successful lawyer.

Priorities for Commercial Law are: (i) understanding the modern practice of law, including technology and innovation; (ii) understanding the market and how client needs continue to change; (iii) teaching the effective use of existing and future GAI tools.

Legal Practice

Ali Tabari (St Philips Chambers) submitted written comments, addressing both the impact of GAI and wider employability issues. From a barrister's perspective, GAI has limited value currently. It is a useful tool for summarising lengthy judgments and performing routine tasks at an analytical level equivalent to the undergraduate level. Existing tools, legal-focussed or otherwise, cannot replicate a barrister's judgement. For example, GAI tools are unable to capture the *ratio* of a case. Further concerns relate to the misuse of GAI, particularly the reported instances of lawyers citing fabricated case law.

GAI tools are clearly used in applications, which poses recruitment challenges. Either the use of GAI is so obvious the application is disregarded, or applications produced with GAI tend to mask candidates' true deficiencies and making them all the more apparent at the interview stage. In some cases, the contrast is so stark that it calls into question the applicant's honesty and integrity, potentially requiring disclosure to the Inns of Court.

In relation to employability, there are significant concerns among their solicitor clients. These pertain to workplace readiness: from a lack of office etiquette to a lack of initiative and proactivity, through to not taking a sufficient interest in world affairs to deliver commercially-sound advice. Trainees are unable to take information or instructions and play them out in a way which suits the client's commercial objectives. Thus, many law firms would favour a vocational approach to Higher Education. Pupils in chambers display higher levels of workplace readiness, but integration of skills-based learning would still be beneficial in preparing students for legal practice.

Lucy Dolan and Rob Bridgman (Gowling WLG) shared views in their respective roles as Early Talent Manager and Partner at a global law firm. One of the main areas of disagreement with the technology expert was the claim that GAI improves access to

justice. In reality, it merely creates the impression that it does. Overreliance on GAI can lead to poor legal decisions and divert attention away from the structural reforms needed to make legal advice more accessible. In the workplace, GAI is becoming more prevalent, yet trainees do not know when or how to use it effectively.

From a recruitment perspective, law firms are not seeking candidates who are already proficient in the use of GAI tools. Trainees will develop legal technology skills during their training, providing a better opportunity than Higher Education to learn how to use GAI in commercial practice. Universities, they argued, should not concentrate too heavily on teaching GAI skills. It would be useful for new recruits to have a baseline knowledge of the benefits and the pitfalls of using GAI. However, universities should prioritise the development of analytical skills, including the ability to navigate complexity, apply strategic thinking, and to deliver rational outcomes.

From an employability perspective, there was discussion about work ethic and how students with non-legal work experience may bring greater resilience and adaptability. Law firms seek candidates who are not only able to take knowledge, but who can also share it and have the potential to become great mentors and leaders. A concern for those in positions of responsibility is developing the next generation of talent to succeed them.

Incorporating employability into legal education does not require universities to replicate work conditions. Educators should focus on developing essential skills that enable students to thrive in practice, such as independence, problem-solving, and attention to detail. A discussion took place in reviewing the University Graduate Attributes, and it was felt that one of the most important attributes was “the ability to act with humility, confidence, and good judgement”. Workplace readiness is best achieved through targeted curriculum changes, such as introducing simulation exercises or designing activities that require analytical reasoning.

Higher Education (Careers)

Mark Birmingham and Sophie Bates (Careers Network, University of Birmingham) explained that many of our graduates pursue non-legal careers, and those who enter the legal profession choose a variety of roles beyond the traditional barrister/solicitor pathways. The University has an obligation not to impose a career path, and to foster

employability in a broader sense, so as to cater to diverse career aspirations. We can achieve that by focussing on transferable skills, such as independence, communication, and adaptability. The obligation is to prepare students for the challenges of a competitive and evolving job market, and the demands of the modern workplace environment.

The composition of our student body is quite distinctive. We have a large intake of locally based students, including a significant percentage of students from underrepresented socio-economic backgrounds. This creates unique challenges. For example, many of our students commute to classes rather than living on campus, and many students work part-time alongside their studies. We must be aware of their individual learning needs and accommodate personal circumstances. From a career perspective, we must be mindful that some of our students will seek local employment opportunities and not design our courses exclusively for a career in "magic circle" firms.

The size and structure of the University offers important advantages. Compared to other institutions, we have very strong centralised careers, wellbeing, and other support services. We also have innovative projects and dedicated funding for introducing employability into curriculum across disciplines. Thus, an important aspect of employability is maintaining a holistic approach and ensuring that these opportunities are available to students across all departments.

Higher Education (Business)

Dina Nathwani (Birmingham Business School) shared insights from working at leading universities in the UK. Commercial Law is not advanced contract law with business examples. The module should be designed to mirror real business scenarios—linking doctrine, finance, and strategy. It should cover all aspects of a transaction: commercial contracting, interpretation of complex agreements, allocation of risk, boilerplate clauses, remedies in high-value disputes, and negotiation dynamics.

An up-to-date module would integrate company law concepts, such as corporate structure, directors' duties, shareholder vs. creditor interests, and the fundamentals of mergers and acquisitions. Another important topic is finance, including credit structures, security arrangements, and debt vs. equity financing. Given the globalisation of commerce, it would be useful to explore cross-border issues where possible. Similarly, it

would be valuable to introduce students to regulation. Risk, breakdown, and dispute resolution are already integral to the module and should remain so.

Particular emphasis should be placed on developing commercial thinking/awareness. This means understanding why parties structure deals a certain way, evaluating legal solutions of business outcomes, and balancing legal risk with commercial opportunity. The differentiating factor is exposing students to realistic scenarios they will encounter in their future careers.

The evolution of GAI offers educational benefits. It can reduce the time spent on repetitive tasks. It can be used to simulate real commercial transactions, for example by producing counterparty responses or dynamically altering the facts of a problem scenario. GAI can also be used to make exercises scalable and engaging. For example, students could be asked to compare human- and GAI-drafted documents to learn precision and clarity. This is highly aligned with what they will be asked to do as trainees in a professional environment.

Another example where GAI can have a positive impact is due diligence exercises, for example asking students to review a large volume of documents to identify risks and liabilities. GAI is particularly good at synthesising large regulatory landscapes and could be used effectively to navigate cross-border scenarios. Using GAI, students can move beyond learning what the rules are and investigate *why* deals are structured in a particular way, the broader rationale behind commercial transactions. This shift in mindset is the essence of 'commercial awareness'.

The biggest risk of GAI is shallow learning and students outsourcing critical thinking. If students rely too much on GAI, their awareness of doctrinal issues will decline, and so will analytical depth. Effective use of GAI requires critique-based assessment, oral defence or other drafting justification—not simple essay generation.

Higher Education (Law)

Shaid Parveen (Aston Law School) took the position that lawyers have always adapted to new technology, from typewriters and photocopiers to the introduction of online research databases. GAI is simply the latest development, and it will not be the last. The tools may change, but what the client pays for (professional judgement) does not.

GAI tools are already used extensively in practice. Firstly, they are used in surfacing legal authorities and summarising them in seconds (research). Secondly, they read entire data rooms to flag risks across complex transactions (due diligence). Thirdly, they produce first-cut contracts, client letters, and memos for the lawyer to refine (drafting). Fourthly, they sift through large volumes of documents to identify material information (disclosure and e-discovery). This demonstrates that GAI tools already perform a range of important tasks within law firms.

Yet the lawyer remains responsible for the outcome. The legal practitioner must pay regard to confidentiality and client privilege, ensure competent decision-making, comply with data protection rules, and uphold our duty to the court. On a practical level, we must comply with the standards issued by the Solicitors Regulation Authority (SRA) and the Bar Standards Board (BSB). Students must develop these core competencies irrespective of the tools they use in their daily work. Students must also navigate the challenges of the modern workplace, such as flexible and remote working.

Being a commercial lawyer is more than knowing about the law. It entails political, economic, social, technological, environmental, and broader contextual awareness. Equally, a law degree can open the door to diverse career opportunities in the public and private sectors.

As a point of emphasis, the discussion must be informed by considerations of equality, diversity, and inclusion (EDI). The region has a unique demographic makeup, with students from diverse ethnic, religious, socio-economic backgrounds. This requires recognising lived experiences and generational factors that shape how students engage with education. It also requires appropriate safeguards to support equal access and equal opportunity. Collaboration between universities, and between universities and external bodies, can facilitate widening participation.

Frances Seabridge (Birmingham Law School) commented that the number of contact hours for the module impacts upon the number of topics and the scope of what can be covered in the Commercial Law module. That having been said, this module remains a popular choice for students, due to its attractiveness for employability and the nature of the subject in developing themes explored in the first-year subject of contract law. As

students are very engaged in this subject, having the incentive of a prize to be offered up by an external body/ firm, to the student with the highest mark on their assessment performance, would be a great added feature and demonstrate the recognition and significance of Commercial law as a chosen subject for undergraduate study. It was acknowledged that guiding students in their use of GAI should be included as an element of the curriculum- especially given the latest headlines regarding the misuse of GAI by some solicitors and the repercussion for compliance with the supervision of staff within firms. In terms of demonstrating the ways in which GAI can distort the presentation of materials, it would be worthwhile considering a session on GAI, reviewing its use in the commercial law sector, but also highlighting the difficulties in using it for application purposes. Collaboration with law firms could assist in the provision of such a useful exercise. In terms of the use of GAI for assessment purposes, it would be a relatively straightforward exercise to mark a sample mock answer through GAI and then produce a version marked by an academic, and to compare the mark and the feedback, asking the students to "spot the difference" and also to critique the approach of GAI in such an exercise.

Andreas Georgiou (Birmingham Law School) noted that, while employability is a priority, our role as teachers is not to produce barristers and solicitors. It is also to encourage critical thinking, inquisitiveness, and reflection on questions of morality and justice. Higher Education offers a degree of freedom that is rarely available in a professional environment. This aligns with the goal of developing transferable skills and overall competence. In light of growing awareness of workplace bullying, for example through reports by the British Safety Council, academics must be careful not to normalise harmful behaviour under the guise of office etiquette. Another priority is to foster vigilance towards issues of discrimination, ableism, and mental health stigma.

As module leaders, we have a limited range of tools at our disposal: lectures, seminars, and assessment. Concerns around the content of the module are addressed by the availability of related modules, such as Company Law, which ensure a comprehensive curriculum. Targeted changes can be made to lectures and seminars. Assessment is perhaps the most adaptable area, with the potential to contribute more effectively and

sustainably to student learning. Rethinking assessment strategies should be a priority in the coming years.

While many of our students commute and work part-time, the university's centralised support services compare favourably with those at other institutions, providing students with comprehensive support to navigate the employment market. There was broad agreement that the diversity of the student cohorts at the University of Birmingham is one of the institution's greatest strengths. This makes our job as educators enjoyable and truly rewarding.

Summary of Proposals

Building on the themes identified above, we propose the following:

First, the content of the module compares well with equivalent offerings at other universities and complements the broader range of modules within the department. The coverage of alternative dispute resolution/arbitration is a positive feature, giving students exposure to an important area of commercial practice. No major changes are required.

Second, targeted changes can be made to seminar exercises to replicate real-world business scenarios. This workshop highlighted the importance of rationality and strategic thinking. Introducing simulation into our teaching can promote commercial awareness and workplace readiness.

Third, we continue to monitor assessment changes across the department. Consideration should be given to how formative and summative assessment can be delivered more effectively, in light of developments in GAI and the aim of strengthening student judgement.

Fourth, collaboration with centralised support services should be explored further, including allocating lecturing time to the Careers Network, to ensure our students benefit from the full range of support available to them.

Finally, collaboration with other universities and regional bodies should be a priority, particularly in addressing barriers to access and progression for marginalised student communities.