AI as a Game Changer: What lawyers need to know

NATIONAL INSTITUTES
Artificial Intelligence and Robotics
JANUARY 9–10, 2020 ▶ SANTA CLARA, CA

AI as a Game Changer: What lawyers need to know
MESSAGE FROM THE SECTION CHAIR

Dear Colleagues and SciTech Friends—

Welcome to the Artificial Intelligence and Robotics National Institute, presented by SciTech, the American Bar Association Science and Technology Law Section. We’re delighted that you’ve joined us. Over the last 45 years, SciTech has provided leadership on emerging issues at the intersection of law, science, and technology and has promoted sound policy and public understanding on such issues.

The rise of artificial intelligence has captured public imagination in ways both good and bad, realistic and fantastical. AI is transforming every sector of industry, raising numerous, difficult legal and ethical issues ranging from contracting to liability to intellectual property and more. Over the next two days, our panelists will walk you through the technology and issues you need to understand today. You’ll leave with practical insight into how to confront the thorny problems that AI raises, and you’ll also get a sense of what’s coming next. We’ve designed plenty of opportunities for you to ask questions and talk with our panelists, particularly at the cocktail reception at the end of our first day together.

Of course, it isn’t possible to cover every issue generated by AI and robotics in just two days, and the technology and law will continue to develop and change at a rapid pace. Please consider joining SciTech and the AI & Robotics committee, along with any of our other twenty-four substantive committees that may interest you. You’ll receive news about breaking developments so you’ll never be left in the dark, and you’ll engage with field experts, unlocking the door to new professional opportunities. Please see any member of our staff to discover how you can get involved with SciTech today.

Julie A. Fleming
Chair, ABA Science & Technology Law Section

WHY YOU SHOULD ATTEND

Artificial intelligence is transforming our world, and its legal implications are vast and challenging. Every client in every industry sector—including healthcare, financial services, transportation, energy, utilities, manufacturing, telecom, IT, real estate, and retail/consumer services—will be affected.

Formidable panelists from across the country will explore AI and robotics and give you insider tips on practical ways to tackle the hot legal issues, including:

- Intellectual Property and Licensing Issues
- Privacy, Data Security, and Information Governance
- Litigation and Contracting
- Standards, Certifications, and Auditing
- Civil and Human Rights Implications
- Plus: Healthcare Law, Transportation, Employment Law

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Section of Science & Technology Law
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Solo, Small Firm and General Practice Division
Tort Trial and Insurance Practice Section
KEYNOTE SPEAKERS

Day One: Prof. J. Christian Gerdes, PhD
Director, Stanford Center for Automotive Research,
formerly Chief Innovation Officer, U.S. Department of Transportation

Day Two: Brigadier General R. Patrick Huston
Assistant Judge Advocate General, U.S. Army

THURSDAY, JANUARY 9 » DAY ONE: THE VERTICALS

9:00–9:15 am Chair’s Welcome, Logistics, and Announcements
Institute Chair: Stephen S. Wu, Silicon Valley Law Group, San Jose, CA

9:15–10:15 am Introduction to the Legal Issues of AI & Robotics
The rise of artificial intelligence and robotics in a number of industries and sectors is posing significant challenges for both companies and the agencies that regulate them. The news media are filled with stories about the threats of AI, and how society should respond to AI challenges is one of the most hotly contested debates today. Product developers, companies, lawyers and regulators are struggling with the swift pace of change and determining the most effective way to regulate and govern robots and AI systems. Specific issues include protecting the public from the premature deployment and marking of immature technologies, the scope of human responsibility for AI behavior, how to make AI accountable for its own actions, and how to regulate non-human behavior. This panel will provide an overview of the technologies, the developments giving rise to the AI and robotics revolution, and the areas of legal practice affecting AI and robotics, such as compliance, transactions, liability, investigations, and governance.

Jimmy Kim, Built Robotics, San Francisco, CA
Giancarlo Mori, Movyl Technologies, San Francisco, CA
Chris Savoie, Zapata Computing, Boston, MA
Moderator: Stephen S. Wu, Silicon Valley Law Group, San Jose, CA

10:15–11:15 am AI, Automation, and the Future of Transportation
Highly automated vehicles have the potential to dramatically reduce the frequency and severity of accidents. Aerial drones and more exotic forms of transportation systems are now under discussion to enhance mobility. Despite the potential benefits, automated transportation systems potentially expose manufacturers to a wide variety of safety, cybersecurity, and systemic risks. Future transportation modes will rely on complex algorithms to predict the movements of other vehicles, pedestrians, and other stationary objects and react accordingly. This panel will cover the liability and insurance implications of AI-fueled future transportation modes.

Nandi Chhabra, Peloton Technology, Mountain View, CA
Selina Pan, Toyota Research Institute, Los Altos, CA
Phillip Zackler, Toyota Research Institute, Los Altos, CA

11:15–11:30 am Networking Break
Agenda

THURSDAY, JANUARY 9 (CONTINUED)

11:30 am–12:30 pm  
**AI and Robots in the Healthcare Setting**  
AI has the potential of revolutionizing healthcare, including by assisting in differential diagnosis of illness, scanning images to detect disease (better than human doctors), predicting outcomes, and suggesting treatment options. Robots in the operating room assist human doctors in performing surgeries more precisely with better outcomes and fewer complications. Service robots in hospitals, clinics, and nursing homes may perform logistical tasks to support healthcare operations. This panel will discuss compliance and effects of AI and robotics on accreditation, malpractice and product liability implications, system procurement issues, and implementation best practices.

Prof. Christopher P. Hess, MD, PhD, University of California, San Francisco, CA  
Stephen Mutkoski, Microsoft Corporation, Mountain View, CA  
Marissa Urban, Google, Mountain View, CA

12:30–1:30 pm  
**Lunch**

1:30–2:30 pm  
**AI in Financial Services**  
Increasingly, FinTech companies are employing AI to solve customer issues at financial institutions. From artificial intelligence applications to track customer account activity and customer spending and investing decisions, to fraud detection and underwriting of loans, AI is becoming more prevalent. While artificial intelligence holds the promise of efficiency and better decision-making, the potential for liability is growing. How are banks, investment firms, insurance companies, and other financial services firms preparing for and managing AI-related liabilities within their organizations?

Laura Lemire, Microsoft Corporation, Redmond, WA  
Deon Woods Bell, Federal Trade Commission, Washington, DC  
Moderator: Theodore Claypoole, Womble Bond Dickinson, Atlanta, GA

2:30–3:30 pm  
**Ethics of the Use of AI in the Practice of Law**  
AI and robotics have the potential to help solve some of the world’s most challenging social problems, including saving lives lost to traffic accidents, diagnosing cancer, and aiding disaster-relief efforts. These technologies also raise important societal and ethical concerns, including algorithmic discrimination and job displacement. This panel will discuss some of the significant issues raised by the tension between AI for the global good and potential harmful impacts of AI. The panel will also examine the intersection between law and ethics, including the legal implications of pursuing what might be perceived as “ethical” design choices.

Adam Nguyen, ebrevia, San Francisco, CA  
Prof. Drew Simshaw, Gonzaga University School of Law, Spokane, WA  
Moderator: Rafael Baca, Palo Alto, CA

3:30–3:45 pm  
**Networking Break**

3:45–4:45 pm  
**AI and Robots in the Workplace**  
The world will see the widespread deployment of robots in the workplace that will work side by side with human workers. We can learn from the experiences with industrial robots in automobile factories and tool and die plants to understand the new robot-filled workplace. In addition, artificial intelligence systems are helping recruiters and human resource professionals hire and manage an enterprise’s workforce. Such systems, however, entail the possibility of algorithmic bias that may expose employers to liability under employment laws. Moreover, ever greater amounts of data upon hiring and gathered by workplace systems may make employment practices ever more intrusive. This panel will discuss the labor and employment law compliance issues with employers using robots and AI systems.

Natalie A. Pierce, Littler Mendelson PC, San Francisco, CA  
R. Jason Straight, UnitedLex, New York, NY  
Austin Tarango, Google Brain, San Francisco, CA
FRIDAY, JANUARY 10 » DAY TWO: CROSS-CUTTING ISSUES

9:00–10:00 am  
**Data Privacy, Data Security, and Information Governance**

The capabilities of AI and machine learning technologies and the sheer amount of data they collect are growing rapidly. Big Data and AI together provide ever more effective and intrusive ways of understanding people and their behavior. At the same time, AI is becoming a more powerful tool for both cybercriminals and information security professionals tasked with protecting sensitive data and critical infrastructure. Companies are facing the challenges from compliance with the now-effective European Union General Data Protection Regulation (GDPR) in Europe and preventing mega-scale data breaches, such as the Equifax breach announced in September 2017. The California Consumer Privacy Act (CCPA) will change business practices in the United States. Congress may preempt CCPA with federal data protection legislation. This panel will discuss how global companies are approaching the complexities of AI and robotics in light of GDPR, CCPA, possible federal legislation, and GDPR-influenced international laws.

Ian Ballon, Greenberg Traurig LLP, Silicon Valley, CA  
Kristen Madigan, Crowell & Moring PLLC, Washington, DC  
Lucy L. Thomson, Livingston PLLC, Washington, DC  
Moderator: Ruth Hill Bro, Privacy and Cybersecurity Attorney, Chicago, IL

10:00–11:00 am  
**Civil and Human Rights Implications of AI**

A panel of academics and practitioners, convened by the Berkman Klein Center for Internet & Society at Harvard University, will provide an overview of developments in human rights and Constitutional law bearing on the impacts—positive and negative—of artificial intelligence and robotics. These technologies act as a force multiplier on existing institutions, as well as introducing unprecedented new challenges. The panel will explore key themes including discrimination, due process, and freedom of speech, assembly, and information, and offer a deep dive into facial recognition technology. Finally, it will explore policy and research recommendations, including for multi-stakeholder collaboration and regulation.

Prof. Jessica Fjeld, Cyberlaw Clinic of The Berkman Klein Center for Internet & Society at Harvard University, Cambridge, MA  
Prof. Vivek Krishnamurthy PhD, Samuelson-Glushko Canadian Internet Policy and Public Interest Clinic, University of Ottawa, Ottawa, ON

11:00–11:15 am  
**Networking Break**

11:15 am–12:15 pm  
**Investigations in an Era of AI**

The investigation of areas such as corrupt practices and insider trading will increasingly rely on Big Data and AI. AI can also help businesses detect corporate espionage and trade secret misappropriation in the workplace. In general, how can AI help catch wrongdoers? At the same time, investigators face the challenges of “deep fakes” and “fake news.” Generative AI systems can create artifacts that appear real and pose challenges to investigators seeking the truth. This panel will cover how the era of AI will change investigations, and how investigators can preserve the admissibility of evidence at hearings or in trial.

Serge Jorgensen, Sylint Group, Sarasota, FL  
David K. A. Mordecai, PhD, Risk Economics Inc, New York, NY  
Paul Starrett, Starrett Consulting Inc, Saratoga, CA

12:15–1:15 pm  
**Lunch**
Agenda

FRIDAY, JANUARY 10 (CONTINUED)

1:15–2:15 pm  **AI and Robotics Intellectual Property and Licensing Issues**

This panel covers special intellectual property issues involved with intellectual property. It will discuss the extent and scope of patent protection for AI inventions. Also, how can intellectual property law protect trained neural networks or data sets, if at all? What new licensing models, if any, are necessary for commercializing AI or robotics technologies or the data sets supporting them? This panel will also cover the intellectual property implications of AI-created paintings, images, and music, and what happens if an AI creates a new invention? Who, if anyone, owns those works or inventions?

Hogene Choi, Baker Botts, Palo Alto, CA
Tyler Ochoa, Santa Clara University School of Law, Santa Clara, CA
Moderator: Colleen Chien, Santa Clara University School of Law, Santa Clara, CA

2:15–3:15 pm  **AI and Robotics Standards, Certifications, and Auditing**

How can customers, users, and regulators trust AI systems and robots? How can they be sure that these systems will perform as promised? One potential solution relates to the use of industry standards creating frameworks to assess the effectiveness of AI systems and robots or their adherence to certain safety, ethics, privacy, or security criteria. Auditors or certification bodies would then review a company’s implementation of these criteria and issue audit reports or certifications that may provide comfort to potential purchasers, users, or regulators. This panel will cover the perspectives of a certified public accountant, a professional providing certifications, and a participant in standards-setting bodies to discuss the value of standards, certifications, and audits.

Eric Hibbard, Hitachi Data Systems, Santa Clara, CA
Sumit Kalra, BPM, San Jose, CA

3:15–3:30 pm  **Networking Break**

3:30–4:30 pm  **AI, Robotics, Ethics, and the Public Good**

AI and robotics have the potential to help solve some of the world’s most challenging social problems, including saving lives lost to traffic accidents, diagnosing cancer, and aiding disaster-relief efforts. These technologies also raise important societal and ethical concerns, including algorithmic discrimination and job displacement. This panel will discuss some of the significant issues raised by the tension between AI for the global good and potential harmful impacts of AI. The panel will also examine the intersection between law and ethics, including the legal implications of pursuing what might be perceived as “ethical” design choices.

Ryan Budish, The Berkman Klein Center for Internet & Society at Harvard University, Cambridge, MA
Theresa Harris, AAAS Scientific Responsibility, Human Rights and Law Project, Washington, DC
Prof. Shannon Vallor, PhD, Santa Clara University Department of Philosophy, Santa Clara, CA
Moderator: Cynthia Cwik, Stanford Distinguished Careers Institute, Stanford University, San Diego, CA

4:30–5:30 pm  **Looking into the Crystal Ball**

In the longer run, we face challenges from artificial general intelligence (AGI) and quantum computing, although these technologies are at least decades away. If and when these technologies are widely available, what legal issues will arise? This panel will provide an overview of the promise, possibilities, and potential threats from AGI and quantum computing. It will then talk about potential tools for governance, including policies, procedures, and subordinate documentation to support safe and transparent use of these technologies.

Prof. Keith Abney, California Polytechnic State University Department of Philosophy, San Luis Obispo, CA
Ryan C. Clark, Baker Botts LLP, Palo Alto, CA
Daniel Dries, PhD, Psi Quantum, San Francisco, CA
Moderator: Stephen S. Wu, Silicon Valley Law Group, San Jose, CA
## PLANNING COMMITTEE

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Stepehen S. Wu  
Shareholder  
Silicon Valley Law Group  
San Jose, CA

**Faculty subject to change without notice.**

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<td>Eric A. Hibbard</td>
<td>CTO for Security &amp; Privacy Hitachi Data Systems</td>
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<td>Counsel Crowell &amp; Moring LLP</td>
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<td>David K. A. Mordecai</td>
<td>President RiskEcon Lab</td>
<td>New York, NY</td>
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<td>Leonel De La Mora, Jr.</td>
<td>Program Assistant ABA Science &amp; Technology Law Section</td>
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**ABA STAFF**  
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Program Specialist ABA Science & Technology Law Section

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Dr. Martha-Marie Kleinhans  
Associate Director, Programming ABACLE

### Faculty

**Prof. Keith Abney**  
Author, Robot Ethics 2.0 & Lecturer  
California Polytechnic State University Department of Philosophy  
San Luis Obispo, CA

**Rafael Baca**  
Attorney  
R Baca Law Firm, PLLC  
Palo Alto, CA

**Ian C. Ballon**  
Litigation Shareholder & Co-Chair, Global Intellectual Property & Technology Practice Group  
Greenberg Traurig LLP  
East Palo Alto, CA

**Ryan Budish**  
Assistant Research Director  
The Berkman Klein Center for Internet & Society at Harvard University  
Cambridge, MA

**Nandi Chhabra**  
General Counsel  
Peloton Technology  
Mountain View, CA

**Prof. Colleen V. Chien**  
Professor  
Santa Clara University School of Law  
Santa Clara, CA

**Hogene L. Choi**  
Partner  
Baker Botts LLP  
Palo Alto, CA
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<td>Business Operations Lead Built Robotics</td>
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<td>Director &amp; Professor of Law Samuelson-Glushko Privacy Policy &amp; Public Interest Clinic at University of Ottawa</td>
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<td>Shareholder, Co-Chair Robotics, AI and Automation Practice Group Littler Mendelson PC</td>
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The ABA will seek 13 hours of CLE general credit in 60-minute states, and 15.6 hours of CLE general credit for this program in 50-minute states, including 1 hour of CLE ethics credit in 60-minute states and 1.2 hours of CLE ethics credit in 50-minute states). Credit hours are estimated and are subject to each state’s approval and credit rounding rules. Please visit the program website at ambar.org/ai2020 for program CLE details or visit www.americanbar.org/mcle for general information on CLE at the ABA.

Scholarships
Financial scholarship applications are available for this conference. To request an application or receive additional information, please go to this link: https://www.americanbar.org/events-cle/abacle/scholarship/

Cancellations
Cancellations received five (5) business days or more before the program will receive a 100% refund, less a $50 cancellation fee. No refunds will be provided for cancellations after that date; however, substitute registrants are welcome before the program starts Registrants who do not cancel within the allotted time period and who do not attend the program will receive a copy of the program course materials after the program.

Hotel
DoubleTree by Hilton San Jose | 2050 Gateway Place | San Jose, CA
The ABA has secured a block of rooms at the DoubleTree by Hilton San Jose. Reservations can be made by calling (408) 453-4000. Refer to the ABA Artificial Intelligence & Robotics National Institute to obtain our specially negotiated group rates. Deadline is Thursday, December 26, 2019.

Meeting Location Information
The meeting will take place at:
Santa Clara University School of Law
500 El Camino Real
Santa Clara, CA 95050

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