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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KEYNOTE SPEAKERS

Day One: Prof. J. Christian Gerdes, PhD
Professor of Mechanical Engineering & Director, Stanford Center for Automotive Research (CARS), Dynamic Design Lab & Revs Program, 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

8:00–9:00 am  Registration and Continental Breakfast

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
Christopher J. Savoie PhD, Zapata Computing Inc., 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
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 School of Medicine, Department of Radiology and Biomedical Imaging, San Francisco, CA
Stephen Mutkoski, Microsoft Corporation, Mountain View, CA
Marissa R. 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 O. I. Lemire, Microsoft Corporation, Redmond, WA
Deon Woods Bell, U.S. Federal Trade Commission, Office of International Affairs, Washington, DC
Moderator: Theodore F. Claypoole, Womble Bond Dickinson LLP, 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 V. Nguyen, ebrevia, San Francisco, CA
Prof. Drew Simshaw, Gonzaga University School of Law, Spokane, WA
Moderator: Rafael Baca, R Baca Law Firm PLLC, 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, Ankura, New York, NY
Austin Tarango, Google AI, San Francisco, CA

Agenda subject to change without notice.
FRIDAY, JANUARY 10 » DAY TWO: CROSS-CUTTING ISSUES

8:00–8:30 am Registration and Continental Breakfast

8:30–9:30 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 C. Ballon, Greenberg Traurig LLP, East Palo Alto, CA
Kristin J. Madigan, Crowell & Moring LLP, San Francisco, CA
Lucy L. Thomson, Livingston PLLC, Washington, DC
Moderator: Ruth Hill Bro, Privacy/Cybersecurity Attorney, Chicago, IL

9:30–10:30 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.

Steve Crown, Microsoft Corporation, Redmond, WA
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

10:30–10:45 am Networking Break

10:45–11:45 am 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
FRIDAY, JANUARY 10 (CONTINUED)

11:45 am–12:15 pm  Keynote Speaker: Brigadier General R. Patrick Huston
                        Assistant Judge Advocate General, U.S. Army

12:15–1:15 pm  Lunch

1:15–2:15 pm  Promoting the Progress in AI through IP
This panel covers special intellectual property issues involved with artificial intelligence. It will discuss the extent and scope of patent, copyright, trade secret, and data protection for AI innovations. 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? How can intellectual property laws be applied, interpreted, and enforced in order to best “Promote the Progress” in AI?

Brian S. Adams, QUALCOMM Technologies Inc, San Diego, CA
Ho gene L. Choi, Baker Botts LLP, Palo Alto, CA
Christian E. Mammen DPhil, Womble Bond Dickinson LLP, Palo Alto, CA
Prof. Tyler Trent Ochoa, Santa Clara University School of Law, Santa Clara, CA
Moderator: Prof. 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 A. Hibbard, Sunnyvale, 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 L. Harris, AAAS Scientific Responsibility, Human Rights and Law Program, Washington, DC
Prof. Shannon Vallor PhD, Santa Clara University Department of Philosophy, Santa Clara, CA
Moderator: Cynthia Cwik, Stanford Distinguished Careers Institute, Stanford University, Palo Alto, 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, Austin, TX
Daniel F. Dries PhD, Psi Quantum, San Francisco, CA
Moderator: Stephen S. Wu, Silicon Valley Law Group, San Jose, CA
### Planning Committee & Faculty

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## Registration Information

**Standard Rate as of 12/3/2019**

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<td>Science &amp; Technology Law Section</td>
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Save when you register three (3) or more attendees for in-person events:

- 3–5 attendees—SAVE 5%
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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/](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

### Travel

**Airfare:** ABA members are eligible for discounted airfare through our travel provider Egencia.

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- **Self-assessment tools**, real-time resumé and interview feedback powered by artificial intelligence is now yours in a newly launched Career Center. **NEW!**

### Simplified ABA Membership Dues

<table>
<thead>
<tr>
<th>LAWYERS</th>
<th>Dues</th>
<th>OTHERS</th>
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<tbody>
<tr>
<td>Years Since Original Bar</td>
<td></td>
<td>Recent Law School Graduates $75</td>
</tr>
<tr>
<td>▶ 0–4</td>
<td>$75</td>
<td>▶ Paralegals $75</td>
</tr>
<tr>
<td>▶ 5–9</td>
<td>$150</td>
<td>▶ Affiliated Professionals $150</td>
</tr>
<tr>
<td>▶ 10–14</td>
<td>$250</td>
<td>▶ International Lawyers (not licensed by a US bar) $150</td>
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<tr>
<td>▶ 15–19</td>
<td>$350</td>
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<tr>
<td>▶ 20+</td>
<td>$450</td>
<td><strong>LAW STUDENTS</strong></td>
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<td></td>
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<td>▶ Member $0</td>
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<td>▶ Premium Member $25</td>
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</tbody>
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