

ARTIFICIAL INTELLIGENCE, TECHNOLOGY, AND THE LAW
PROFESSOR AMY STEIN
UNIVERSITY OF FLORIDA LEVIN COLLEGE OF LAW
FALL 2023 SYLLABUS – LAW 6930 – 2 CREDITS

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Meeting Time: Tuesdays, 1:45 p.m. – 3:45 p.m.

Location: HH 382

Office Hours: Tuesdays, 4-5 p.m. HH311; Thursdays, 4-5pm on Zoom (Canvas) or by appt.

Course Description:

Increasingly, the world is seeing a rise in the many applications of our enhanced computing and predictive capabilities. Lawyers need to be at the forefront of this revolution. This course examines a broad range of legal and policy challenges posed by artificial intelligence (AI), machine learning and other emergent technologies. Through assigned readings, weekly discussion, and engagement with experts, students will explore the many promises and perils of AI. This course is innovative and cutting edge; it will require students to be so as well. The law in the areas we will be considering is either nonexistent or nascent. There will be plenty of opportunity to think about how existing laws might be adapted to meet the regulatory and policy needs relevant to these emerging technologies. Students engage with AI scholars across the country as the class explores issues raised by the intersection of algorithms and due process, free speech, bias and discrimination, predictive policing, generative creation, civil liability for semi-autonomous vehicles and medical devices, the financial sector, privacy and surveillance, ethics, and national security to assess the implications for courts, agency oversight, lawyers, and society.

Student Learning Outcomes:

At the end of this course, students should be able to perform the following:

- Understand the social and legal consequences and challenges of the transformation society is going through with respect to algorithms and AI.
- Develop the confidence to critically interrogate new technologies, and understand at a high level the complicated relationship between law, technology, and society. This understanding is crucial so that you can apply the skills you learn here to future technologies that have not yet been invented or popularized.
- Craft a persuasive legal argument to answer a discrete legal question related to AI and technology.

Compliance with UF Honor Code:

Academic honesty and integrity are fundamental values of the University community. The UF Law Honor Code also prohibits use of artificial intelligence, including, but not limited to, ChatGPT and Harvey, to assist in completing quizzes, exams, papers, or other assessments unless expressly authorized by the professor to do so. As you will learn in life, there will be times when

AI use is appropriate and times when it is not. When used, you must provide proper attribution to the AI. You may not use it for your critical reflections, your midterm, or your final memo. Students should be sure that they understand the UF Student Honor Code at <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/additional-information/honor-code-and-committee/honor-code>

Required Reading Materials:

No textbook is required. Instead, you are required to read and prepare materials that will be posted on Canvas, or available on Westlaw or the Internet. Please be sure to register for the Canvas course and have the materials with you in print or easily accessible electronic form in class. You are responsible for checking your Canvas page and the e-mail connected to the page on a regular basis for any class announcements or adjustments. Please see Canvas for each session's assignments. Optional resources will be provided on Canvas should you want to explore deeper than we can dive in the time allotted.

Course Expectations:

Each class session will involve a mix of lecture, exercises, and discussion, all focusing on the week's assigned material. For some classes, guest speakers will join us. This course does *not* satisfy the Advanced Writing Requirement. No prior scientific background is required; merely a willingness to learn. The requirements for this course are as follows:

- *Preparation, Attendance, and Engagement:* You are expected to read and view the required materials before class, so that you are prepared to discuss them in class. Readings and viewings will be posted on Canvas. Our class sessions will vary, with a combination of lectures, guest speakers, in-class small group projects, and discussions. Substance, engagement, and timeliness are considered in participation. The one constant is an expectation that you will be an active participant in each week's class.
- *One "discussion leader" day:* For one week during the semester, you will be required to serve as a discussion leader. On the date of our first class session, a sign-up sheet will be available for students to select a date for performing this role. If you do not sign up, a session will be assigned to you. It is your responsibility to refer to the discussion leader assignments on Canvas and be prepared before your assigned day. To satisfy this class requirement, each Discussion Leader student must complete the following tasks:
 - By Monday at noon before the class when you are discussion leader, you need to submit a 700-900 word critical reflection (around one page) related to the readings for the week on Canvas so I have time to review them before class. Please submit all your work as a PDF document, 12 pt font, Times New Roman, single-spaced on Canvas. You need to do three things in this reflection: (1) Respond to something that resonated with you from the readings (e.g., disagreeing, explaining how you think the authors missed an important dimension of the debate, agreeing and wanting more information, applying the concepts to current events, etc.); (2) Include at least two discussion question for your colleagues. If we have a speaker that day, please address at least one of your questions for our speaker; and (3) Include a link or pdf to a hot topic article related

to the theme for that class (distinct from the assigned readings) and be prepared to share and discuss how this hot topic is related and expands upon the readings for that week.

- Be prepared to lead your colleagues in a discussion of the critical analysis submitted and readings for that week. You will be the first ones called upon to discuss in class and engage with any speakers before we open questions to the rest of the class.
- *Three Class Assignments.* See Canvas
- *In-Class Closed Book Midterm.* September 26.
- *Out-of-class Memorandum.* At the end of the semester, you will be assigned legal questions and have one week to submit your ten-page response. A template and instructions will be provided. Please submit a PDF document, 12 pt font, Times New Roman, double-spaced on Canvas. Due November 17 at 11:59pm.
- There is no final examination.

ABA Out-of-Class Hours Requirement: ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every “classroom hour” of in-class instruction. Each class is approximately 2 hours in length, requiring at least *4 hours of preparation* outside of class including reading the assigned materials, serving as discussion leader, studying for your midterm, and developing your final memo.

Class Attendance:

Students are expected to attend and participate in class. I am assuming that each student enrolled in this course is committing to attend every class to the best of their abilities, and class attendance is required by both the ABA and the Law School. Attendance will be taken at each class meeting and each student is responsible for ensuring their own recording. You may not record attendance for someone else. The law school’s policy on attendance can be found [here](#). A student who fails to meet this attendance requirement will be dropped from the course.

Nevertheless, to allow for exigencies in life, you are **permitted two class absences** without impacting your final grade. I do not make any differentiation between “excused” or “unexcused” absences, so your absences can be for any reason, including for job interviews, school activities, work tasks, illness or medical appointments, COVID-19, and life. If possible, professional courtesy encourages you to notify me if you will not be in class. Your participation grade may be impacted if you consistently miss your assigned discussion days. Please budget accordingly so that you are not left at the end of the semester with a needed absence and your budget depleted. Please notify me should you have a family or medical situation or an emergency that will require missing more than two classes, and we will discuss how to accommodate your situation.

UF Law respects students’ [observance of religious holidays](#) and the two absence policy does not apply to these religious holidays.

- Students, upon prior notification to their instructors, shall be excused from class or other scheduled academic activity to observe a religious holy day of their faith.
- Students shall be permitted a reasonable amount of time to make up the material or activities covered in their absence.

- Students shall not be penalized due to absence from class or other scheduled academic activity because of religious observances.

Setting aside these exceptions, for each absence beyond two, your grade will be reduced by one-third of a grade (e.g., A- to B+). If you miss two or more scheduled classes, I have the discretion to render you ineligible to receive credit for the course. This policy starts on the first day of classes, not the end of the drop/add period.

Grading Evaluation:

Students will be evaluated based upon participation, a midterm, and a final memo. There is no final exam for this class. This course follows the Levin College of Law's grading policies found here: <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/uf-law-student-handbook-and-academic-policies>

Class Component	Percent of Grade
Participation (includes regular class engagement, three class assignments, and your Discussion Leader role)	20%
Midterm	40%
Memorandum (10 pages)	40%
TOTAL	100%

Information on UF Law Grading Policies:

The Levin College of Law's mean and mandatory distributions are posted on the College's website and this class adheres to that posted grading policy. The following chart describes the specific letter grade/grade point equivalent in place:

Letter Grade	Point Equivalent	Letter Grade	Point Equivalent
A (Excellent)	4.0	C (Satisfactory)	2.0
A-	3.67	C-	1.67
B+	3.33	D+	1.33
B	3.0	D (Poor)	1.0
B-	2.67	D-	0.67
C+	2.33	E (Failure)	0.0

Professional Courtesy

As a matter of professionalism, you are expected to be on time for class—meaning seated and ready to begin when class starts. Arriving late is disruptive not only to me, but to your fellow students. Please do not arrive late to class or leave early absent extenuating circumstances. If you need to do so, please sit near one of the exits to minimize your disruption to others and notify me in advance. Please make sure your cell phone is turned off during class. I reserve the right to deduct points from your final grade if you engage in behavior that significantly disrupts the learning environment for your classmates. After two late arrivals, each additional late arrival will be counted as a class absence.

Use of Laptops in Class

Although laptops and comparable technology are not prohibited, I would encourage you to use them judiciously. Without a textbook, I understand that you may rely on them for your readings and your notes, but please close all other browser windows, including your email. Unfortunately, many of us succumb to the temptation to multi-task, and for the time we are together, you owe yourself, your classmates, and me your focused attention. I appreciate eye contact and engagement and laptops must be closed when guest speakers are presenting in person. If I can detect a lack of responsiveness due to other activities on your laptop, you may jeopardize your grade in this class. More importantly, I reserve the right to unilaterally impose a laptop ban at any time during the semester.¹ The unique nature of this course even lends itself better to a brainstorming notebook, perhaps focusing on these:

- Important Concepts
- Ideas for Further Inquiry
- Explore More to Better Understand
- Challenges for Law and Policy
- Random Thoughts (maybe even law & AI related!)

Recordings of Class

All classes will be recorded via Mediasite in case students must miss class for health reasons. The Office of Student Affairs will determine when students may have access to these recordings, and the recordings will be password protected. These recordings will be retained only for a short period of time and it is the student's responsibility to contact the Office of Student Affairs as soon as possible after an absence.

Statement Related to Accommodations for Students with Disabilities

Students requesting accommodations for disabilities must first register with the Disability Resource Center (<https://disability.ufl.edu/>). Once registered, students will receive an accommodation letter, which must be presented to the Assistant Dean for Student Affairs (Assistant Dean Brian Mitchell). Students with disabilities should follow this procedure as early as possible in the semester, as accommodations are not retroactive. It is important for students to share their accommodation letter with their instructor and discuss their access needs as early as possible in the semester. This course does not have an exam, but questions about exam delays and accommodations can be found here: <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/current-students/forms-applications/exam-delays-accommodations-form>.

Student Course Evaluations

Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. Click here (<https://gatorevals.ua.ufl.edu/students/>) for guidance on how to give feedback in a professional

¹ See, e.g., A Learning Secret: Don't Take Notes with a Laptop, <http://www.scientificamerican.com/article/a-learning-secret-don-t-take-notes-with-a-laptop/>; Princeton University study shows students more likely to learn by taking handwritten notes, http://www.nj.com/mercer/index.ssf/2014/06/princeton_university_study_finds_students_more_likely_to_learn_by_taking_handwritten_notes.html.

and respectful manner. Students will be notified when the evaluation period opens and may complete evaluations through the email they receive from GatorEvals, in their Canvas course menu under GatorEvals, or via <https://ufl.bluer.com/ufl/>. Summaries of course evaluation results are available to students here: <https://gatorevals.aa.ufl.edu/public-results/>.

Preferred Name and Pronouns

Many of you may have a preferred name that is not the name given to me on the official roll. It is important to the learning environment that you feel welcome and safe in this class. I want you to be comfortable participating in class discussions and communicating with me on any issues related to the class. I would like to refer to you by your preferred pronoun and last name. As such, if your preferred name is not the name listed on the official UF roll, please let me know as soon as possible by e-mail or otherwise before the first day of class. Feel free to ask for instructions on changing your display name in Canvas.

Discourse and the Classroom

As a law student and future lawyer, it is important that you be able to engage in rigorous discourse and critical evaluation while also demonstrating civility and respect for others. This is even more important in the case of controversial issues and other topics that may elicit strong emotions. As a group, we are likely diverse across racial, ethnic, sexual orientation, gender identity, economic, religious, and political lines. As we enter one of the great learning spaces in the world—the law school classroom—and develop our unique personality as a class section, I encourage each of us to:

- commit to self-examination of our values and assumptions;
- speak honestly, thoughtfully, and respectfully;
- listen carefully and respectfully;
- reserve the right to change our mind and allow for others to do the same;
- allow ourselves and each other to verbalize ideas and to push the boundaries of logic and reasoning both as a means of exploring our beliefs as well as a method of sharpening our skills as lawyers.

Health and Wellness Resources

Law school can be a daunting experience, especially when life outside the law becomes challenging. UF Law provides numerous resources for your support, and I encourage you to seek help if you have concerns. If you are comfortable doing so, you may also notify me so that I can direct you to further resources. More resources are available on Canvas.

Weekly Course Schedule of Topics and Assignments:

This syllabus is offered as a guide to the direction of the course. I suggest you use the Canvas site to access your assignments as everything should be linked and easy to find there. I will post future assignments on Canvas at least a week before the class and may be adjusted based on the availability of our speakers. Our pace will depend in part on the level of interest and the level of difficulty of each section, but I try hard to keep us on track so you should try hard not to fall behind. The readings reflect a diversity of videos and readings with varied difficulty, depending on the texts we will rely upon each week (e.g., cases, statutory, policy documents, news articles). Some primary source documents are quite long, so please pay attention to my notes that direct you to read selected excerpts.

1 8/22	Class 1: Introduction to Algorithms, Machine Learning, and Artificial Intelligence <i>See Canvas for Assignment and Readings</i>
2 8/29	Class 2: Transparency and Explanations in Algorithms <i>See Canvas for Assignment and Readings</i>
3 9/5	Class 3: Introduction to Algorithmic Discrimination <i>See Canvas for Assignment and Readings</i>
4 9/12	Class 4: Criminal Justice Risk Assessments/Predictive Policing/Evidence <i>See Canvas for Assignment and Readings</i>
5 9/19	Class 5: Algorithmic Surveillance, Biometrics, and Privacy <i>See Canvas for Assignment and Readings</i>
6 9/26	Class 6: Robotics <i>See Canvas for Assignment and Readings</i> MIDTERM
7 10/3	Class 7: Generative AI, Transformers, and Reliability <i>See Canvas for Assignment and Readings</i>
8 10/10	Class 8: Speech, Democracy, and Disinformation <i>See Canvas for Assignment and Readings</i>
9 10/17	Class 9: National Security, Drones, and Artificial Intelligence <i>See Canvas for Assignment and Readings</i>

10 10/24	Class 10: Intellectual Property, Consumer Protection, Environment, and Tax AI <i>See Canvas for Assignment and Readings</i>
11 10/31	Class 11: Algorithms and Tort Law – Medicine, Pharmacy, and Autonomous Vehicles <i>See Canvas for Assignment and Readings</i>
12 11/7	Class 12: Predictive Learning in the Legal Workplace <i>See Canvas for Assignment and Readings</i>
11/10	Memorandum Assigned
13 11/14	Class 13: Proposals for Oversight of the Algorithmic Society <i>See Canvas for Assignment and Readings</i>
11/17	MEMORANDUM DUE