

ARTIFICIAL INTELLIGENCE, TECHNOLOGY, AND THE LAW

PROFESSOR AMY STEIN

UNIVERSITY OF FLORIDA LEVIN COLLEGE OF LAW

SPRING 2020 SYLLABUS – LAW 6936 – 2 CREDITS

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Office Hours: Via Zoom by appointment

Meeting Time: Tuesdays: 4:30 p.m. – 6:30 p.m.

Location: Synchronous – online 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 seminar 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. The topics covered in class will include, among others, robots and personhood, privacy, ethics, criminal and civil liability arising from emerging technologies, brain-computer interfaces, autonomous cars and weapons, bias in algorithms, and the implications for the law (e.g., e-discovery and machine-drafted pleadings), medicine (e.g., diagnoses by algorithm), and society.

It will be a synchronous online seminar. Grading will be based on participation, weekly assignments, which will often include a critical review and preparation of questions for guest speakers, and a 25-page legal analysis (not a research paper) that can satisfy the writing requirement. No prior scientific background is required; merely a willingness to learn.

Course Objectives/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.

Required Technologies and Materials:

- There is no required casebook. Instead, students will be required to read and prepare using materials that will be posted on the class TWEN site, or available on Westlaw or the Internet.
- Students must register for TWEN, available at www.lawschool.westlaw.com, and have the materials in print or easily accessible electronic form in class. Class information and announcements will be distributed by e-mail to the address you supplied on TWEN. You are responsible for checking your e-mail on a regular basis for class announcements. Please ensure that your email is correct on TWEN, as you will be receiving recurring Zoom invitations based on those emails.
- Enrollment in this class is conditioned on high-speed internet and the technological capabilities to use Zoom to participate in this weekly online seminar (i.e., a reliable computer and internet connection).

Using Zoom Technology:

- Students are required to use Zoom in this course, so take the time to familiarize yourself with it by reviewing this helpful [Zoom Student Quick Start Guide](https://video.ufl.edu/conferencing/zoom/) or <https://support.zoom.us/hc/en-us>. Zoom has a number of tutorials and a help desk as well: <https://support.zoom.us/hc/en-us>. **You will receive a recurring Zoom invitation from me by Sunday, January 12 to join our classes. If you have not received a Zoom invitation for the first class by this date, it is your responsibility to contact me.**
- When you join the Zoom meeting, please use the following rules of video conferencing etiquette:
 - Choose a stationary location (meaning you must Zoom in from a computer, not from your phone);
 - Choose a location where there are minimal disruptions (e.g. roommates talking and pets jumping on you);
 - Dress appropriately for video conferencing;
 - Place turn off any cell phones and other electronic devices; and
 - Close any other computer programs, websites, and email so you can give your classmates and speakers your full attention.
 - Do not Zoom in the same room as someone else in the class. Unfortunately, Zoom “parties” create horrible feedback noises.

Optional Resources:

- Virginia Eubanks, *AUTOMATING EQUALITY* (2018)
- Cathy O’Neil, *WEAPONS OF MATH DESTRUCTION* (2016)
- Frank Pasquale, *THE BLACK BOX SOCIETY* (2015)
- White House Office of Science and Technology, [BIG DATA: A REPORT ON ALGORITHMIC SYSTEMS, OPPORTUNITY, AND CIVIL RIGHTS](#) (2016)

These texts are not required for the course, but they are good reads for those interested in this subject, and they are often referenced in popular media.

Class Attendance:

Students are expected to attend and participate in class. I am assuming that each student that enrolls 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.

- Nevertheless, to allow for exigencies in life, **students are permitted two excused absences during the semester** without impacting their final grade so long as they (1) notify me of their absence in advance so the class can be recorded; (2) submit their weekly TWEN posting prior to class; (3) watch the recording of the class before the next scheduled class; and (4) write a one-page write-up after watching the class and submit it one week from receipt of the recording from Prof. Stein. This allowance is designed to accommodate for illness, job interviews, family emergencies, and life. Please budget accordingly so that you are not left at the end of the semester with a needed absence and your budget depleted.
- If students fail to comply with procedures (1)-(4) above, the absence will count as **unexcused** and a student's final grade will be reduced by one-third of a grade (e.g., A- to B+).
- If a student has two such unexcused absences, the professor has the discretion to render the student ineligible to receive credit for the course.
- Excused absences, including observance of religious holidays, are consistent with University policies, <https://catalog.ufl.edu/ugrad/1617/regulations/info/attendance.aspx>, and require appropriate documents and/or notification before or shortly after class about your absence.
- This policy starts on the first day of classes, not the end of the drop/add period.

Participation:

Each class session will involve a mix of lecture and discussion, all focusing on the week's assigned material. For some classes, guest speakers may join us. The requirements for the seminar are:

- *Reading and Viewing:* Each class session will require you to read and/or view materials. You are expected to read and view those materials before class, so that you are prepared to discuss them in the seminar. Readings and viewings will be circulated via email or on TWEN.
- *One "discussion leader" day:* For one week during the semester, you will be required to serve as a discussion leader. For one class during the semester, you will circulate at least two discussion questions by the day before class (Monday) at 12:00 pm (reply all to the Professor Stein's class email or use the TWEN "email all" function) and be prepared to lead your colleagues in a discussion of these questions during class.
- *Weekly Critical Analysis:* Each week by 12:00 pm on Tuesday you will be required to submit a 700-900 word critical analysis (around one page) related to the readings for the week to Professor Stein via email. Please attach a Word document, 12 pt font, Times New Roman, single-spaced. You have three options. You may either: (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) Respond to my specific weekly prompts included in the assignment for that week; or (3) Respond to discussion questions submitted by your peer discussion leaders.
- *Paper Presentation.* At the end of the semester you will be required to make a short presentation of the argument you are making in your final paper. Guidelines for the presentation will be provided.
- *Final Paper.* A final paper of 25 pages, not including title page and table of contents, is required. The paper will be due on April 17, 2019. The seminar paper must be primarily of an analytical rather than descriptive nature. Factors relevant to the grading of papers (in no particular order) are: Depth of Research; Organization and Clarity; Thoroughness; Originality; Accuracy and

Professionalism; Compliance with Directions; Citations, and Strict Compliance with Honor Code (including proscriptions against plagiarism).

- *Paper Progress.* Key steps of the writing process are provided below. Detailed requirements for each step are provided on TWEN. TWEN will not accept late submissions, so please ensure you meet the submission deadlines. Late submissions will receive a grade reduction.

Key Dates	Due
February 7	Three potential research ideas
February 14	Develop a thesis and tentative outline for leading research idea
February 28	Obtain approval from Prof. Stein of final research thesis
March 13	Detailed outline (2-3 pages)
March 20	5 pages of Draft Paper for Peer Review (plus the detailed outline)
March 27	Return edits to classmate
April 3	Draft Paper for Prof. Stein
April 10	Receive edits from Prof. Stein
April 17	Final Paper

Grading Evaluation:

Students will be evaluated based upon participation, assignments, and a longer analysis that satisfies the writing requirement subject to any adjustment for attendance. There is no exam for this class.

Class Component	Percent of Grade
Participation (including your peer review)	15%
Weekly Critical Analyses	15%
Pre-final paper submissions (outline, draft, etc.)	15%
Presentation	5%
Final Paper (25 pages)	50%
TOTAL	100%

Information on UF Law Grading Policies:

<u>Grade</u>	<u>Points</u>	<u>Grade</u>	<u>Point</u>	<u>Grade</u>	<u>Point</u>
A (Excellent)	4.0	C+	2.33	D-	0.67
A-	3.67	C (Satisfactory)	2.00	E (Failure)	0.0
B+	3.33	C-	1.67		
B (Good)	3.00	D+	1.33		
B-	2.67	D (Poor)	1.00		

The law school grading policy is available at: <http://www.law.ufl.edu/student-affairs/currentstudents/academic-policies#9>.

Student Course Evaluations

Students can provide feedback on the quality of instruction in this course by completing online evaluations at <https://evaluations.ufl.edu>. Evaluations are typically open during the last two or three weeks of the semester, but students will receive notice of the specific times when they are open. Summary results of these assessments are available to students at <https://evaluations.ufl.edu/results/>.

Policy related to make-up exams or other work:

The law school policy on delay in taking exams can be found at: <http://www.law.ufl.edu/studentaffairs/current-students/academic-policies#12>.

University Policy on Accommodating Students with Disabilities: To receive accommodations, students should contact the [Disability Resource Center](#), located in 0020 Reid Hall. You may reach Disability Resources at 392-8565 or accessuf@dso.ufl.edu. Once the appropriate documentation is evaluated by Disability Resources, a recommendation is then made and forwarded to the College of Law Dean of Students (Dean Rachel Inman). The Dean of Students Office will provide documentation to the student who must then provide this documentation to the instructor when requesting accommodation. You must submit this documentation prior to submitting assignments or taking the quizzes or exams. Accommodations are not retroactive, therefore, students should contact the office as soon as possible in the term for which they are seeking accommodations.

University Policy on Academic Misconduct: Academic honesty and integrity are fundamental values of the University community. Students should be sure that they understand the UF Student Honor Code at <http://www.dso.ufl.edu/students.php>.

Weekly Course Schedule of Topics and Assignments:

This syllabus is offered as a guide to the direction of the course, and it will be updated on TWEN with specific reading assignments 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. ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every “classroom hour” of in-class instruction. This seminar has 2 “classroom hours” of in-class instruction each week, requiring at least four hours of preparation outside of class. Accordingly, you will have about 60 pages of reading each week, with some variation depending on the texts we will rely upon each week (e.g., cases, statutory, policy documents, news articles).

<p>1 1/14</p>	<p><i>Class 1: Introduction to Algorithms, Machine Learning, and Artificial Intelligence</i></p> <p><i>Weekly Critical Reflection:</i></p> <p>a) After these readings, what don’t you know about AI that you want to know more about? b) Based on your initial understanding of AI/robotics, what do you see as the most important legal/policy/ethical issues?</p> <p><i>[NOTE: Your first critical analysis is due on 1/14 by noon per above instructions]</i></p> <p><i>Required Readings:</i></p> <ul style="list-style-type: none"> • Harry Surden, <i>Artificial Intelligence and Law: An Overview</i>, 35 Georgia State U. L. Rev. 4 (2019) (Part I ONLY); https://ssrn.com/abstract=3411869 • Forbes, <i>The Top Ten Artificial Intelligence Trends Everyone Should be Watching for 2020</i>, https://www.forbes.com/sites/bernardmarr/2020/01/06/the-top-10-artificial-intelligence-trends-everyone-should-be-watching-in-2020/#6864do839obf • David Lehr & Paul Ohm, <i>Playing with the Data: What Legal Scholars Should Learn About Machine Learning</i>, 51 U.C. Davis L. Rev. 653, 669–702 (2017) (Part II ONLY), https://lawreview.law.ucdavis.edu/issues/51/2/Symposium/51-2_Lehr_Ohm.pdf • M.C. Elish & danah boyd, <i>Situation Methods in the Magic of Big Data and AI</i>, COMMUNICATION MONOGRAPHS 57 (2018) , See TWEN <p><i>Optional Additional Readings:</i></p> <ul style="list-style-type: none"> • Ryan Calo, <i>Artificial Intelligence Policy: A Primer and Roadmap</i>, Part I, 51 U.C. DAVIS L. REV. 399, https://lawreview.law.ucdavis.edu/issues/51/2/Symposium/512_Calo.pdf (Part I) • Pedro Domingos, <i>A Few Useful Things to Know About Machine Learning</i> (skim) • David Lehr & Paul Ohm, <i>Playing with the Data: What Legal Scholars Should Learn About Machine Learning</i>, 51 U.C. DAVIS L. REV. 653, 702–17 (2017) (Part III).
<p>2 1/21</p>	<p><i>Class 2: Transparency and Explanations in Algorithms</i></p> <p><i>Required Readings:</i></p> <ul style="list-style-type: none"> • TBA

3 1/28	<p>Class 3: Introduction to Algorithmic Discrimination</p> <p>Guest: Professor Stephanie Bornstein, University of Florida Levin College of Law</p> <p>Required Readings:</p> <ul style="list-style-type: none"> • TBA
4 2/4	<p>Class 4: Criminal Justice Risk Assessments/Predictive Policing</p> <p>Required Readings:</p> <ul style="list-style-type: none"> • TBA
2/7	<p>Assignment: Three Paper Proposals Due by 5pm</p>
5 2/11	<p>Class 5: Speech, Algorithms, and the Digital Public Sphere</p> <p>Required Readings:</p> <ul style="list-style-type: none"> • TBA
2/7	<p>Assignment: Select one thesis and develop a tentative outline for leading research idea. Include a list of relevant legal scholarship on the issue with a parenthetical explaining that author's thesis.</p>
6 2/17	<p>Class 6: Robotics</p> <p>Required Readings:</p> <ul style="list-style-type: none"> • TBA
7 2/24	<p>Class 7: Artificial Intelligence and Medicine</p> <p>Guest: Professor Nicholson Price, University of Michigan School of Law</p> <p>Required Readings:</p> <ul style="list-style-type: none"> • TBA
2/28	<p>Assignment: One Thesis Must Be Approved By Professor Stein VIA EMAIL BY 5PM.</p>
3/3	<p>NO CLASS – SPRING BREAK</p>
8 3/10	<p>Class 8: National Security, Drones, and Artificial Intelligence</p> <p>Required Readings:</p> <ul style="list-style-type: none"> • TBA

3/13	Assignment: Detailed Outline Due (2-3 pages) VIA TWEN BY 5PM.
9 3/17	Class 9: Algorithms and Tort Law Required Readings: • TBA
3/20	Assignment: Paper Draft Due (5+ pages) VIA EMAIL to Prof. Stein and your assigned peer reviewer by 5pm in accordance with Stein Paper Guidelines posted on TWEN
10 3/24	Class 10: Predictive Learning in the Workplace Guest: Professor Bill Hamilton, University of Florida Levin School of Law Required Readings: • TBA
3/27	Assignment: Return your colleague's draft with your edits VIA EMAIL before the beginning of class (4:30pm) in accordance with Stein Paper Guidelines posted on TWEN
11 3/31	Class 11: NO ZOOM CLASS THIS WEEK in lieu of Livestream to WeRobot Conference (See below)
4/2-4/4	Class 11: WeRobot Conference in Lieu of Class: YOU MUST VIRTUALLY ATTEND TWO HOURS OF PANELS VIA LIVESTREAM IN LIEU OF CLASS THIS WEEK. DETAILS AND READINGS TO FOLLOW. See https://techlaw.uottawa.ca/werobot
4/3	Assignment: Paper Draft due to Prof. Stein VIA TWEN BY 5PM. DRAFT MUST BE SUBMITTED IN FORM ACCORDING TO DOCUMENT ON TWEN "PAPER GUIDELINES"
12 4/7	Class 12: Required Readings: • TBA
13 4/14	Class 13: Final Class and Student Presentations Required Readings: • TBA

4/17

Assignment: FINAL PAPER DUE

AT 5 PM (25 PAGES DOUBLE-SPACED). PROPOSAL MUST BE SUBMITTED IN FORM ACCORDING TO DOCUMENT ON TWEN "PAPER GUIDELINES"