

ARTIFICIAL INTELLIGENCE, TECHNOLOGY, AND THE LAW SEMINAR
PROFESSOR AMY STEIN
UNIVERSITY OF FLORIDA LEVIN COLLEGE OF LAW SPRING
2019 SYLLABUS – LAW 6936 – 2 CREDITS

Professor Amy L. Stein
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Office Hours: Via Zoom by appointment

Meeting Time: Tuesdays: 4:30 p.m. – 6:20 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 6 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.

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 unexcused 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; and (2) submit their weekly TWEN posting and watch the recording of the class before the next scheduled class. 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. As a courtesy, please let me know when you are going to be absent from class.

- If students incur a third unexcused absence, a student's final grade will be reduced by one-third of a grade (e.g., A- to B+).
- If students miss a fourth class, 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.
- *One "discussion leader" day:* For one week during the semester, you will be required to serve as a discussion leader. This will involve circulating discussion questions by Monday at 5:00 pm and providing a short introductory presentation in the seminar on Thursday. Additional details on the discussion leader protocols will be provided.
- *Weekly TWEN posting:* Each week by 12:00 pm on Tuesday you will be required to submit a TWEN post related to the readings for the week.
- *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.
- *Paper Progress.* By February 5, you will be required to submit to me three potential research ideas. By March 1, you need to have decided on one thesis for your final paper and receive approval from Professor Stein. By March 26, your outline is due for your paper. Only 2-3 pages is required, but you are free to submit more. The farther along you are, the more feedback you will receive. Each of you will be assigned as a peer reviewer for one of your colleague's drafts as well and you will provide feedback.
- *Final Paper.* A final paper of 25 pages, not including title page, bibliography, and table of contents, is required. The paper will be due on April 19, 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; and Strict Compliance with Honor Code (including proscriptions against plagiarism).

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	15%
Weekly TWEN postings	15%
Draft of Final Paper	20%
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. Energy Law and Policy law 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 1/8</p>	<p><i>Class 1: Introduction to Algorithms, Machine Learning, and Artificial Intelligence</i></p> <p><i>Required Readings:</i></p> <ul style="list-style-type: none"> • 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), https://lawreview.law.ucdavis.edu/issues/51/2/Symposium/51-2_Lehr_Ohm.pdf (Part II) • M.C. Elish & danah boyd, <i>Situation Methods in the Magic of Big Data and AI</i>, COMMUNICATION MONOGRAPHS 57 (2018), See TWEN • Oscar Schwartz, "The Discourse Is Unhinged": How the Media Gets AI Alarminglly Wrong THE GUARDIAN (July 25, 2018), https://www.theguardian.com/technology/2018/jul/25/ai-artificial-intelligence-social-media-bots-wrong • Lawrence Solum, <i>Legal Personhood for Artificial Intelligences</i>, 70 N.C. L. Rev. (1992) https://scholarship.law.unc.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=3447&context=nclr (Part IV.B) <p><i>Recommended 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) • Joy Buolamwini, Algorithms aren't racist. Your skin is just too dark https://hackernoon.com/algorithms-arent-racist-your-skin-is-just-too-dark4ed31a7304b8 • Pedro Domingos, <i>A Few Useful Things to Know About Machine Learning</i> (skim) <ul style="list-style-type: none"> • Parts of this may be challenging from a technical perspective, but it's short and contains useful nuggets. • 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).
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2 1/15	<i>Class 2: Transparency and Explanations in Algorithms</i> <i>Required Readings:</i> <ul style="list-style-type: none">• TBA
3 1/22	<i>Class 3: Speech, Algorithms, and the Digital Public Sphere</i> <i>Required Readings:</i> <ul style="list-style-type: none">• TBA
4 1/29	<i>Class 4: Introduction to Algorithmic Discrimination</i> <i>Required Readings:</i> <ul style="list-style-type: none">• TBA
5 2/5	<i>Class 5: Persuasion, Manipulation, and Consumer Protection</i> <i>Required Readings:</i> <ul style="list-style-type: none">• TBA
6 2/12	<i>Class 6: Predictive Policing, Surveillance, Privacy</i> <i>Required Readings:</i> <ul style="list-style-type: none">• TBA
7 2/19	<i>Class 7: Predictive Learning in the Workplace</i> <i>Required Readings:</i> <ul style="list-style-type: none">• TBA
8 2/26	NO CLASS – ATTEND AI CONFERENCE LATER THIS WEEK

2/28-3/1	<p><i>Class 8: AI Conference in Lieu of Class: PROMISE AND PROBLEMS IN EMERGING TECHNOLOGY</i></p> <p>AGENDA: HTTPS://AI-ETHICS.PHIL.UFL.EDU/CONFERENCE-ACCESS/AGENDA/</p> <p>YOU MUST ATTEND ONE OF THE FOUR PANELS IN LIEU OF CLASS THIS WEEK AND READ THE ACCOMPANYING ARTICLE TBA [YOU CAN ATTEND IN PERSON OR VIA LIVE STREAM]</p> <ul style="list-style-type: none"> • AUTONOMOUS VEHICLES • CRIME • MEDICINE • MEDIA
3/1	<p>Assignment: One Thesis Must Be Approved By Professor Stein VIA EMAIL BY 5PM.</p>
3/5	<p>SPRING BREAK</p>
9 3/12	<p><i>Class 9: Robots, Algorithms, and Tort Law</i></p> <p><i>Required Readings:</i></p> <ul style="list-style-type: none"> • TBA
10 3/19	<p><i>Class 10: National Security and Artificial Intelligence</i></p> <p><i>Required Readings:</i></p> <ul style="list-style-type: none"> • TBA
11 3/26	<p><i>Class 11: Proposals for Oversight of the Algorithmic Society</i></p> <p>Assignment: Paper Draft Due VIA EMAIL AT 12:00 P.M. NOON. PROPOSAL MUST BE SUBMITTED IN FORM ACCORDING TO PAPER GUIDELINES</p> <p><i>Required Readings:</i></p> <ul style="list-style-type: none"> • TBA
12 4/2	<p><i>Class 12: Criminal Justice Risk Assessments</i></p> <p><i>Required Readings:</i></p> <ul style="list-style-type: none"> • TBA

13 4/9	<i>Class 13: Using Technology to Solve Sociotechnical Problems</i> <i>Required Readings:</i> <ul style="list-style-type: none">• TBA
14 4/16	<i>Class 14: Final Class and Student Presentations</i> <i>Required Readings:</i> <ul style="list-style-type: none">• TBA
4/19	<i>FINAL PAPER DUE</i> AT 5 PM (25 PAGES DOUBLE-SPACED). PROPOSAL MUST BE SUBMITTED IN FORM ACCORDING TO DOCUMENT ON TWEN "PAPER GUIDELINES"