

**ARTIFICIAL INTELLIGENCE, TECHNOLOGY, AND THE LAW**  
**UNIVERSITY OF FLORIDA LEVIN COLLEGE OF LAW**  
**Fall 2021 SYLLABUS – LAW 6936 – 2 CREDITS**

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Office Hours: Tuesdays, 11am-12pm in person; Thursdays, 4:00-5:00pm on Zoom (link on Canvas); or by appointment.

**MEETING TIME AND LOCATION**

Tuesdays: 1:15-3:15 pm; Room HH 382

**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, 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.

**REQUIRED TEXT**

There is no required casebook. Instead, students will be required to read and prepare materials that will be posted on Canvas, or available on Westlaw or the Internet. Please have the materials in print or in an easily accessible electronic form during 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. A variety of optional resources also will be provided on Canvas should you want to explore deeper than we can dive in the time allotted.

## 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 located [here](#).

## CLASS ATTENDANCE POLICY

Students are expected to attend and participate in class and attendance will be taken at every 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. 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.
- For each absence beyond six, a student's final exam grade will be reduced by one-third of a grade (e.g., A- to B+).
- If a student misses nine classes, 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, and require appropriate documents and/or notification before or shortly after class about your absence. If you have a religious holiday, exceptional illness, or emergency that causes you to miss class, you must contact me before or soon after class for your absence to be excused. The law school's policy on attendance can be found [here](#).

A seating chart will be available on the first day of class for students to choose a seat. Please sit where you would like to remain for the rest of the semester on that day. I will pass around an attendance sheet at the beginning of each class period. I will consider it a violation of the honor code if you have someone else sign you in and you are not present, and I reserve the right to lower your final grade accordingly.

## PROFESSIONAL COURTESY

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.

## COVID-19 PRACTICES

Effective immediately, in light of new guidance from the Centers for Disease Control and Prevention, we expect everyone to wear a mask at all times when inside any UF facility, even if you are vaccinated. This includes our students, faculty, staff, vendors and visitors. Recent studies and guidance from the CDC state that both unvaccinated and vaccinated individuals can transmit the current COVID-19 variant to unvaccinated persons.

## COURSE EXPECTATIONS

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. This course does *not* satisfy the Advanced Writing Requirement. No prior scientific background is required; merely a willingness to learn. 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 Canvas.
- *Participation:* Our class sessions will vary, with a combination of lectures, guest speakers, in-class small group projects, and discussions. 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. For one class during the semester, you will circulate at least two discussion questions on the Canvas Discussion Board by the day before class (Monday) at 12:00 pm and be prepared to lead your colleagues in a discussion of these questions during class.
- *Three Critical Analyses.* The bulk of your grade will consist of your performance on three 5-page critical analyses. Three times throughout the semester, you will be assigned a legal question and have ten days to submit your five page response. A rubric will be provided. Please submit a PDF document, 12 pt font, Times New Roman, double-spaced on Canvas.
- *Weekly Critical Reflection:* Most weeks you do not have a Critical Analysis due (~10 weeks), 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 Canvas. When we have visiting scholars, please include 1-2 questions for the scholars at the top of your reflection. Please submit a PDF document, 12 pt font, Times New Roman, single-spaced on Canvas. These analyses will be due on Tuesday by 10:00 am so I have time to review them before class. Canvas will not accept late submissions. 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.

### **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 one quarter of your grade is participation. If I can detect a lack of responsiveness due to other activities on your laptop, your grade may reflect that. More importantly, I reserve the right to unilaterally impose a laptop ban at any time during the semester.<sup>1</sup> The unique nature of this course actually lends itself better to a brainstorming notebook, with sections such as the following:

- Important Concepts
- Ideas for Further Inquiry
- Explore More to Better Understand

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<sup>1</sup> 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](http://www.nj.com/mercer/index.ssf/2014/06/princeton_university_study_finds_students_more_likely_to_learn_by_taking_handwritten_notes.html).

- Challenges for Law and Policy
- Random Thoughts (maybe even law & tech-related!)

### **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.<sup>2</sup>

### **DISCOURSE, INCLUSION, 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.

### **GRADING EVALUATION**

Students will be evaluated based upon participation, weekly reflections, and three critical analyses subject to any adjustment for attendance. There is no exam for this class.

<b>Class Component</b>	<b>Percent of Grade</b>
Participation	25%
Weekly Reflections	25%
Three Critical Analyses (5 pages each)	50%
<b>TOTAL</b>	<b>100%</b>

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<sup>2</sup> You may also change your “Display Name” in Canvas. Canvas uses the “Display Name” as set in myUFL. The Display Name is what you want people to see in the UF Directory, such as “Ally” instead of “Allison.” To update your display name, go to one.ufl.edu, click on the dropdown at the top right, and select “Directory Profile.” Click “Edit” on the right of the name panel, uncheck “Use my legal name” under “Display Name,” update how you wish your name to be displayed, and click “Submit” at the bottom. This change may take up to 24 hours to appear in Canvas. This does not change your legal name for official UF records.

**INFORMATION ON UF LAW GRADING POLICIES**

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

The law school grading policy is available [here](#).

**STATEMENT RELATED TO ACCOMODATIONS 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 delays can be found [here](#).

**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](#) for guidance on how to give feedback in a professional 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.bluera.com/ufl/>. Summaries of course evaluation results are available to students [here](#).

**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.

Students are allowed to record video or audio of “class lectures.”<sup>3</sup> However, the purposes for which these recordings may be used are strictly controlled. The only allowable purposes are (1) for personal

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<sup>3</sup> A “class lecture” is an educational presentation intended to inform or teach enrolled students about a particular subject, including any instructor-led discussions that form part of the presentation, and delivered by any instructor hired or appointed by the University, or by a guest instructor, as part of a University of Florida course. A class lecture does not include lab sessions, student presentations, clinical presentations such as patient history, academic exercises involving solely student participation, assessments (quizzes, tests, exams), field trips, private conversations between students in the class or between a student and the faculty or lecturer during a class session.

educational use, (2) in connection with a complaint to the university, or (3) as evidence in, or in preparation for, a criminal or civil proceeding. All other purposes are prohibited. Specifically, students may not publish recorded lectures without the written consent of the instructor.

Publication without permission of the instructor is prohibited. To “publish” means to share, transmit, circulate, distribute, or provide access to a recording, regardless of format or medium, to another person (or persons), including but not limited to another student within the same class section. Additionally, a recording, or transcript of a recording, is considered published if it is posted on or uploaded to, in whole or in part, any media platform, including but not limited to social media, book, magazine, newspaper, leaflet, or third party note/tutoring services. A student who publishes a recording without written consent may be subject to a civil cause of action instituted by a person injured by the publication and/or discipline under UF Regulation 4.040 Student Honor Code and Student Conduct Code.

**COURSE SCHEDULE OF TOPICS AND ASSIGNMENTS (TENTATIVE)**

This syllabus is offered as a guide to the direction of the course, and it will be updated on Canvas with specific reading assignments and may be adjusted based on the availability of our speakers. The first week’s assignments are below, but Canvas will be your go-to location for assignments. It will also have links to the all the readings for your convenience. 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, 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). Excerpts are often assigned, so please pay attention to special instructions in bold.

<p>1 8/24</p>	<p><b>Class 1: Introduction to Algorithms, Machine Learning, and Artificial Intelligence</b></p> <p><i>Visiting Scholar: Dr. Vincent Bindschaedler, University of Florida Computer &amp; Information Science &amp; Engineering</i></p> <p><i>Assignments:</i> After watching the videos and completing the required readings below, please submit your weekly reflection on Canvas under “Assignments” (due BEFORE class by 8/24 at 10am) answering the following prompts:</p> <ul style="list-style-type: none"> <li>• What don’t you know about AI that you want to know more about?</li> <li>• Based on your initial understanding of AI/robotics, what do you see as the most important legal/policy/ethical issues?</li> <li>• Please include a link to one “hot topic” article on an AI topic that interests you.</li> </ul> <p><i>Watch:</i></p> <ul style="list-style-type: none"> <li>• If you have access to Netflix, WATCH: Netflix, “Explained” Coding (TV Episode November 2019) – IMDb, <a href="https://www.imdb.com/title/tt11167964/">https://www.imdb.com/title/tt11167964/</a> (20:56) OR</li> <li>• If you do not have access to Netflix, WATCH:             <ul style="list-style-type: none"> <li>• Early Programming: Crash Course Computer Science #10 <a href="https://www.youtube.com/watch?v=nwDq4adJwzM">https://www.youtube.com/watch?v=nwDq4adJwzM</a> (9:26) and</li> <li>• Netflix, “Explained” Coding <a href="https://www.facebook.com/Vox/videos/vox-netflix-coding-explained/1139535146251449/">https://www.facebook.com/Vox/videos/vox-netflix-coding-explained/1139535146251449/</a></li> </ul> </li> </ul>
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	<p>Everyone Should Watch:</p> <ul style="list-style-type: none"> <li>• <a href="https://www.pbs.org/wgbh/frontline/film/in-the-age-of-ai/">Frontline: In the Age of AI (PBS Nov. 5, 2019)</a> (Stop after Part 1 at 21:40) <a href="https://www.pbs.org/wgbh/frontline/film/in-the-age-of-ai/">https://www.pbs.org/wgbh/frontline/film/in-the-age-of-ai/</a></li> <li>• <i>Machine Learning and Artificial Intelligence</i>, Crash Course Computer Science #34, <a href="https://www.youtube.com/watch?v=z-EtmaFJieY">https://www.youtube.com/watch?v=z-EtmaFJieY</a> (11:51)</li> </ul> <p>Required Readings:</p> <ul style="list-style-type: none"> <li>• Harry Surden, <i>Artificial Intelligence and Law: An Overview</i>, 35 Georgia State U. L. Rev. 4 (2019) (<b>Part I ONLY</b>); <a href="https://ssrn.com/abstract=3411869">https://ssrn.com/abstract=3411869</a></li> <li>• Forbes, <i>The Top Ten Artificial Intelligence Trends Everyone Should be Watching for 2020</i>, <a href="https://www.forbes.com/sites/bernardmarr/2020/01/06/the-top-10-artificial-intelligence-trends-everyone-should-be-watching-in-2020/#6864d08390bf">https://www.forbes.com/sites/bernardmarr/2020/01/06/the-top-10-artificial-intelligence-trends-everyone-should-be-watching-in-2020/#6864d08390bf</a></li> <li>• David Lehr &amp; 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) (<b>Part II ONLY</b>), <a href="https://lawreview.law.ucdavis.edu/issues/51/2/Symposium/51-2_Lehr_Ohm.pdf">https://lawreview.law.ucdavis.edu/issues/51/2/Symposium/51-2_Lehr_Ohm.pdf</a></li> <li>• M.C. Elish &amp; danah boyd, <i>Situating Methods in the Magic of Big Data and AI</i>, COMMUNICATION MONOGRAPHS 57 (2017), (<b>Yellow highlighted parts ONLY</b>); See Canvas</li> <li>• Matthew Hutson, <i>Robo-writers: the rise and risks of language-generating AI</i> (Nature 2021), <a href="https://www.nature.com/articles/d41586-021-00530-0">https://www.nature.com/articles/d41586-021-00530-0</a></li> <li>• UF announces \$70 million artificial intelligence partnership with NVIDIA, <a href="https://news.ufl.edu/2020/07/nvidia-partnership/">https://news.ufl.edu/2020/07/nvidia-partnership/</a></li> </ul> <p>Optional Additional Videos/Readings:</p> <ul style="list-style-type: none"> <li>• How to Play Go, <a href="https://www.youtube.com/watch?v=4Q9iCZkzTUK">https://www.youtube.com/watch?v=4Q9iCZkzTUK</a></li> <li>• Play Online: <a href="https://online-go.com/learn-to-play-go/defend/2">https://online-go.com/learn-to-play-go/defend/2</a></li> <li>• Ryan Calo, <i>Artificial Intelligence Policy: A Primer and Roadmap</i>, Part I, 51 U.C. DAVIS L. REV. 399, <a href="https://lawreview.law.ucdavis.edu/issues/51/2/Symposium/512_Calo.pdf">https://lawreview.law.ucdavis.edu/issues/51/2/Symposium/512_Calo.pdf</a> (<b>Part I</b>)</li> <li>• Pedro Domingos, <i>A Few Useful Things to Know About Machine Learning</i> (skim)</li> <li>• David Lehr &amp; 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) (<b>Part III</b>).</li> <li>• Deloitte, Thriving in the era of pervasive AI, <a href="https://www2.deloitte.com/us/en/insights/focus/cognitive-technologies/state-of-ai-and-intelligent-automation-in-business-survey.html?id=us:2ps:3gl:aisurvey:awa:con:071420:ad2:kwd-308165724165:%2Bartificial%20%2Bintelligence%20%2Btrends&amp;gclid=Cj0KCCQjwpZT5BRCdARIsAGEX0zm5bNWY2Yqt7AWRhiMr10aiTl6qHgGb-Ho7N2tmnQQL4l53N22jIr4aArDsEALw_wcB">https://www2.deloitte.com/us/en/insights/focus/cognitive-technologies/state-of-ai-and-intelligent-automation-in-business-survey.html?id=us:2ps:3gl:aisurvey:awa:con:071420:ad2:kwd-308165724165:%2Bartificial%20%2Bintelligence%20%2Btrends&amp;gclid=Cj0KCCQjwpZT5BRCdARIsAGEX0zm5bNWY2Yqt7AWRhiMr10aiTl6qHgGb-Ho7N2tmnQQL4l53N22jIr4aArDsEALw_wcB</a></li> </ul>
<p>2 8/31</p>	<p><b>Class 2: Transparency and Explanations in Algorithms</b></p> <p><i>Visiting Scholar: Prof. Ryan Calo, University of Washington School of Law and Computer Science and Engineering</i></p>



3 9/7	<b>Class 3: Introduction to Algorithmic Discrimination</b>
4 9/14	<b>Class 4: Criminal Justice Risk Assessments/Predictive Policing</b>
5 9/21	<b>Class 5: National Security, Drones, and Artificial Intelligence</b>
9/23- 9/25	<b>We Robot Conference</b> Attend at least one panel (virtually) from the options here: <a href="https://werobot2021.com/program/">https://werobot2021.com/program/</a> [Pick something you are interested in. It does not need to be related to what we have covered or the topic of your first critical analysis.]
9/26	<b>CRITICAL ANALYSIS #1 DUE: Bias, Discrimination, Due Process, and Ethics</b>
6 9/28	<b>Class 6: Robotics</b>
7 10/5	<b>Class 7: Algorithmic Surveillance</b>
8 10/12	<b>Class 8: Speech, Algorithms, and the Digital Public Sphere</b>
9 10/19	<b>Class 9: AI, Elections, and Democracy</b>
10/22	<b>CRITICAL ANALYSIS #2 DUE: Constitutional Rights, Privacy, Social Media and Technology</b>
10 10/26	<b>Class 10: Consumer Protection, Antitrust, and FTC</b>
11 11/2	<b>Class 11: Algorithms and Tort Law - Medicine, Autonomous Vehicles</b>



12 11/9	<b>Class 12: Predictive Learning in the Legal Workplace</b>
13 11/16	<b>Class 13: Proposals for Oversight of the Algorithmic Society</b>
11/26	<b>CRITICAL ANALYSIS #3 DUE: Oversight and Regulation</b>