

ARTIFICIAL INTELLIGENCE, TECHNOLOGY, AND THE LAW

University of Florida Levin College of Law

Professor Amy Stein

Fall 2020 Syllabus – Law 6936 – 2 Credits

Mondays: 4:10 p.m. - 6:10 p.m.; synchronous online

<https://ufl.zoom.us/j/92485134982?pwd=eXBBS29JVnpvZWdKTUVVbC0R4ekczUT09>

Meeting ID: 924 8513 4982 -- Passcode: 161193

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<https://ufl.zoom.us/j/7982378500>

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, explainability, bias, privacy, robots and personhood, ethics, criminal and civil liability arising from emerging technologies, constitutional norms of AI, autonomous cars and weapons, 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 sometimes include a critical review and preparation of questions for guest speakers, and the work expended to develop 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.

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. Absent special circumstances, you must participate with “video on” for the entire class to count as present.

- Nevertheless, to allow for exigencies in life, **students are permitted two excused absences from synchronous class 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 critical reflection 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.

Required Technologies and Materials:

- 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.
- 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](#) or <https://video.ufl.edu/conferencing/zoom/>. By this time, you are probably all familiar with Zoom, but Zoom has a number of tutorials and a help desk as well: <https://support.zoom.us/hc/en-us>. The Zoom link for class is located at the top of this syllabus, as well as on the Canvas page. We will use the same Zoom link for each class.
- 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);
 - Do a test run of the space where you will be joining us and ensure that there is nothing private in the background that you would not like to share with your classmates. If your computer capabilities allow you to do so, consider using an *appropriate* Zoom background to further protect your privacy. <https://support.zoom.us/hc/en-us/articles/210707503-Virtual-Background>
 - Dress appropriately for video conferencing; Everyone is expected to participate with “video on” and work with me to manage muting in a way that minimizes disruptions to speakers and classmates while allowing for you to engage in the classroom.
 - Place turn off any cell phones and other electronic devices;
 - Close any other computer programs, websites, and email so you can give your classmates and speakers your full attention.

- If you are asked to “share screen” during our Zoom meetings, please ensure that you have closed all other tabs and documents on your computer so you do not inadvertently share private information with the group.
- Do not Zoom in the same room as someone else in the class. Unfortunately, Zoom “parties” create horrible feedback noises.
- It is important that we all engage in a comfortable and safe place in this online classroom. As such, please do not (1) distribute the password-protected Zoom information to anyone not enrolled in the class; (2) take photographs or video any part of our class sessions; or (3) post or distribute any part of our classes or recordings. Our classes will be recorded, but will only be distributed upon a demonstrated need and only in accordance with the Class Attendance policies described above.

Should you anticipate any problems in complying with these policies, please contact me before the first class.

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 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 posted on Canvas.
- *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 (Sunday) at 12:00 pm and be prepared to lead your colleagues in a discussion of these questions during class.
- *Weekly Critical Reflection:* Most 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. Please submit a PDF document, 12 pt font, Times New Roman, single-spaced on Canvas. These analyses will be due on Monday by 12:00 pm 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.
- *Peer Review.* Near the end of the semester, you will conduct a peer review of a colleague’s paper draft, developing critical skills involving constructive criticism and using a rubric.
- *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 November 30, 2020. 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; Addressing Stein Comments from Draft, Citations,

and Strict Compliance with Honor Code (including proscriptions against plagiarism). A rubric will be provided.

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

Key Dates	Due
September 18	Three potential research ideas
September 25	Develop a thesis and tentative outline for leading research idea
Oct. 2	Draft a literature/scholarship review paragraph
Oct. 9	Obtain approval from Prof. Stein of final research thesis [Must have met at least once one-on-one with Prof. Stein before this time]
Oct. 16	Final thesis plus detailed outline (2-3 pages)
Oct. 30	5 pages of Draft Paper for Peer Review (plus the detailed outline)
Nov. 9	Return edits to classmate (due by start of class)
Nov. 13	Draft Paper for Prof. Stein
Nov. 20	Receive edits from Prof. Stein
Nov. 30	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 (includes presentation and peer review)	15%
Weekly Critical Analyses	15%
Pre-final paper submissions (outline, draft, etc.)	20%
Final Paper (25 pages)	50%
TOTAL	100%

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 <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/additional-information/honor-code-and-committee/honor-code> and <https://www.law.ufl.edu/life-at-uf-law/office-of-student-affairs/additional-information/honor-code-and-committee/honor-code-violations>.

Please pay particular note to the following:

Prohibition on Student Recording and Photography and Social Media Posting: Students may not take, circulate, or post photos or videos of classroom discussions, whether they are in-person, hybrid, or completely online. Students failing to follow this rule will be referred to the College of Law Honor Code Council and the University’s Office of Student Conduct and Conflict Resolution.

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
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 at: <http://www.law.ufl.edu/student-affairs/current-students/academic-policies#9>.

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:

Students requesting accommodation for disabilities must first register with the the [Disability Resource Center](#). Once registered, students will receive an accommodation letter which must be presented to the Assistant Dean for Student Affairs (Dean Mitchell) when requesting accommodation. Students with disabilities should follow this procedure as early as possible in the semester.

Student Course Evaluation: UF expects each student to 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 be given specific times when they are open by the Office of Student Affairs. Summary results of these assessments are available to students at <https://evaluations.ufl.edu/results/>.

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 Canvas 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, 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.

1 8/24	<p><i>Class 1: Introduction to Algorithms, Machine Learning, and Artificial Intelligence</i></p> <p><i>Assignments:</i></p> <p>After watching the videos and completing the required readings below, please submit your weekly critical reflection on Canvas under “Assignments” (due BEFORE class by 8/24 at noon) answering the following prompts:</p> <ul style="list-style-type: none"> • What don’t you know about AI that you want to know more about? • Based on your initial understanding of AI/robotics, what do you see as the most important legal/policy/ethical issues? • Please include a link to one “hot topic” article on an AI topic that interests you. <p><i>Watch:</i></p> <ul style="list-style-type: none"> • If you have access to Netflix, WATCH: Netflix, “<i>Explained</i>” <i>Coding</i> (TV Episode November 2019) – IMDb, https://www.imdb.com/title/tt1167964/ (20:56) OR • If you do not have access to Netflix, WATCH: <ul style="list-style-type: none"> • Early Programming: Crash Course Computer Science #10 https://www.youtube.com/watch?v=nwDq4adJwzM (9:26) and • Netflix, “<i>Explained</i>” <i>Coding</i> https://www.facebook.com/Vox/videos/vox-netflix-coding-explained/1139535146251449/ <p>Everyone Should Watch:</p> <ul style="list-style-type: none"> • Frontline: In the Age of AI (PBS Nov. 5, 2019) (Stop after Part 1 at 21:40) https://www.pbs.org/wgbh/frontline/film/in-the-age-of-ai/ • <i>Machine Learning and Artificial Intelligence</i>, Crash Course Computer Science #34, https://www.youtube.com/watch?v=z-EtmaFJieY (11:51) <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/#6864d08390bf • 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
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	<ul style="list-style-type: none"> • M.C. Elish & danah boyd, <i>Situating Methods in the Magic of Big Data and AI</i>, COMMUNICATION MONOGRAPHS 57 (2017), (Yellow highlighted parts ONLY); See Canvas • UF announces \$70 million artificial intelligence partnership with NVIDIA, https://news.ufl.edu/2020/07/nvidia-partnership/ <p><i>Optional Additional Videos/Readings:</i></p> <ul style="list-style-type: none"> • How to Play Go, https://www.youtube.com/watch?v=4Q9iCZkzTUK • Play Online: https://online-go.com/learn-to-play-go/defend/2 • 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). • Deloitte, Thriving in the era of pervasive AI, 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&gclid=Cj0KCQjwpZT5BRcdARIsAGEX0zm5bNWY2Yqt7AWRhiMrI0aiTl6qHgGb-Ho7N2tmnQQL4l53N22jIr4aArDsEALw_wcB
2 8/31	<p>Class 2: Transparency and Explanations in Algorithms</p> <p><i>Required Readings:</i></p> <ul style="list-style-type: none"> • TBA
9/7	NO CLASS – Labor Day
3 9/14	<p>Class 3: Introduction to Algorithmic Discrimination</p> <p><i>Required Readings:</i></p> <ul style="list-style-type: none"> • TBA
4 9/21	<p>Class 4: Criminal Justice Risk Assessments/Predictive Policing</p> <p><i>Required Readings:</i></p> <ul style="list-style-type: none"> • TBA
5 9/28	<p>Class 5: Algorithmic Surveillance</p> <p><i>Required Readings:</i></p> <ul style="list-style-type: none"> • TBA

6 10/5	<p>Class 6: National Security, Drones, and Artificial Intelligence</p> <p><i>Required Readings:</i></p> <ul style="list-style-type: none"> • TBA
7 10/12	<p>Class 7: Robotics</p> <p><i>Required Readings:</i></p> <ul style="list-style-type: none"> • TBA
8 10/19	<p>Class 8: Speech, Algorithms, and the Digital Public Sphere</p> <p><i>Required Readings:</i></p> <ul style="list-style-type: none"> • TBA
9 10/26	<p>Class 9: AI, Elections, and Democracy</p> <p><i>Required Readings:</i></p> <ul style="list-style-type: none"> • TBA
10 11/2	<p>Class 10: Predictive Learning in the Workplace</p> <p><i>Required Readings:</i></p> <ul style="list-style-type: none"> • TBA
11 11/9	<p>Class 11: Proposals for Oversight of the Algorithmic Society</p> <p><i>Required Readings:</i></p> <ul style="list-style-type: none"> • TBA
11/13	<p><i>Assignment: Paper Draft due to Prof. Stein</i></p>
12 11/16	<p>Class 12: Algorithms and Tort Law</p> <p><i>Required Readings:</i></p> <ul style="list-style-type: none"> • TBA

13 11/23	Class 13: Final Class and Student Presentations <i>Required Readings:</i> <ul style="list-style-type: none">• TBA
11/30	<i>Assignment: FINAL PAPER DUE</i>