AI, Technology, and the Law

Law 6930 – 3 Credits
University of Florida Levin College of Law
Fall 2024

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Class Meeting Times: 9:00-10:25 on Tues and Thurs
Room HH-355B

Welcome to "AI Law," a field that is still constructing its foundation! This course will familiarize students with AI technologies and some of their most common applications, and will then explore how AI is shaping law, and how law is shaping AI. To do justice to the broad scope of law related to AI developments, this course requires us to cover a survey of American (and to some extent International) law. We will get breadth *and* depth by incorporating some deep dive conversations and debates.

Reading Materials. All required readings will be available on Canvas.

Grade Components. Your grade will be comprised of four components:

- Closed-book multiple-choice quizzes (3 quizzes, lowest grade dropped, weighted 10% each) [20%]
- Team-based debate [20%]
- Analysis memo [50%]
- Class participation [10%]

Quizzes. On quiz days, the last twenty minutes of class will be used to administer a 12-questions multiple choice quiz based on the readings for the preceding four weeks. The questions are meant to test only for comprehension of the readings and class discussions.

Team-Based Debate. Each student will be part of a team of (3 or 4—TBD) to participate in one debate on a pre-defined topic. Each debate will involve two teams arguing opposite sides of an issue.

> **Format**: Debates will use the following format:
>
> > Team 1: 4-minute presentation
> > Team 2: 4-minute presentation
> > Team 1: 3-minute rebuttal
> > Team 2: 3-minute rebuttal.
>
> Debates must be conducted without the use of Powerpoint/Google Slides or other visual aids presented to the audience. Students are welcome to refer to (and take) notes during the debate.
>
> **Topics and dates:** Debate topics and positions will be assigned. This means there is no requirement or expectation that team members will agree with the position they are assigned to argue.
>
> **Debate grading**: Debates will be graded based on the strength of the opening statement (scored on a scale of 0 to 4) and the strength of rebuttal (also scored on a scale of 0 to 4). All members of each debate team will receive the same debate grade.

Analysis Memo. At the end of the semester, each student is expected to write an analysis memo on a class-relevant topic. Please note that this course does not satisfy the substantial analytic writing requirement.

> **Memo topic**: Topics should relate to the intersection of AI and law. Topics can be motivated by 1) one or more federal or state court cases, 2) an action taken by a U.S. federal agency (e.g., the Federal Communications Commission, the Environmental Protection Agency, the Food & Drug Administration, the Federal Trade Commission, U.S. International Trade

Commission, etc.), 3) an action taken by a state legislature or regulating agency, 4) enacted or proposed federal or state laws related to AI, or 5) how existing law will have an uncertain application to a specific AI application, currently in use or in late stages of development (no sci fi, please!). <u>Your chosen topic should *not* be closely related to the topic of your team-based debate.</u>

Length: Memos should be between 2500 and 3500 words in length, including citations. When turning in your memo, please give it a file name that includes your last name within the file name.

Due Date: Memos are due at 11:59 p.m. on the last day of the final exam period- Tuesday, December 17th.

Content: Your analysis memo should not simply review a case or describe a statute relevant to the chosen topic. Rather, it should provide context (which can indeed involve a discussion of case law, or a government agency order, as well the relevant AI technology) and then push on to provide original analysis of a legal ambiguity, policy problem, or unexpected (positive or negative) consequence.

Policy regarding use of AI writing tools: We will discuss this in more detail in class. The short version is that students are permitted to use AI writing tools such as ChatGPT, but are solely and fully responsible for any writing they turn in under their name.

Memo grading: Memos will be graded according to the following rubric:

    Intro/Thesis: 5 points
    Exposition: 10 points
    Research/sources/support: 5 points
    Organization: 5 points
    Conclusion: 2 points
    Grammar/Style: 3 points
    Total possible points: 30

Course Objectives. By the end of this course, you will be able to:

1. Understand and describe, in laymen's terms, how Large Language Models and Machine Learning works and describe some of their major applications;
2. Describe the ways in which some major areas of law will shape the development and availability of AI applications, and issue-spot areas of legal risk for AI companies
3. Describe the major policy developments that have led to AI-specific regulations abroad and could lead to major legislation or regulator action in the U.S.
4. Explain how some AI applications may cause uncertainty in the meaning and application of existing laws and constitutional rights
5. Produce an original and insightful commentary on one specific area of AI and the law

GENERAL COLLEGE OF LAW POLICIES

Other information about UF Levin College of Law policies, including compliance with the UF Honor Code, Grading, Accommodations, Class Recordings, and Course Evaluations can be found at this link:

https://ufl.instructure.com/courses/427635/files/74674656?wrap=1".

MODULES

| 1 | **August 20 & 22**

Intro, Demos, and How AI Works;

Digital Media Law | **Tuesday-**
Skim Timothy B. Lee & Sean Trott, A Jargon-free Explanation of How AI Large Language Models Work, ARS Technica (July 31, 2023)

Majority opinion in *Pruneyard Shopping Center v. Robins* (1980)

Thursday-
Moody v. Netchoice (2024) Pages 1-8, 12-29. |

2	**August 27 & 29** More AI & Media Law	**Tuesday-** Twitter v. Taamneh (2023) pages 1-16, 21-27; Skim the Multistate complaint against Meta for addictive algorithms **Thursday-** Skim Eugene Volokh, *Large Libel Models* (2023)
3	**September 3 & 5** Accidental Harm (leading to physical harm)	**Tuesday-** Loomis v. Amazon (2021) Rodgers v. Christie (2020) Skim complaint of Umeda v. Tesla (2020) **Thursday-** Barbara Evans, *Product Liability Suits for FDA-Regulated AI/ML Software* (2021)
4	**September 10 & 12** Bias, Fairness, and Civil Rights	**Tuesday-** Julia Angwin et al., *Machine Bias* (2016) Newman v. Google (2023) **Thursday-** Competing Executive Orders on Equity (Trump v Biden and Biden II) **DEBATE 1** and **QUIZ 1**
5	**September 17 & 19**	**Tuesday-** State v. Loomis (Wis. 2016)

	AI-assisted Policing, Judging, Admin, and Governing	Skim Andrea Roth, *Machine Testimony* , 1975-1983 and 2021-2051 **Thursday-** Yonathan Arbel, *Judicial Economy in the Age of AI*
6	**September 24 & 26** Privacy	**Tuesday-** Vance v. Microsoft (W.D. Wash. 2021) **Thursday-** GDPR Primer Noyb v. OpenAI Complaint (Austria, 2024) **DEBATE 2**
7	**October 1 & 3** IP and Innovation	**Tuesday-** John Villasenor, *Patents and AI inventions: Recent court rulings and broader policy questions*, BROOKINGS INSTITUTION (Aug. 25, 2022), (length: approx. 2 pages) Please read the five written statements (which are about half a dozen pages long) from the June 2023 Senate Judiciary Committee Subcommittee on Intellectual Property hearing titled "Artificial Intelligence and Intellectual Property – Part I: Patents, Innovation, and Competition". Please note that the reading assignment is to read the written statements, not to watch the video of the hearing. On the hearing web page, please scroll down below the video to access the written statements. **Thursday-** Christopher Zirpoli, *Generative Artificial Intelligence and Copyright Law*, CONG. RSCH. SERV. (Sep. 29, 2023), (length: 5 pages)

		Please review the five written statements from the July 2023 Senate Judiciary Committee Subcommittee on Intellectual Property hearing titled [Artificial Intelligence and Intellectual Property – Part II: Copyright](#). Please note that the reading assignment is to read the written statements, not to watch the video of the hearing. On the hearing web page, please scroll down below the video to access the written statements. **DEBATE 3**
8	**October 8 & 10** National Security and Facilitation of Crime	**Tuesday-** [The White House, Executive Order on the Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence](#) (2023) (read Sections 1-2, Sec. 3(k), and Sec. 4.1(b)) Todd Kuiken, [Artificial Intelligence in the Biological Sciences: Uses, Safety, Security, and Oversight](#), Congressional Research Service (2023) Kelley Sayler, Defense Primer: [U.S. Policy on Lethal Autonomous Weapon Systems](#), Congressional Research Service (2023) **Thursday-** Chesney & Citron, *[Deep Fakes: A Looming Challenge for Privacy, Democracy, and National Security](#)* (read the Introduction and Part III: What Can Be Done?) **QUIZ 2**
9	**October 15 & 17** Contracts and Fraud	**Tuesday-** Skim Yonathan Arbel, *[Contracts in the Age of Smart Readers](#)* (2022) **Thursday-**

		[Nuance Communications, Inc. v. IBM](#) (S.D.N.Y. 2021) [Doe v. Evicore Healthcare](#) (2nd Cir. 2023) **DEBATE 4**
10	**October 22 & 24** **==ON ZOOM===** Antitrust	We will spend all week on [the Google case](#). The bad news is that the opinion is over 200 pages (double-spaced, though) and includes lots of detail. The good news is that after we have read it, we will have a very rich understanding of parts of the digital economy that are normally opaque to the public. On **Tuesday,** we will discuss the first half of the case (up to page 133), which consists almost entirely of background facts. In other words, our topic will basically be "how do the search and digital advertising industries work?" On **Thursday,** we will discuss the court's application of the Sherman Antitrust Act.
11	**October 29 & 31** Employment and Trade Secrets	**Tuesday-** [Rubin v. Miller](#) (S.D.N.Y. 2020) [Brief of Tim Cook in DHS v. Regents of Univ. of California](#) [Neural Magic v. Facebook](#) (D. Mass. 2023) **Thursday-** Thomson Reuters, [The Future of Professionals Report](#) (2024) **DEBATE 5**
12	**November 5 and 7** International Issues, and Federalism Issues, local law	**Tuesday-** [A Palantir Primer on the EU AI Act](#) [Skadden primer on the EU Digital Markets Act](#)

		Foo Yun Chee, *Apple to Delay Launch of AI-Powered Features in Europe, Blames EU Tech Rules*, Reuters (2024) **Thursday-** Poke around the National Council of State Legislature's AI Bill Tracker and come to class prepared to describe a proposed bill that you think is interesting (good policy, bad policy, important, creative, really interesting in any way). **QUIZ 3**
13	**November 12 & 14** Free Speech So… how should AI be Governed?	**Tuesday-** Toni Massaro et al., *SIRI-OUSLY 2.0: What Artificial Intelligence Reveals About the First Amendment* (2017) **Thursday-** Eugene Volokh, *The Reverse Spider-Man Principle: With Great Responsibility Comes Great Power* (2023)

Boilerplate material:

to, ChatGPT and Harvey, to assist in completing quizzes, exams, papers, or other assessments unless expressly authorized by the professor to do so (which we have for your analysis memo!)

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 law school grading policy is available here.

OBSERVANCE OF RELIGIOUS HOLIDAYS:
UF Law respects students' observance of 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.

EXAM DELAYS AND ACCOMMODATIONS:
The law school policy on exam delays and accommodations can be found 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. 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. Students may access information about various resources on the UF Law Student Resources Canvas page, available at https://ufl.instructure.com/courses/427635.

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
Students are allowed to record video or audio of class lectures. However, the purposes for which these recordings may be used are strictly controlled. The only allowable purposes are (1) for personal 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. 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 guest lecturer during a class session. 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 and Student Conduct Code.

ABA OUT-OF-CLASS HOURS REQUIREMENTS: ABA Standard 310 requires that students devote 120 minutes to out-of-class preparation for every "classroom hour" of in-class instruction. Each week, class meets for approximately 3 hours in length, requiring at least **6 hours of preparation** outside of class including reading the assigned materials, writing critical analyses, preparing for your debate.