

BIG DATA AND THE LAW SYLLABUS

Spring 2023

Professor Annie Brett

Email: brett@law.ufl.edu

Office: HH 333

Office Hours: Tuesday 11:00-12:00, Wednesday 1:00-2:00, or by appointment

Meeting Time and Location

Tuesday 1:45- 3:45 pm; Room HH 180

Course Description

Big data is transforming our society. New insights derived from big data have the potential to reshape baseline understanding in many legal fields, from the environment to public health to criminal justice. At the same time, digitalization poses major challenges to existing legal regimes, forcing lawyers to work in areas with little or no clearly defined law or in areas where major new laws are actively being created. This course explores the legal impacts of the rise of big data, addressing how our governance mechanisms shape and are shaped by innovations in data; how regulatory choices about data collection, access and control can dictate the winners and losers in a new “information economy”; and the major issues that lawyers dealing with data should understand. This course combines an exploration of current topics in data governance and regulation with hands-on exercises that will allow students to gather the skills and knowledge necessary to become critical and ethical users of big data, including practice engaging with data agreements and generating legal responses to data breaches.

Required Readings

This course does not have a required casebook. We will draw on a mix of readings from cases, law review articles, policy whitepapers, and popular media. Readings will be made available on the course Canvas site.

Learning Outcomes

After completing this course, students should be able to:

1. Understand the rapidly evolving landscape of big data, including the major legal challenges associated with data collection, ownership and access
2. Analyze current and proposed regulatory mechanisms being used to govern big data
3. Compare US and international approaches to data governance
4. Evaluate the efficacy of data policy agreements and data protection measures
5. Understand how big data can be used in regulation and litigation

Class Participation

Active participation is an essential component of this class. I expect that each of you will arrive to class having done the readings and prepared to meaningfully engage in discussion. Participation will account for 25% of your final grade.

Course Evaluation

Your grade in this class will be based on a combination of participation, including acting once as a discussion leader (25%); two critical response assignments (50%); and a group project (25%).

- Preparation, Attendance, and Engagement: You are expected to read and view the required materials before class, so that you are prepared to discuss them in class. Readings and viewings will be posted on Canvas. 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 along with several of your peers. On the date of our first class session, a sign-up sheet will be available for students to select a date for performing this role. To satisfy this requirement, each Discussion Leader student must submit a short response by Tuesday at 9:00pm so I have time to review them before class. These responses should be 500-700 words and include: (1) a response 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 or other topics discussed in class, linking to a hot topic article related to the theme for that class etc.); (2) at least two discussion question for your colleagues. If we have a speaker that day, please address at least one of your questions for our speaker. You should be prepared to lead your colleagues in a discussion of the questions you submitted during class.
- Two Critical Analyses: The bulk of your grade will consist of your performance on two 5-page Critical Analyses. Two times throughout the semester, you will be assigned a legal question and have ten days to submit a five-page response.
- Group Assignment: Groups of 3-4 students will be created based on shared interests and asked to develop 15-minute presentations on big data issues applied to specific areas of law. Further details on this assignment will be available in the first month of the semester.

Attendance Policy

Attendance in class is required by both the ABA and the Law School. Attendance will be taken at each class meeting. Students are allowed 2 absences during the course of the semester. For ease of administration and to respect your privacy, I do not make any differentiation between "excused" or "unexcused" absences. As a result, there is no need to tell me why you will be or were absent from class, so long as you have two or fewer absences total. Only observance of a University-recognized religious holiday does not count toward your two absences, but you must notify me in advance of those religious observance-related absences. In addition, please notify me should you have a family or medical situation or an emergency that will require missing more than two classes, and we will discuss how to accommodate your situation. Beyond two absences, a student's final grade may be lowered. The law school's policy on attendance can be found [here](#).

UF Levin College of Law Standard Syllabus 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>.

Reading Assignments

This syllabus is offered as a guide to the direction of the course. Readings will be posted on Canvas at least a week prior to the relevant class meeting, I suggest you use the Canvas site to access your

assignments as everything should be linked and easy to find there. Per ABA Standard 310, it is anticipated that you will spend approximately 2 hours out of class reading and/or preparing for in class assignments for every 1 hour in class.

PART I: UNDERSTANDING DATA AND THE DATA LIFECYCLE	
Class 1	What is Data? <i>Required Readings:</i> • Pages 23- 59, William Magnuson, A Unified Theory of Data, 58 Harv. J. on Legis. 23 (2021). • Naperville Smart Meter Awareness v. City of Naperville, 900 F.3d 521 (7th Cir. 2018)
Class 2	Data Collection
Class 3	Data Processing and Use
Class 4	Data Storage
PART II: THE IMPACTS OF BIG DATA ON THE LEGAL SYSTEM	
Class 5	Overarching Impacts
Class 6	Government Data
Class 7	Participation and Accountability
PART III: REGULATING BIG DATA	
Class 8	Proposals for regulation: Data as property
Class 9	Other proposals for regulation
Class 10	Ethical Considerations
Class 11	International Approaches
Class 12 & 13	Student Presentations and Wrap-up

