



Playing Against the Computer?

Recent Developments in AI and the Law

Topics

- Recent Developments in AI and ML Technology
- Recent AI Legal Developments
- AI in Legal Practice

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Technological Developments

Poll Question 1

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Have you used AI tools as part of your legal practice?

ⓘ Start presenting to display the poll results on this slide.

Poll Question 2

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If you have used AI tools, what type of tool?

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ABCs of AI: Key Terms

- **AGI (Artificial General Intelligence):** AI that is as capable as a human at any intellectual task.
- **Bias:** Assumptions made by an AI model about the data.
- **Chatbot:** A computer program designed to simulate human conversation through text or voice interactions.
- **ChatGPT:** A large-scale AI language model developed by OpenAI that generates human-like text.
- **Compute:** The computational resources (like CPU or GPU time) used in training or running AI models.
- **Generative AI:** A branch of AI focused on creating models that can generate new and original content, such as images, music, or text, based on patterns and examples from existing data.
- **GPT (Generative Pretrained Transformer):** A large-scale AI language model developed by OpenAI that generates human-like text.
- **GPU (Graphics Processing Unit):** A specialized type of microprocessor primarily designed to quickly render images for output to a display. GPUs are also highly efficient at performing the calculations needed to train and run neural networks.
- **Hallucination:** When a model generates content that is not based on actual data or is significantly different from reality.
- **Large Language Model (LLM):** A type of AI model that can generate human-like text and is trained on a broad dataset.
- **ML (Machine Learning):** A type of AI that provides systems the ability to automatically learn and improve from experience without being explicitly programmed.
- **NLP (Natural Language Processing):** A subfield of AI focused on the interaction between computers and humans through natural language.
- **NN (Neural Network):** A network of artificial neurons (or nodes). Artificial neural networks are used for solving AI problems. They model connections of biological neurons as weights between nodes.
- **Prompt:** The initial context or instruction that sets the task or query for the model.
- **Training Data:** The dataset used to train a machine learning model.



Legal Developments

Poll Question 3

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Does your organization have a policy regarding the use of AI tools?

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Legal Areas Impacted by AI

Intellectual property

Data privacy and security

Healthcare

Products liability

... and more



Area in Focus: Intellectual Property

AI Inputs:

- Model data
- Usage rights


AI Outputs:

- Authorship
- Registrability

Franzen, Grisham and Other Prominent Authors Sue OpenAI

The suit, filed with the Authors Guild, accuses the A.I. company of infringing on authors' copyrights, claiming it used their books to train its ChatGPT chatbot.

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Jodi Picoult, left, and John Grisham are among the best-selling writers who joined the class-action suit. Kieran Kesner for The New York Times, Donald Johnson for The New York Times

Getty Images Launches Commercially Safe Generative AI Offering

Sep 25, 2023 | PDF

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Trained on Getty Images' world-class creative content, Generative AI by Getty Images allows customers to explore the power of generative AI with full protection and usage rights

LIBRARY OF CONGRESS

Copyright Office

[Docket No. 2023-6]

Artificial Intelligence and Copyright

AGENCY: U.S. Copyright Office, Library of Congress.

ACTION: Notice of inquiry and request for comments.

SUMMARY: The United States Copyright Office is undertaking a study of the copyright law and policy issues raised by artificial intelligence ("AI") systems. To inform the Office's study and help assess whether legislative or regulatory steps in this area are warranted, the Office seeks comment on these issues, including those involved in the use of copyrighted works to train AI models, the appropriate levels of transparency and disclosure with respect to the use of copyrighted works, and the legal status of AI-generated outputs.

DATES: Written comments are due no later than 11:59 p.m. Eastern Time on Wednesday, October 18, 2023. Written reply comments are due no later than 11:59 p.m. Eastern Time on Wednesday, November 15, 2023.

Area in Focus: Data Privacy + Security

Bloomberg

Samsung Bans Staff's AI Use After Spotting ChatGPT Data Leak

- Employees accidentally leaked sensitive data via ChatGPT
- Company preparing own internal artificial intelligence tools

By [Mark Gurman](#)
May 1, 2023 at 8:48 PM EDT
Updated on May 2, 2023 at 1:54 AM EDT

[Samsung Electronics Co.](#) is banning employee use of popular generative AI tools like ChatGPT after discovering staff uploaded sensitive code to the platform, dealing a setback to the spread of such technology in the workplace.

The Suwon, South Korea-based company notified staff at one of its biggest divisions on Monday about the new policy via a memo reviewed by Bloomberg News. The company is concerned that data transmitted to such artificial intelligence platforms including Google Bard and Bing is stored on external servers, making it difficult to retrieve and delete, and could end up being disclosed to other users, according to the document.

- Data leaks
- Lack of transparency of AI architecture
- Use of AI for cyberattacks
- Application of privacy laws

“

We need some kind of, like, regulatory authority or something overseeing AI development. Make sure it's operating in the public interest. It's quite dangerous technology.

”

— Elon Musk



AI and Legal Practice

Law Firms + AI: Key Priorities

Protecting client confidential information

Improving service delivery (excellence and efficiency)

Development of lawyers

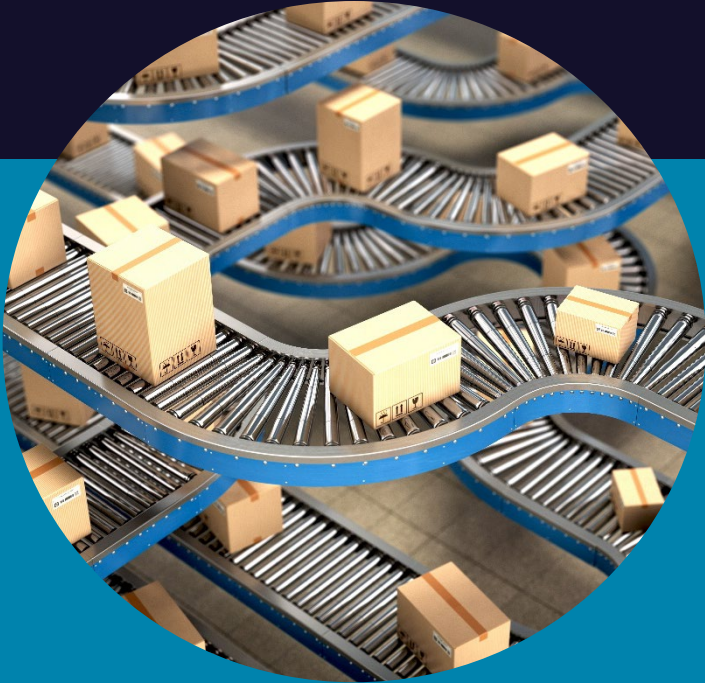


Law Firms + AI: Strategy



- Meeting clients' expectations
- Automation of lower-margin services (diligence, e-discovery)
- Accelerating knowledge management
- Pricing

In-House Legal Departments + AI



**Keeping up with
business operations**



**Augmenting
in-house resources**



**Budgeting and
cost savings**

“Many questions regarding a lawyer’s use of AI programs are currently unanswered and may remain unanswered for the indefinite future. For this reason, lawyers are advised to maintain a healthy dose of skepticism regarding AI programs and to proceed with caution. While these programs may someday revolutionize the practice of law, a lawyer’s ethical obligations have not changed. Duties of candor, competence, and confidentiality have remained steadfast in the face of prior technological innovations and should be expected to guide the practice of law indefinitely into the future.”

— Jonathan Grabb, Florida Bar Ethics Counsel

Source: “Lawyers and AI: How Lawyers’ Use of Artificial Intelligence Could Implicate the Rules of Professional Conduct,” FLA. BAR NEWS (Mar. 13, 2023).

Poll Question 4



“
*[AI] stresses
me out.*”

— Elon Musk

Questions?



Mishi Choudhary
SVP and General Counsel
Virtru



Daniel Kahan
Partner
King & Spalding



Zach Posner
Managing Director
LegalTech Fund