ARTIFICIAL INTELLIGENCE:

Thinking About Law, Law Practice, and Legal Education
The Duty of Technology Competence in the Algorithmic Society
ABA Model Rule of Professional Conduct 1.1 provides: “A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.”

In August 2012, comment 8 was amended to provide: “To maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology ....”
State Adoption
What The Duty Requires Today
A Changing Standard
Guidance for Complying

WASHINGTON STATE BAR ASSOCIATION

Advisory Opinion: 2215
Year Issued: 2012
RPC(s): RPC 1.1, 1.6, 1.15A
Subject: Cloud Computing
Guidance for Complying

SOCIAL MEDIA ETHICS GUIDELINES
OF THE COMMERCIAL AND FEDERAL LITIGATION SECTION
OF THE NEW YORK STATE BAR ASSOCIATION
Guidance for Complying

THE STATE BAR OF CALIFORNIA
STANDING COMMITTEE ON
PROFESSIONAL RESPONSIBILITY AND CONDUCT
FORMAL OPINION NO. 2015-193
Guidance for Complying

THE PERKS OF ALGORITHM DRIVEN DESIGN
Use Reasonable Care
The Future of the Duty in the Algorithmic Society

The average person is likely to generate more than one million gigabytes of health-related data in their lifetime. Equivalent to 300 million books.

IBM Watson Health
Relying on Algorithms in Law

RAVEL

Built on top of Watson, IBM's cognitive computer,
Introducing Westlaw Edge

The most intelligent legal research service ever
Natural Language Processing

- Syntactics curve (bag of words)
- Semantics curve (bag of concepts)
- Pragmatics curve (bag of narratives)

NLP system performance

Time:
- 1950
- 2000
- 2050
- 2100

Best path
Premature Disruption

Are You Prepared For Disruption?
Lack of Transparency
When an Algorithm Helps Send You to Prison

By ELLORA THADANEY ISLAMI  OCT. 26, 2017

In 2013, police officers in Wisconsin arrested a man driving a car that had been used in a recent shooting. The man, Eric Loomis, pleaded guilty to attempting to flee an officer, and no contest to operating a vehicle without the owner's consent. Neither of his crimes mandates prison time.

At Mr. Loomis's sentencing, the judge cited, among other factors, Mr. Loomis's high risk of recidivism as predicted by a computer program called COMPAS, a risk assessment algorithm used by the state of Wisconsin. The judge denied probation and prescribed an 11-year sentence: six years in prison, plus five years of extended supervision.
Malpractice?
Research Habits
Teaching

Algorithms
Code of Ethics for Programmers
Going Forward