

# AI Law, Policy, and Business

**Name**: Agnieszka McPeak

**Email**: mcpeak@gonzaga.edu

**Office Hours**: TBD; email; by appointment

**Offered**: Fall 2022 POWER 2

**Class Location**: MS Teams

**Class Day/Time**: See attached schedule

 **Final Exam:** None (survey required)

## OVERVIEW AND ASSIGNMENTS

|  |  |
| --- | --- |
| **Class** | **Date & Time** |
| **1** | **Monday, December 5, 9am-10am US PST / 1800-1900 CET** |
| **Intro & Overview** | We will read one article that helps frame AI policy issues generally. It is available for download in PDF format via SSRN.  Ryan Calo, *Artificial Intelligence Policy: A Primer and Roadmap*<https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3015350>  |
| **2** | **Wednesday, December 7, 9am-10am US PST / 1800-1900 CET** |
| **Intro & Overview** | **Watch**PBS Frontline: In the Age of AI <https://youtu.be/5dZ_lvDgevk> If you have trouble with the video, there is an audiocast that may be easier to access (or may be downloadable), available on Soundcloud here: <https://soundcloud.com/frontlinepbs/in-the-age-of-ai> or on iTunes here: <https://podcasts.apple.com/us/podcast/in-the-age-of-ai/id336934080?i=1000456779283> |

|  |  |
| --- | --- |
| **3** | **Thursday, December 8, 9am-10am US PST / 1800-1900 CET** |
| **Intro & Overview** | We will listen to the entirety of the AI & Human Rights Podcast with Stevie Bergman. For Unit 1, please listen to Episode 00 (overview) and Episode 01 (artificial intelligence). You can find it via most podcast providers.  Here are links to Soundcloud, Apple Podcast, and Spotify. Soundcloud Ep. 0: <https://soundcloud.com/aihrpod/epidode-00-introduction> Soundcloud Ep. 1: <https://soundcloud.com/aihrpod/episode-01-artificial> Apple Podcast: <https://podcasts.apple.com/us/podcast/ai-human-rights/id1554475752> Spotify: <https://open.spotify.com/show/1dPljpdma2bpTt0HgLtsUr> We will discuss the following:* Based on the first unit material discussion, what aspects of AI do you wish would be curtailed by government regulation?
* What beneficial uses of AI would you like to see unhindered by regulation?
* How would your own choices or availability of tech be affected by policy changes as to AI?
 |

|  |  |
| --- | --- |
| **4** | **Friday, December 9, 9am-10am US PST / 1800-1900 CET** |
| **AI Policy & Regulation** | 1. Michael A. Geist, AI and International Regulation, <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3734671>* Summarize the different approaches.
* What are pros and cons of each?
* Why is there such diversity in approaches?
* Why do you think the US takes the approach it does?

2. Brookings Institute and EU and US approaches to AI Policy: <https://www.brookings.edu/blog/techtank/2022/02/01/the-eu-and-u-s-are-starting-to-align-on-ai-regulation> (SKIMMING IS OKAY - focus on the introduction, Table of Contents and Sections 3.1, 4, 4.1., and 5.1)* Summarize the different approaches.
* What are pros and cons of each?
* Why is there such diversity in approaches?
* Why do you think the US takes the approach it does?

3. Andrea Renda, CEPS Report, <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3420810>* Summarize some of the definitions and insights about AI itself from this report. What did you learn that is new or helps you frame the subject matter?
* Do you personally take a positive or negative view of AI? Something in between?
* What do you think of the suggested principles that should govern AI? For example, do you think complementarity is possible to achieve and maintain?
* Do you think principles, or ethical guidelines, will suffice (for the EU and beyond)?
 |

|  |  |
| --- | --- |
| **5** | **Monday, December 12, 9am-10am US PST / 1800-1900 CET** |
| **Case Study – Social Credit** | To begin, think about these general questions from our prior classes.* From the PBS documentary, what were some of the examples that most resonated with you and why?
* From the AI and Human Rights podcast, what were some of the concerns that were raised and why?
* How would you feel if you lived in a society that had a pervasive facial recognition tracking and social credit system? What would that mean to your life?
1. Check out this brief history of financial credit scores: <https://time.com/3961676/history-credit-scores/>
* Why do we have financial credit scores?
* What has your experience been with financial credit scores?
* Do you think financial credit scores are helpful, hurtful, accurate, misleading?
* What fairness concerns come to mind when we discuss credit scores in the US?

2. Listen to this Planet Money podcast about the social credit score in China: <https://www.npr.org/sections/money/2018/10/26/661163105/episode-871-blacklisted-in-china>* What aspects of the social credit score concern you the most?
* What are the benefits of such a system?
* How would you feel if we had a similar approach in the US?
1. Read this article about China's program and its origins. <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3175792>
* How do credit systems facilitate business and commerce?
* Is a tech-enabled social credit system just a new form of an old tool?
* How does tech and AI make China's social credit system different than other financial credit systems? Online reviews? Social media likes?
* Do you think the US can adopt a similar system? How do you think such a system would be received?
* In the US and EU, do you think ethics and policy considerations are enough to to prevent the harms of such a possible system, or is regulation needed?
 |

|  |  |
| --- | --- |
| **6** | **Wednesday, December 14, 9am-11am US PST / 1800-2000 CET** |
| **International Human Rights & Uyghur Case Study** | 1. AI & Human Rights podcast Episode:  <https://podcasts.apple.com/us/podcast/episode-02-human-rights/id1554475752?i=1000509823113>2. Next, listen to Episode 3, which discusses the intersection of AI and Human Rights: <https://podcasts.apple.com/us/podcast/episode-03-intersection-of-ai-and-human-rights/id1554475752?i=1000509823115> 3. Lastly, we will do a case study on the use of AI to target the Uyghur minority in China. Here is a very broad overview of what is happening with China and the Uyghur minority: <https://www.bbc.com/news/world-asia-china-22278037>Next, here is a personal account of the pervasiveness of surveillance of Uyghur (NPR Planet Money podcast - you can listen on this weblink or find it wherever you get your podcasts): <https://www.npr.org/transcripts/738949320>Your final task for this class is to read this report that more expressly explains how AI is being use to profile and target the Uyghur minority group in China: <https://strathprints.strath.ac.uk/71586/1/Daly_GISW2019_Algorithmic_oppression_Chinese_characteristics_AI_against_Xinjiang_Uyghurs.pdf> |

|  |  |
| --- | --- |
| **7** | **Thursday, December 15, 9am-11am US PST / 1800-2000 CET** |
| **Bias in AI** | Read these examples of bias in AI. As you read these three examples, think about the questions below:1. Sexual orientation: <https://datasociety.net/wp-content/uploads/2018/05/AI-Systems-and-Research-Revealing-Sexual-Orientation_Case-Study_Final_CC.pdf>2. Racial discrimination: <https://www.propublica.org/article/machine-bias-risk-assessments-in-criminal-sentencing>3. Gender bias: <https://www.reuters.com/article/us-amazon-com-jobs-automation-insight-idUSKCN1MK08G>* What is bias or potentially bias about these AI tools? Think both about intended outcome and unintended uses or results.
* Why do you think these AI tools have their particular potential for biases? What went wrong?
* What is the impact on society of AI bias? Consider in particular more subtle examples of AI bias - ones that we may not fully recognize yet.
* How do these examples make you feel about the reliance on AI for decision-making?
* Link your thinking back to our study of social credit and of the Uyghur population in China. How does AI's potential for outward or unintended bias affect its use more broadly? How does this interplay with our study of AI and Human Rights?

Next, let's look at potential solutions to AI bias. Begin by skimming this report about AI bias.4. Read this report: <https://www.dwt.com/-/media/files/blogs/artificial-intelligence-law-advisor/2022/03/nist-sp-1270--identifying-and-managing-bias-in-ai.pdf>As you read the report, think about the following:* Be able to describe some of the steps that can be taken to manage AI bias. Consider your own opinion on how effective, useful, or successful these suggestions can be.
* Think about fairness vs. justice again. How do we define success in AI design?
* Can a self-regulatory approach -- that encourages best practices and guidelines -- suffice? Is more necessary?

Lastly, we are going to look at a proposed legislative solution in the US. Read the following:5. Early analysis of proposed Algorithmic Accountability Act: <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3615731>6. As an update to the above, skim the current proposal (you don't need to close read the statute itself but feel free to dig in as much as you'd like, as the full proposed law is included here): <https://techpolicy.press/senators-introduce-algorithmic-accountability-act/>* Be able to describe what the proposed US AI legislation will do and what enforcement mechanisms or remedies exist.
* If a law like this is passed, where do you think that puts the US on the spectrum of approaches to AI policy? If you think it marks a shift away from a market-based approach, do you think that's a good thing?
* What benefits and challenges do you foresee from a law like this?
 |

|  |  |
| --- | --- |
| **8** | **Friday, December 16, 9am-11am US PST / 1800-2000 CET** |
| **Case Study – Deep Fakes** | To begin, here is a podcast that explains the technical background of deepfakes and some of the applications of this new technology.Malicious Life, by Cybereason, GAN and Deepfakes, Part 1: <https://podcasts.apple.com/ie/podcast/gan-and-deep-fakes-part-1/id1252417787?i=1000460303649>Next, let's see examples of deepfakes. Start with this funny example of Bill Hader shape-shifting: <https://www.youtube.com/watch?v=VWrhRBb-1Ig>Follow it up with watching this (more serious) 60 Minutes story about them: <https://www.youtube.com/watch?v=Yb1GCjmw8_8>Here is a law review article that highlights the impact and challenges of deep fakes. You can skim this, but pay particular attention to the impact of deep fakes in business: <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3213954> (OPTIONAL: author Danielle Citron also did a short TedTalk on the topic of this article, which you can watch here if you'd like: <https://www.ted.com/talks/danielle_citron_how_deepfakes_undermine_truth_and_threaten_democracy>) Next, here is the European Parliament's report on EU policy options to deal with deep fakes. Go ahead and skim this to get a sense of approaches the EU may take to AI policy and deep fakes: [https://www.europarl.europa.eu/RegData/etudes/STUD/2021/690039/EPRS\_STU(2021)690039\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2021/690039/EPRS_STU%282021%29690039_EN.pdf)Lastly, here is an example of a US deep fake bill (from California):<https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB602> |

|  |  |
| --- | --- |
| **9** | **Monday, December 19, 8:00am-11am US PST / 1700-2000 CET** |
| **AI & Government; Predictive Policing** | For this class, we will wrap up our look at government/public use of artificial intelligence. Here is the work for class. 1. Finish our Ai & Human Rights podcast by listening to the fourth and final episode in the series: Going Forward. Here is the Apple Podcast link; of course, go ahead and find this in whatever podcast app you prefer.<https://podcasts.apple.com/us/podcast/episode-04-going-forward/id1554475752?i=1000509823112>2. Take a look at the UN Special Rapporteur Report on extreme poverty, human rights, and the digital welfare state. You can skim this, as it will overlap quite a bit with the entire podcast series and materials we've already covered. But as you skim, you may want to focus on the positive aspects and solutions proposed.<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N19/312/13/PDF/N1931213.pdf?OpenElement>* As you listen to and read the above items, think about the following:
* What questions do we have to ask about the use of AI, especially for decision-making?
* What considerations should be included in an effective AI policy?
* How can we harness AI to improve access to social protection systems?

We will then look at predictive policing, with the city of Los Angeles as a particular example.3. Read this short and broad overview of predictive policing and its pros and cons. <https://www.liberties.eu/en/stories/predictive-policing/43679>4. Next, check out this Atlantic article, Do algorithms have a place in policing? <https://www.theatlantic.com/politics/archive/2019/09/do-algorithms-have-place-policing/596851/>5. The last item for the predictive policing case study is this law review article, Reckless Automation in Policing:<https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4009911>Lastly, I had you look at the AI Algorithmic Accountability Act for class 7. We'll now take a closer look at discuss that proposed legislative solution in the US and will add the EU approach:8. Skim this article by two academics analyzing the EU AI Act:<https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3896852>(if you want to read the draft EU AI Act itself, here it is: <https://artificialintelligenceact.eu/the-act/>)* What are the similarities and differences between the two acts?
* What do you think will be most effective about them?
* What improvements do you think could be made?
 |

|  |  |
| --- | --- |
| **10** | **Tuesday, December 20, 8:00am-11am US PST / 1700-2000 CET** |
| **AI & The Future of Work** | 1. Read this academic article on the future of work in the age of AI: <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3647367>2. Read this short Politico article about AI and workplace surveillance: <https://www.politico.eu/article/ai-workplace-surveillance-facial-recognition-software-gdpr-privacy/>3. To see more about how this works, here is video demo of Teramind, a workplace surveillance tool: <https://www.youtube.com/watch?v=Gc021ChUXUo&t=27s>After you read the above, think of the following:* What does the Moradi & Levy article tell us about the reality of displacement due to AI? In what other ways will AI affect the future of work? What ethical, policy, and other concerns arise from use of AI in the workplace?
* Based on the Forbes article, how is AI facilitating workplace surveillance and what are the privacy concerns this raises?
* What do you think of Teramind? How do you think it uses AI? Do you think this is good, bad, neutral? How would you feel if you owned a company, was a lower-level worker at a company?

4. Read this Forbes article about hiring software that may be sorting out qualified candidates: <https://www.forbes.com/sites/forbesnonprofitcouncil/2021/11/16/ai-can-be-a-force-for-good-in-recruiting-and-hiring-new-employees/>5. Check out this interview AI tool that HR departments may start using to help screen candidates: <https://www.youtube.com/watch?v=QfuGRCmXmCs>6. Skim this article about mitigating bias in hiring algorithms: <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3408010>For the above three items, consider the following discussion points:* What are the potential benefits of using AI for hiring? Risks?
* How do we counteract AI bias in the hiring process?
* What rules/regulations may be implicated by AI use in hiring?

7. The last thing for this unit is digging into the AI and the Future of Work podcast. It has 121 episodes. Each episode is an interview with an industry person discussing the future of their industry in light of advancements in AI. I've had a hard time picking one to assign, so for part of class, I will have each of you pick one episode and present on it for 2-3 minutes. Here is the entire series on Apple Podcasts.<https://podcasts.apple.com/us/podcast/ai-and-the-future-of-work/id1476885647>When you scroll down, you will see "load 10 more episodes," which you can click multiple times until all 120 episodes are loaded. Skim the list and see what piques your interest. Pick the one you want to listen to.For this unit, you will be asked to orally present the following on your chosen podcast episode:* Who is being interviewed? Include their industry and role.
* What are some of the key ways AI is affecting their field. Include both positives and negatives (to the extent they discuss both).
* Did any of the regulatory or policy issues we've discussed in class come up in the interview. This includes AI ethics, policy, fairness, accountability, transparency, potential for bias, unforeseen consequences/uses, or other related concepts.
* Do you think the episode presented a balanced, thorough, or thoughtful view of AI in that field?
 |

|  |  |
| --- | --- |
| **11** | **Wednesday, December 21, 8:00am-11am US PST / 1700-2000 CET** |
| **Case Study – Law & Medicine** | 1. Begin with this article that gives an overview of how AI may affect the practice of law: <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3066816>2. Next, read this article by Harry Surden on the impact of machine learning in particular on the legal field: <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3686055>3. Skim Prof. Simshaw's article about the ethics of AI in the practice of law, which gets into more depth on the ethical challenges facing lawyers and the legal profession as AI becomes more pervasive. <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3308168>4. Read this article about AI & mediation, <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3830033>)For the above reading, we will discuss the following:* In what ways will AI be a beneficial development for the practice law?
* What are the concerns or potential issues with AI use in the legal profession?
* As a soon-to-be-lawyer, what are you hopes, fears, and forecasts about how AI will affect your future career?

5. Now, for medicine, here is an article about the ethical and legal challenges with AI-driven healthcare: <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3570129>* What are the approaches taken so far to regulate AI & medicine? How do the EU and US approaches compare?
* What are the ethical challenges of AI in healthcare?
* What are the legal challenges of AI in healthcare?

6. Lastly, let's talk about liability when AI causes injury. Skim this article about liability for AI in healthcare: <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4115538> |

|  |  |
| --- | --- |
| **12** | **Thursday, December 22, 8:00am-11am US PST / 1700-2000 CET** |
| **Case Study – Driverless Cars****Course Wrap-Up** | 1. Here is a compilation of proposed, failed, or enacted AI legislation in US states. Check out some of these recent or proposed laws: <https://www.ncsl.org/research/telecommunications-and-information-technology/2020-legislation-related-to-artificial-intelligence.aspx>).* What are the types of approaches proposed here?
* Do you think these types of laws will be effective?
* What approach would you propose for regulating AI in the US?

We will then discuss our final case study: driverless cars. We will do the following:2. Read this law review article about the misregulation of driverless cars: <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2819473>* Be prepared to discuss the legal challenges, gaps, and other disruptions arising out of autonomous vehicles.

3. Browse this website geared towards the insurance industry about the state of driverless car rules and ethical concerns in the US: <https://www.autoinsurance.org/which-states-allow-automated-vehicles-to-drive-on-the-road/>* Select something that is interesting to you from the website, especially as to federal or state legislation on driverless cars.

4. For the course wrap-up, I would love to hear your thoughts about this course and whether it has changed your thinking about AI or how you interact with technology.  |