

The Ethics of Legal AI

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What we will cover today

Data is at the core of every decision corporations make and has become a powerful resource that will only continue to drive innovation.

Leaders are continuing to grapple with creating a standard of Ethics for their organizations to follow as they begin deploying more AI models.

Data comes with ethical and privacy challenges, and many organizations are trying to find the balance between using data in an ethically sound manner while also not compromising on privacy.

How do you draw a line in the sand as we all seek to formalize "just because we can, doesn't mean we should"?





What is AI?

How does it work?



Artificial Intelligence Defined

The theory and development of computer systems able to perform tasks that normally require human intervention, such as visual perception, speech recognition. Decision-making, and translation between languages.

-Oxford Dictionaries



Artificial Intelligence Defined

The ability of a digital computer or computer-controlled robot to perform tasks commonly associated with intelligent beings. The term is frequently applied to the project of developing systems endowed with the intellectual processes characteristic of humans, such as the ability to reason, discover meaning, generalize, or learn from past experience.

-Britannica



Artificial Intelligence Defined

What is AI vs

- *ML (Machine Learning)*
- *DL (Deep Learning)*
- *GAI (Generative Artificial Intelligence)*





AI

**In the
legal
profession**



AI in Law

Legal research ... writing ... drafting ...
analytics ... prediction ... data
enrichment ... electronic discovery ...
communications ... investigation ...
compliance

Litigation ... mergers & acquisitions ...
employment ... intellectual property
... etc.



AI in Law

Law and corporations

- External Counsel
- Internal Counsel
- Support Staff (data scientists ... privacy officers ... IG ... legal operations ... regulatory compliance officers ... legal technologists ... etc.)





AI

**Legal
issues**



AI – Ethical Implications

Core competency

Reliability of data/bias

Meaningful supervision

Confidentiality

Client communication

Privacy considerations

Risk allocation



AI – Ethical Implications

Core competency Model Rule 1.1



AI – Ethical Implications

Reliability of data/bias
Model Rules 2.1, 8.4



Where do AI bias issues manifest?

- Customer Service (e.g., Chatbots, etc.)
- Human Resources/Labor & Employment
 - Hiring
 - Productivity evaluations
 - Compensation calculations
- Intellectual Property matters
- Privacy/data security concerns
- XAI
- Explainability/black box AI



Algorithm Bias Issues

- *Does the data set being used reflect the full populations?*
- *Need to understand how input creates biased output.*
- *Historical data can perpetuate bias. If the data set is based on history, how do we prevent the same mistakes from happening again?*



Can Algorithmic Biases be Avoided?

According to the McKinsey Podcast, "The Ethics of Artificial Intelligence"...

DIVERSITY IS KEY

- ✓ Diversity of team members
- ✓ Mindset/personality diversity
- ✓ Data diversity
- ✓ Diversity of Algorithmic Models



AI – Ethical Implications

Meaningful supervision **Rules 5.1, 5.3**



AI – Ethical Implications

Confidentiality

Rule 1.6



AI – Privacy Considerations

HIPAA/federal

- *State privacy statutes (California x2 etc.)*
- *Cybersecurity*
- *Foreign laws (GDPR; Canada; India etc.)*
- *Electronic discovery*



AI – Ethical Implications

Client communication

Rule 1.4



AI – what can go wrong?



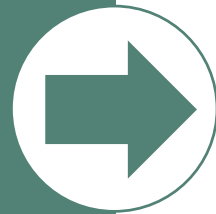
AI – Should You or Shouldn't You?

Questions to consider before implementation

- What type to implement? AI or GAI?
- Client training – what does it look like?
- Communications – easily understood audit trail
- Oversight – data scientist? Analytics director?
Advanced training educator?
- Fairness – how is the AI training set examined for responsible AI?



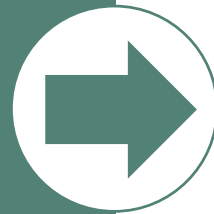
**Thank
you!**



Questions?



Legal Disclaimer



This document is not intended to give legal advice. It is comprised of general information. Individuals and entities facing specific issues should seek the assistance of an attorney.

