


The background is a dark blue gradient with a complex pattern of light blue lines and shapes. The lines resemble circuit traces or data paths, with some ending in small circles. There are also several squares of varying sizes and orientations scattered throughout the design.

Ethics and Defensible use of AI

][IPRO



my IPRO LEARNING CENTER



CLE Credit: Ethics and the Defensible Use of Artificial Intelligence

Learn about Artificial Intelligence and how it can be used to increase performance and streamline processes in the legal realm

Curriculum **About this course**

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In this live webinar, IPRO's Chief Data Scientist Jan Scholtes will demonstrate to attendees how artificial intelligence can be used in the legal sphere, increasing accuracy, performance, and efficiency. Bobby Malhotra, Partner at Winston & Strawn LLP, will be on hand to offer his expertise from a legal perspective.

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- How AI can be applied and adopted ethically
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] Today's speakers



Johannes (Jan) Scholtes

Chief Data Scientist – IPRO

Full Professor Text-Mining & AI at Maastricht University. Scholtes is an innovator that drives and coaches multiple AI Data Scientists at IPRO solving eDiscovery challenges.

Scholtes acted as President / CEO of ZyLAB and over the years he was involved in multiple investigations including UN War Crimes, Enron's fraud, White House Internal Investigations, FTC and more.



Bobby Malhotra

Partner - Winston & Strawn LLP

Bobby primarily focuses on navigating complex eDiscovery issues in high-stakes litigation and investigations using unique combinations of both technical knowledge and legal experience.

As an industry thought-leader and member of the firm's litigation practice group, Mr. Malhotra develops innovative, cost-effective and defensible strategies.

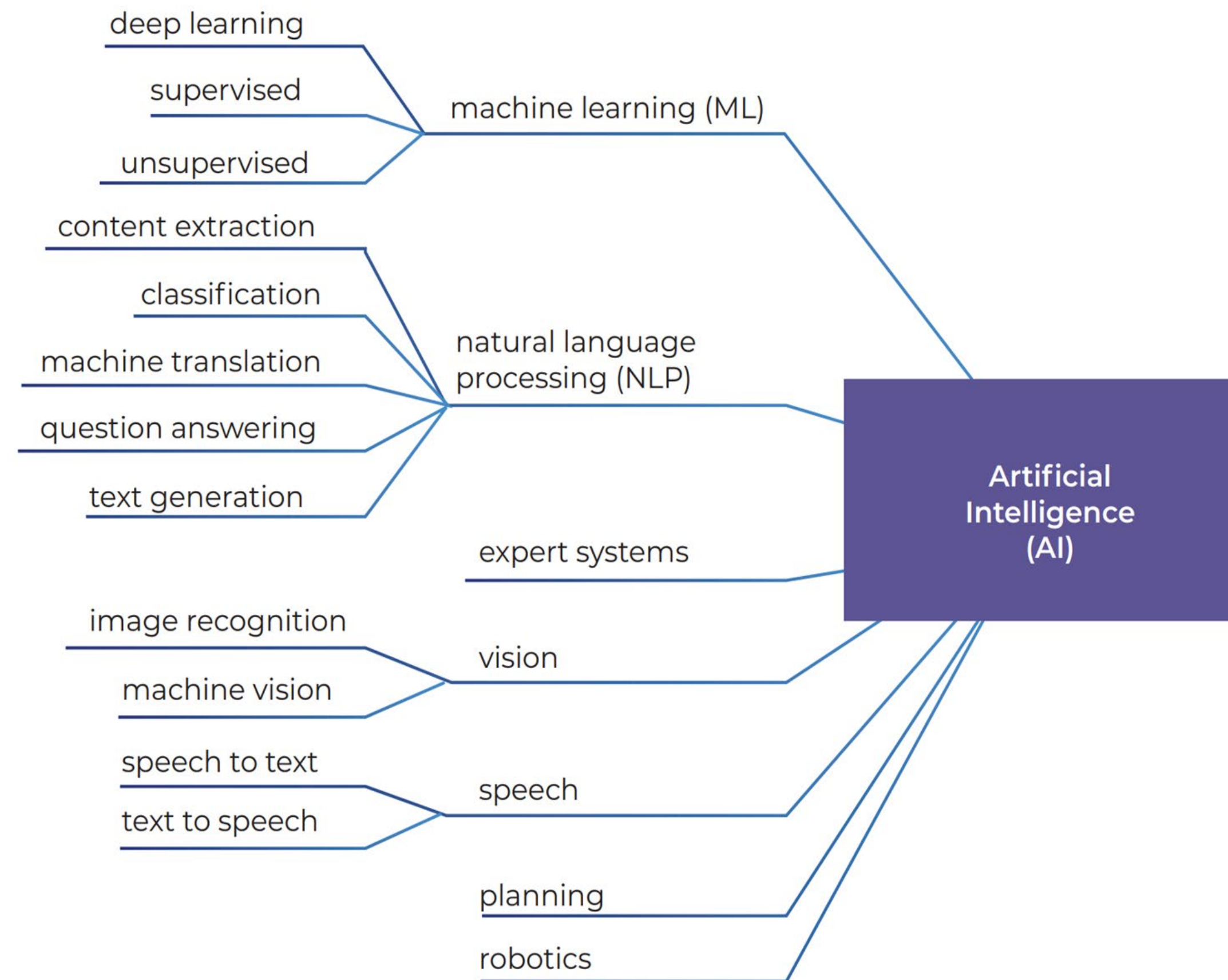


Sarai Schubert – Moderator

IPRO's Chief Operating Officer, Sarai Schubert is responsible for overseeing product strategy and execution to ensure IPRO provides their customers with more efficient outcomes.



- . What is Artificial Intelligence (AI)?
- . Why should we use AI? How can AI make a lawyer's life easier?
- . Use cases and challenges of AI for legal applications
- . A deeper look at legal defensibility and AI
- . How about (ABA) ethical obligations?
- . Q&A

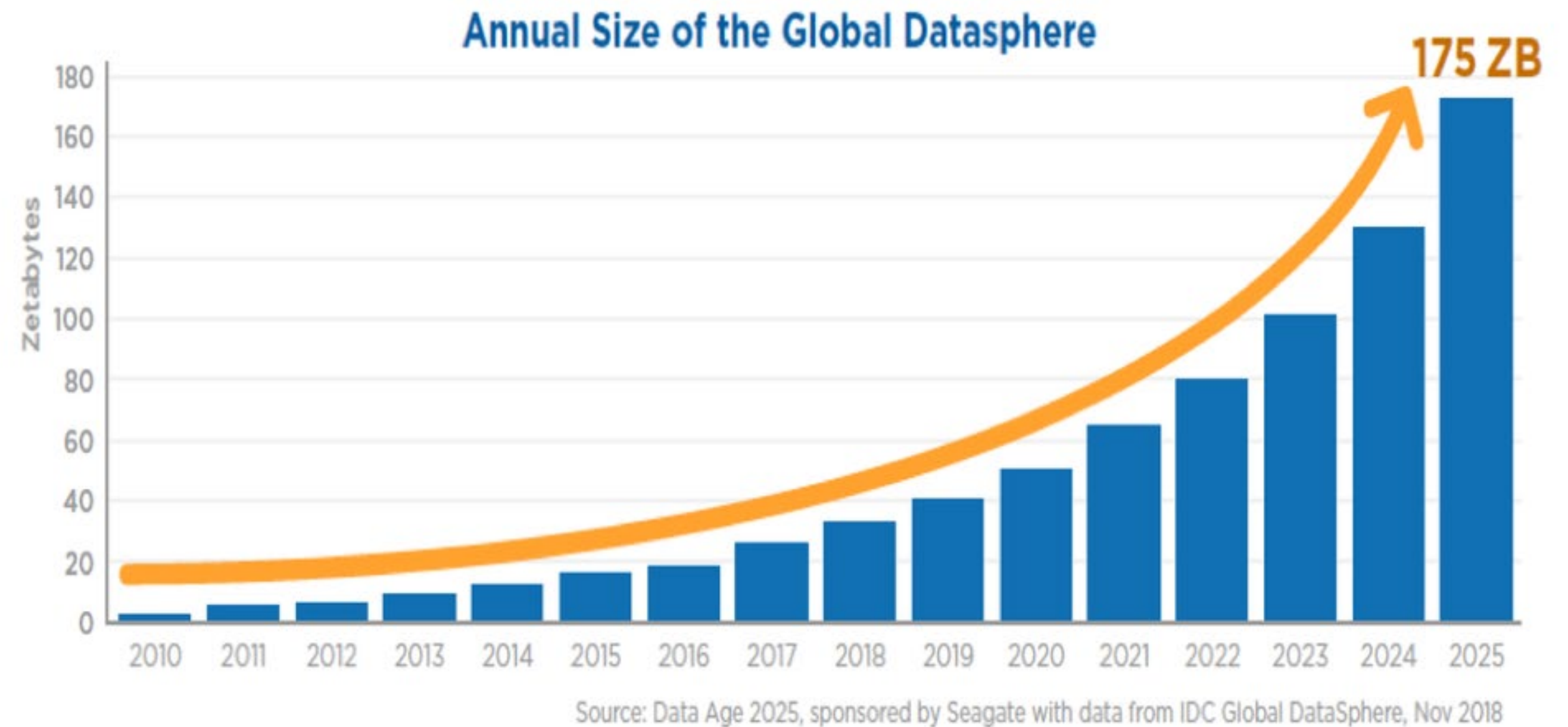


What is Artificial Intelligence?

Data continues to grow, driving unreasonable cost and timelines to review documents

It is burdensome to find the needle in a haystack as you sort through millions of documents

It's becoming **necessary** and requested by opposing counsel when you're dealing with larger and complex litigation to better analyze the information, reduce cost and speed the process



Why Should we use AI?

The problem with human judgement ...

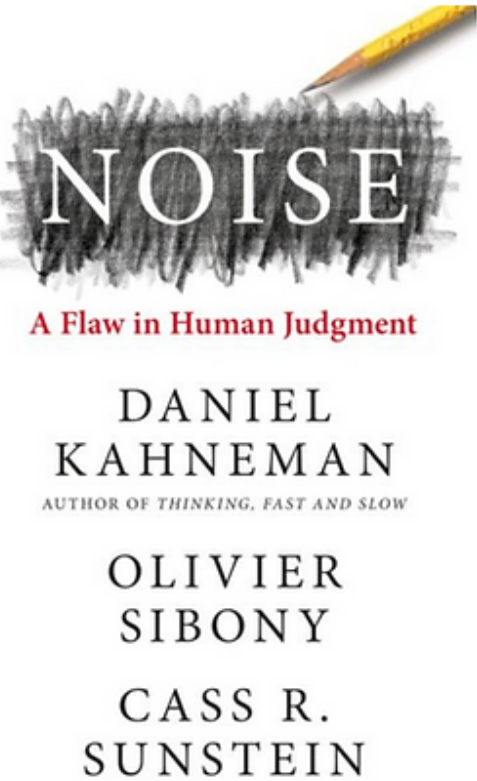



the day or after a food break than immediately.
If judges are hungry, they are tougher.
of thousands of juvenile court decisions found i

We have more than 200 cognitive biases ...

https://en.wikipedia.org/wiki/List_of_cognitive_biases

“Wherever there is judgment, there is **noise**—and more of it than you think.”



Book Summary: tobysinclair.com

Different human beings are inconsistent in their decisions. The same humans even make different decisions depending on time, mood or place.

“Humans are even inconsistent in being inconsistent ...”

Contents [hide]

- 1 Belief, decision-making and behavioral
 - 1.1 Anchoring bias
 - 1.2 Apophenia
 - 1.3 Availability heuristic
 - 1.4 Cognitive dissonance
 - 1.5 Confirmation bias
 - 1.6 Egocentric bias
 - 1.7 Extension neglect
 - 1.8 False priors
 - 1.9 Framing effect
 - 1.10 Logical fallacy
 - 1.11 Prospect theory
 - 1.12 Truthiness
 - 1.13 Other
 - 1.14 Social
 - 1.14.1 Association fallacy
 - 1.14.2 Attribution bias
 - 1.14.3 Conformity
 - 1.14.4 Ingroup bias
 - 1.14.5 Other
- 2 Memory
 - 2.1 Misattribution of memory
 - 2.2 Other

When humans are cognitively not suited or when there is too much noise, distraction or risk for bias ...



- Viewing a million pictures
- Watching 100 hours of video
- Searching through 2 million emails
- Extracting information from 500 binders
- Redacting large number of documents
- Reporting on redactions
- Retention of 1000s of emails or memo's
- Compliance monitoring
- ...



Better to have computers support humans in such tasks!

* AI has been proven in Courts BETTER, FASTER, more cost-effective!

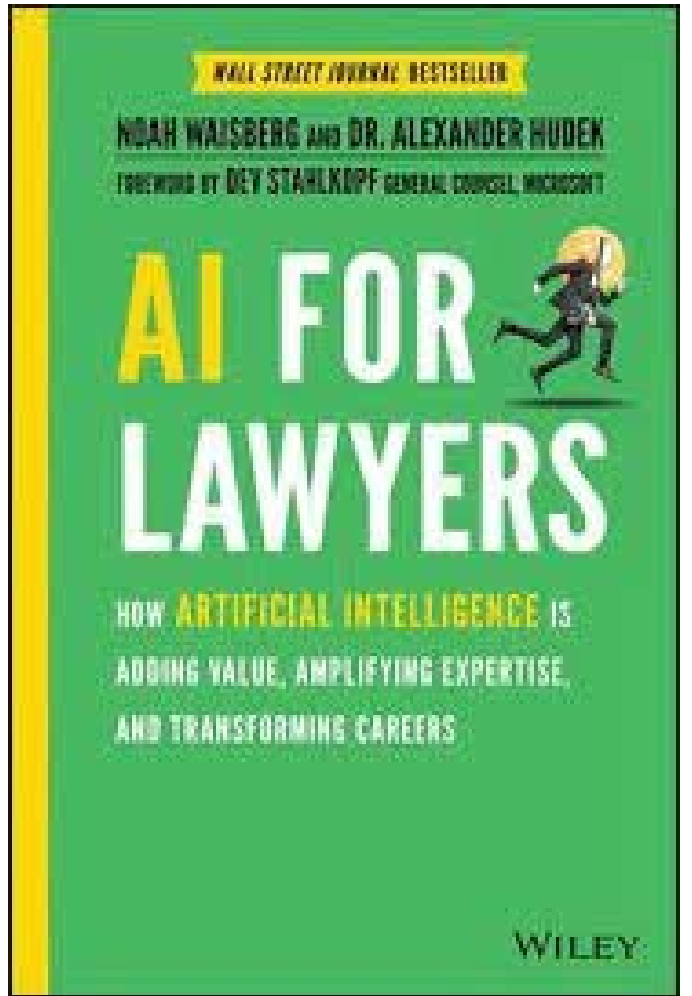
Teach the computer what to look for ...

No complex queries, just review documents

Estimate accurately percentage of all relevant documents found at end

3x more relevant documents than Boolean search

2x total number of relevant documents is all that need to be reviewed



Legal Analytics Helps Companies Win

Choose outside counsel, assess cases, and set litigation strategy and tactics.

[Learn More](#)

Predict the behavior of courts, judges, lawyers and parties with Legal Analytics.



Chapter 6

Quantifying Success: Using Data Science to Measure the Accuracy of Technology-Assisted Review in Electronic Discovery

Maura R. Grossman and Gordon V. Cormack

Contents

- Technology-Assisted Review and the Role of Measurement 128
- Review Objectives 128
- Review Methods 131
- Exhaustive Manual Review 131
- Calling or Narrowing the Collection 131
- Rule-Based TAR 132
- Supervised Machine Learning for TAR 134
- How to Train 134
- What to Expect 139
- Measuring Success 138
- Research Results 138
- Answer Diagnosis 138

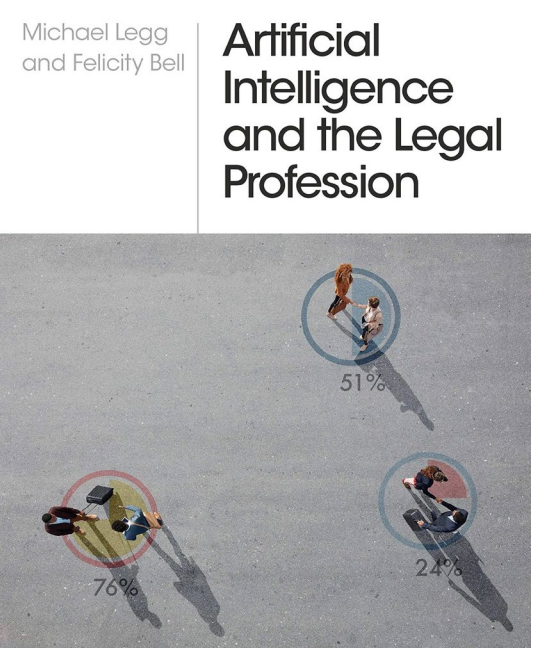
Evaluation of Machine-Learning Protocols for Technology-Assisted Review in Electronic Discovery

Georgios A. Giannopoulos
University of Waterloo
giannopoulos@uwaterloo.ca

Maura R. Grossman
University of Waterloo
mgrossman@uwaterloo.ca

ABSTRACT

This paper evaluates the effectiveness of machine learning protocols for technology-assisted review (TAR) in electronic discovery. The authors compare the performance of supervised machine learning protocols against traditional keyword and Boolean search methods. The results show that supervised machine learning protocols significantly outperform traditional methods in terms of accuracy and efficiency. The authors also discuss the challenges of implementing TAR and provide recommendations for best practices.



Maastricht University *Leading in Learning!*

Department of Data Science and Knowledge Engineering

Contract Law

VS

AI vs **LAWYERS**

TIME TAKEN

AI: 26 SEC

LAWYER: 92 MINUTES

The longest time taken by a lawyer to complete the test was 150 minutes. The shortest time was 57 minutes.

ACCURACY LEVEL

AI: 94%

LAWYERS: 85%

The AI achieved an accuracy level of 94%, compared to an average accuracy level of 85% across 20 human lawyers.

PERFORMANCE

LAWGEEK ARTIFICIAL INTELLIGENCE: 94%

HIGHEST PERFORMING LAWYER: 94%

LOWEST PERFORMING LAWYER: 67%


Source: LawGeek - 2018 23

Regulatory Oversight

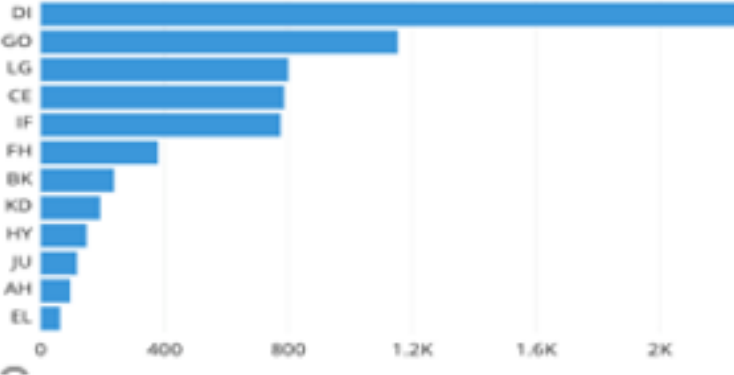




Use Cases of AI in Legal Applications

AI can help you focus on CONTEXT



1. Type: PDF (Adobe)
2. Pages: 3
3. Title: New Position.PDF
4. Created by Jane Smith
5. Modified by Jane Smith
6. Created on 2017-12-01
7. Path folder Name: "RMH"
8. Printed on 2018-01-12 @ 4:15 PM EST

Employment Agreement

Rudolph M Hettinger

Employee's Address

Metadata

VS

Entity Information

State of Washington Rev. . .

EMPLOYMENT AGREEMENT

This Employment Agreement (the "Agreement") is made as of this 22 day of January, 2018, (the "Effective Date") by and between Rudolph M Hettinger ("Employee"), located at 4488 Thomas Street, Springfield Center, NY 13468 and Susan C Clarke, located at 1493 Main Street, Seattle, WA 98161 ("Employer"), (each, a "Party" and collectively, the "Parties"). The Parties agree and covenant to be bound by the terms set forth in this Agreement as follows:

1. **Employment.** Employer shall employ Employee as a Personal Assistant on a full time basis under this Agreement. In this capacity, Employee shall have the following duties and undertake the following responsibilities:
 - manage correspondence for the CEO
 - sit in on meetings when the CEO is unable to attend
 - offer valuable insight to company products

Employee shall perform such other duties as are customarily performed by other persons in similar positions, including other duties as may arise from time to time and as may be assigned.

2. **Performance of Duties.** Employee shall perform assigned duties and responsibilities in a professional manner, in good faith, and to the best of Employee's skills, abilities, talents and experience.
3. **Term.** Employee's employment under this Agreement shall begin on January 29, 2018 and be for an unspecified term on an "at will" basis.
4. **Compensation.**
 - A. **Base Salary.** As compensation for the services provided by Employee under this Agreement, Employer will pay Employee \$15.00 USD per hour. The amount will be paid to Employee once a month on the 7th day of each month. Employer shall deduct or withhold any and all federal income and social security taxes and state or local taxes as required by law.
 - B. **Overtime.** Employee shall not receive overtime compensation for services performed as a salaried or exempt employee.
 - C. **Additional Compensation.** Any additional compensation or bonuses paid to Employee shall be paid at the sole discretion of Employer.
5. **Work Location.** Employee will primarily perform their employment duties at 1493 Main Street, Seattle, WA 98161.
6. **Employee Benefits.** Both parties will comply with Employer policy regarding employee benefits or as required by law.
 - A. **Paid Time Off.** Employee shall be entitled to paid time off in the amount of as required by state and local laws.

1 / 3

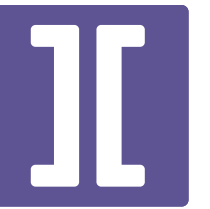
Title - Profession

Salary

Effective Date



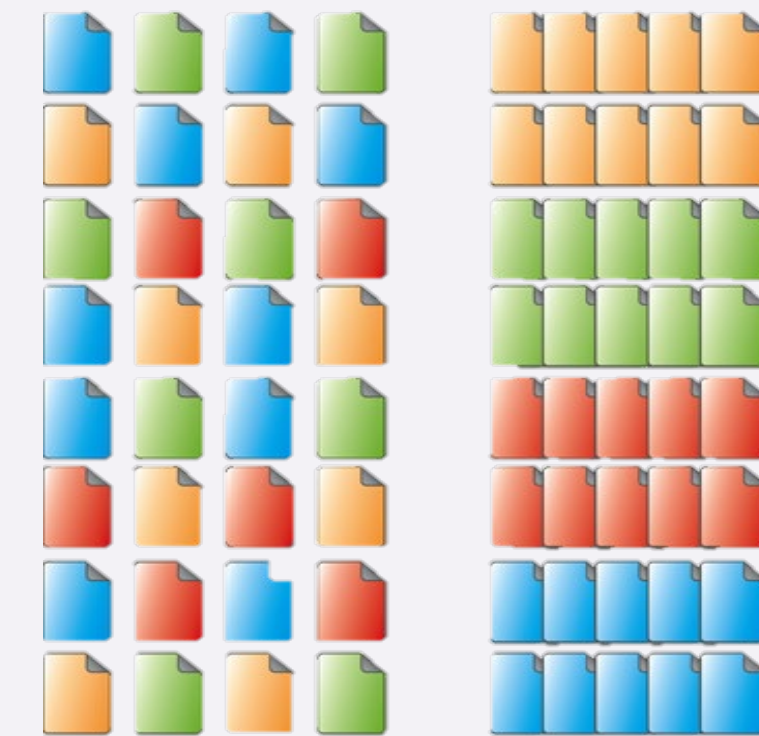
Examples of AI – Importance for Legal Professionals



Find Similar Documents (Classification)

Train the system to find all “*Relevant*” documents ...based on your input

OR simply find all: “Invoices”, “Agreements”, “Pleadings”, “Complaints”...etc.



Find Sensitive Information

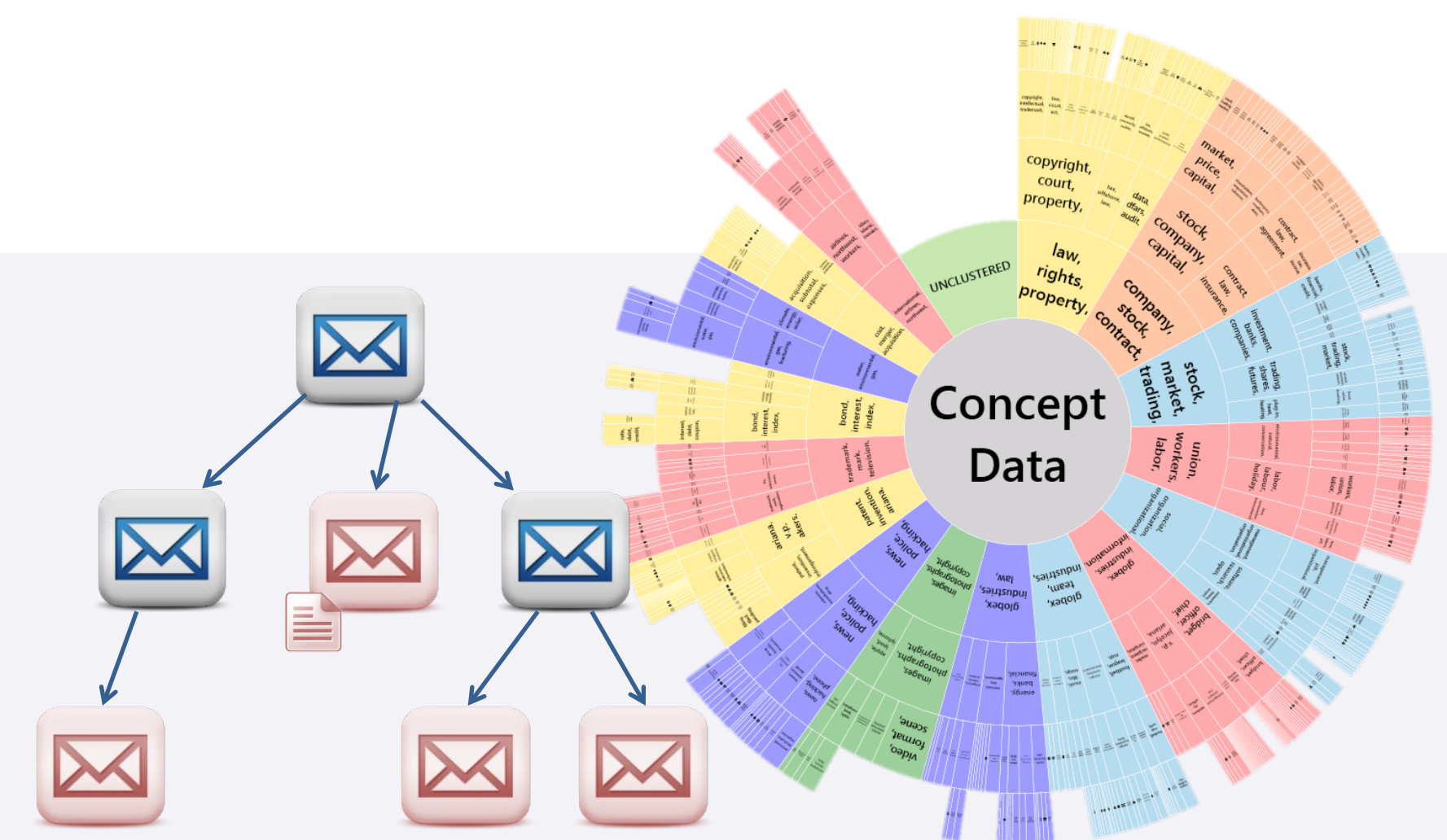
Files that contain personal information, PII, PHI, PCI may need to be redacted or excluded depending on the content.

Communication Trends

Who is talking to who the most?

What are the major topics?

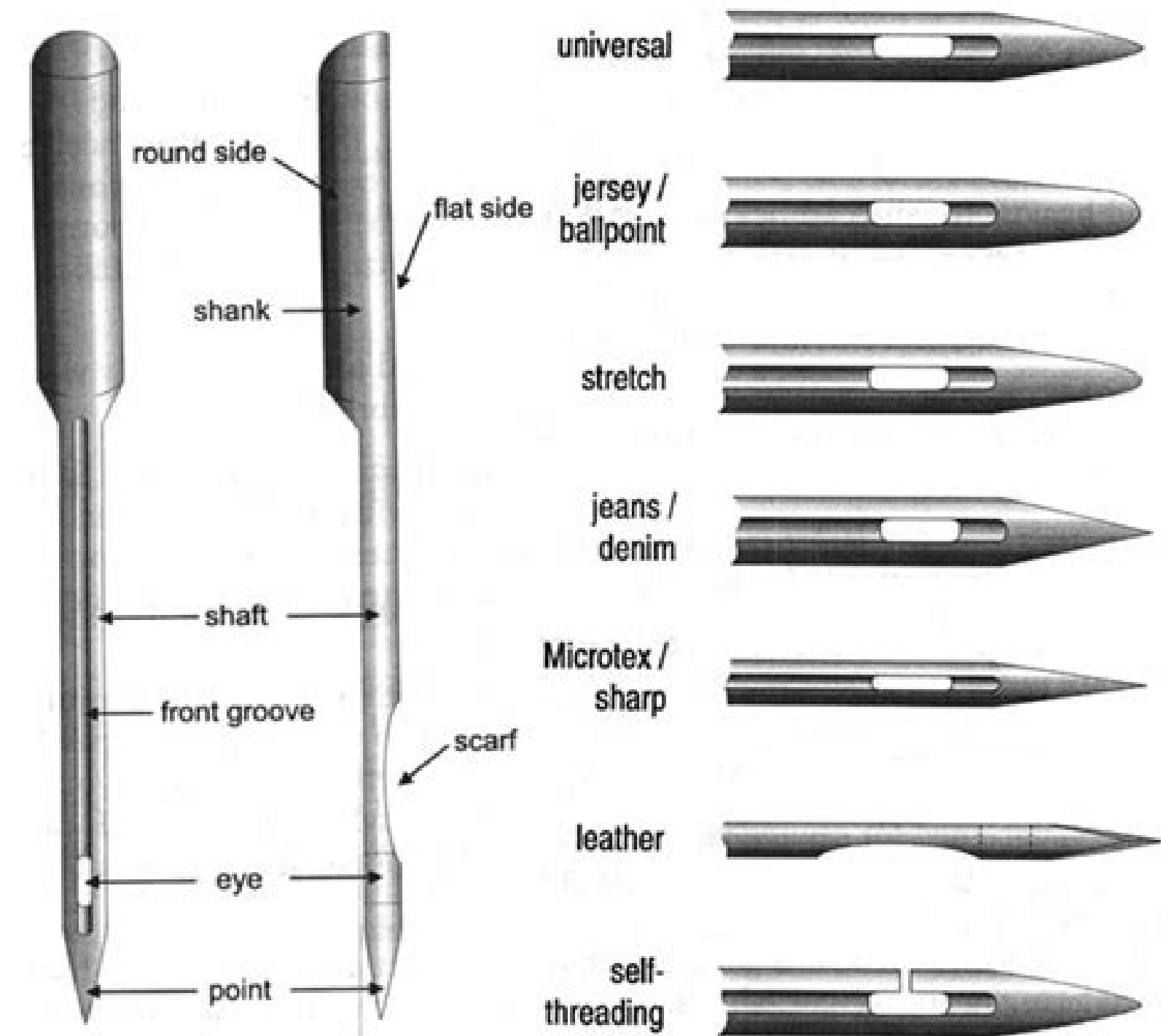
What is the sentiment of the communication?



How does the Needle Look like? Where is the Haystack?



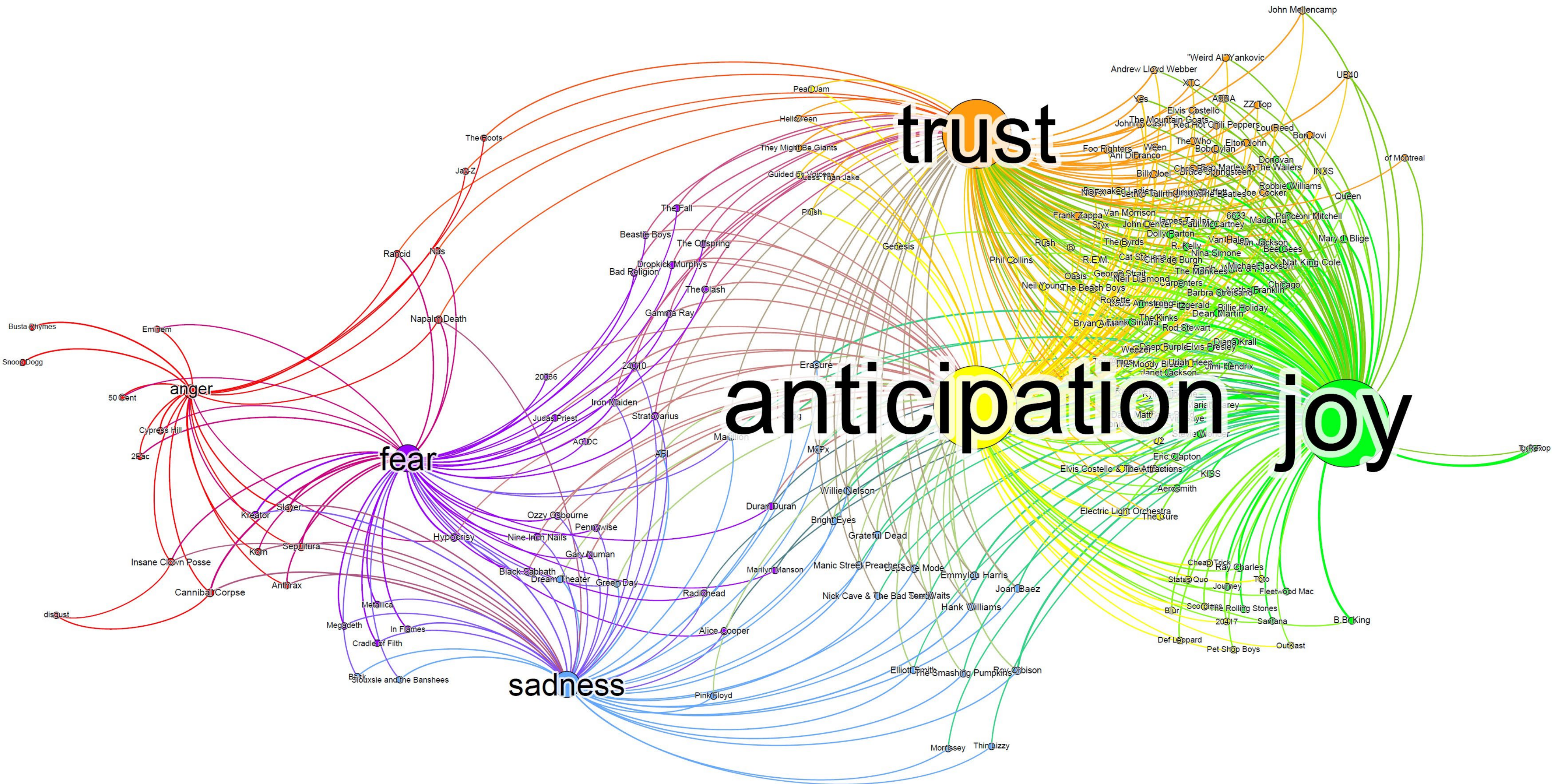
Legal Hold, Identification, Custodian Interviews, Upload, and Collection



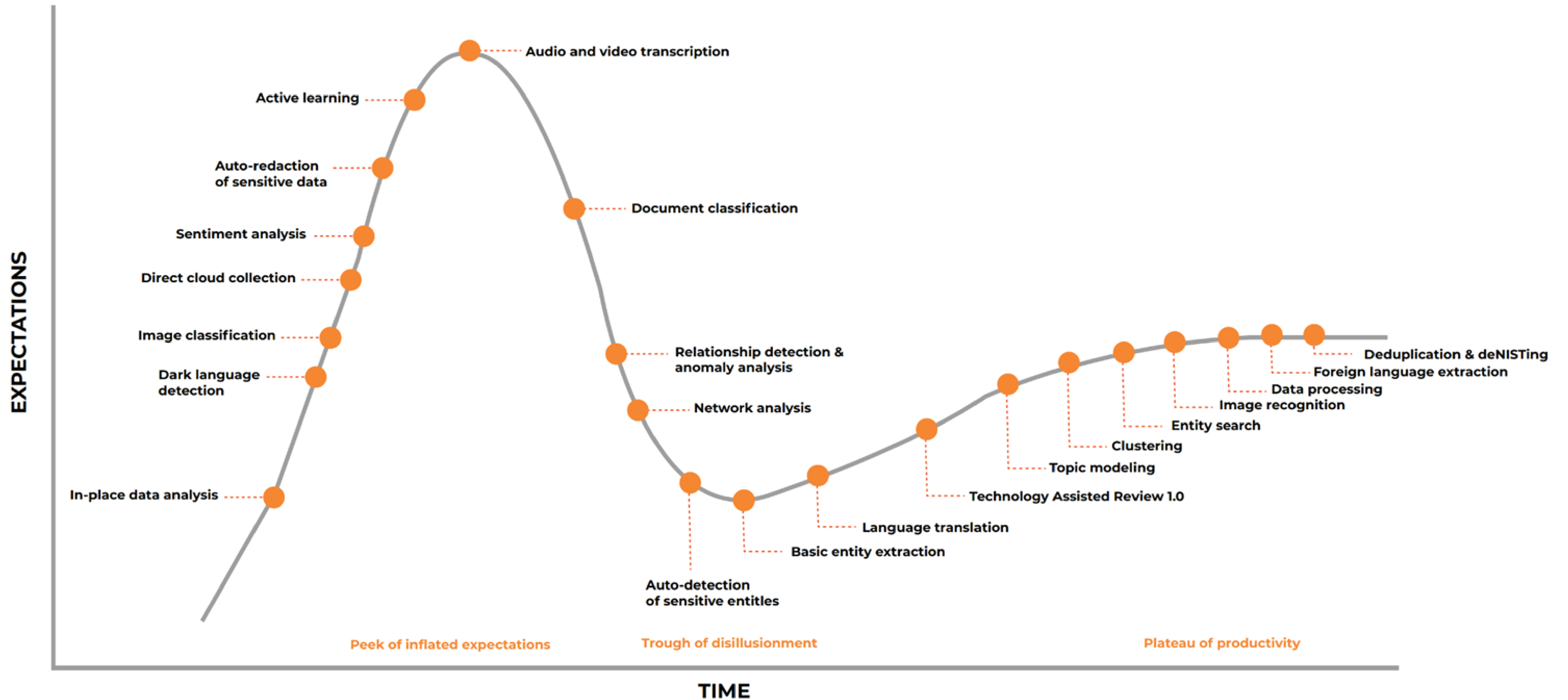
Processing, Analytics, Review and Information Governance Audits



Detection of Language holding Sentiments, Emotions, Intimidation, Pressure, #MeToo, Requests, Problems, ...



Adoption of AI in eDiscovery



- Overall low adoption
- Lack of understanding
- Stakeholder buy in
- Lawyers are “creatures of habit”
- Legal defensibility
- Understand legal use cases
- Replace the skills and capacity of lawyers



Challenges using for Legal Applications

[? Can Attorneys trust AI to make decisions? Need for AI Ethics and Boundaries

- AI has no moral boundaries
- AI has no self-awareness
- AI cannot reflect
- AI cannot contextualize
- AI doesn't get tired after 10 hours of doc review

Humans have
to contain AI!



The Age of A.I.
And Our Human Future
Henry A. Kissinger
x
Eric Schmidt
x
Daniel Huttenlocher



1

Humans and AI

Ethical Responsibility: Humans in the loop

Human in the loop



Human on the loop



Human off the loop



[1 Humans and AI

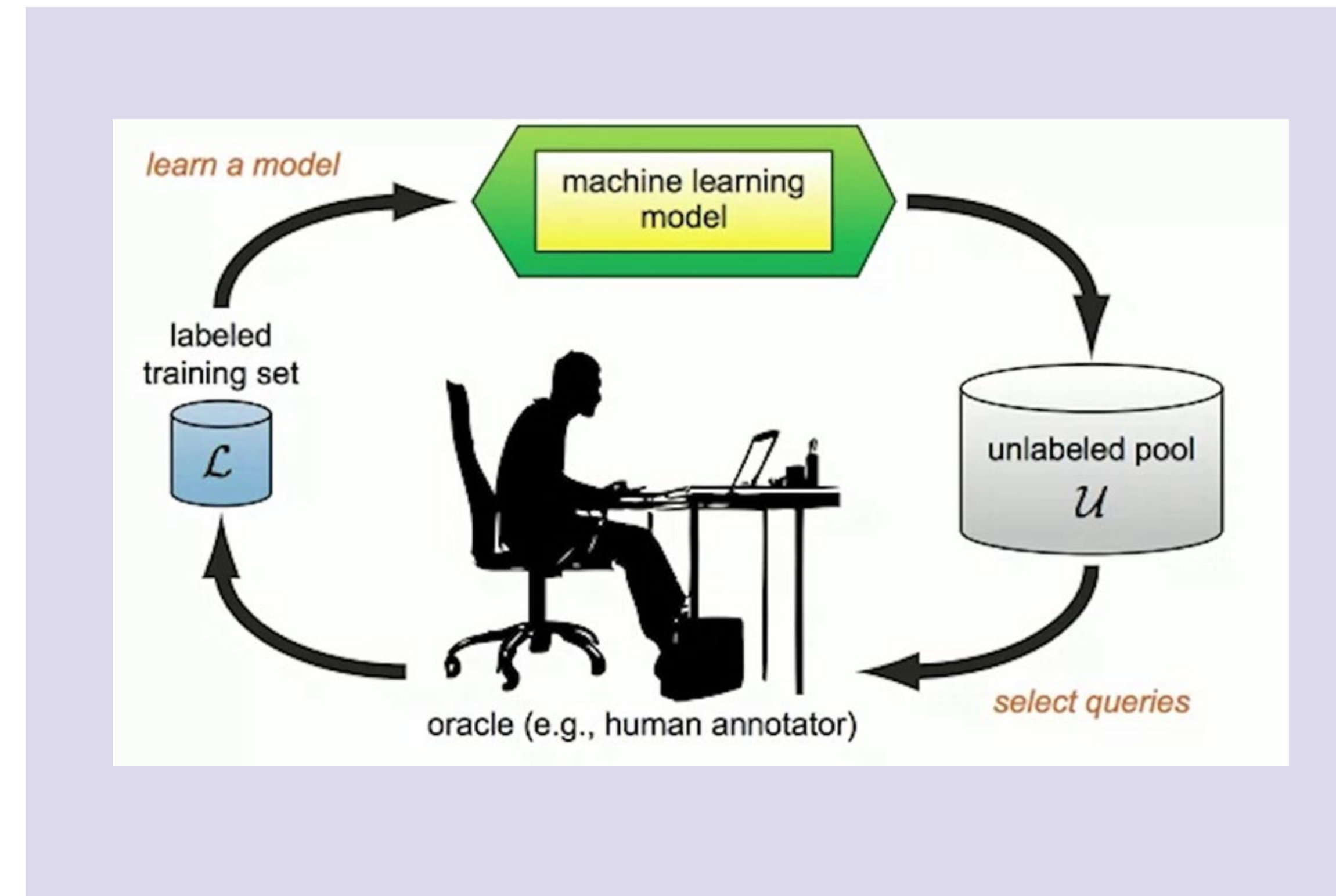
Understand the risk level using different AI approaches

Self-Organizing AI = **Human off the Loop**

Supervised Machine = **Risk for bias**

Active learning = **Human in the loop.**

Humans to assist in order to add new information and to identify & resolve bias.



Ensuring that lawyers use AI in a responsible way

Properly aligning people, process and technology

Legal Defensibility and AI

[! Legal Defensibility of Technology

When Technology is used in eDiscovery or evidence collection

- Compliant with existing legislation?
- Has similar type of technology ever **been challenged** and survived in court (existing case law)?
- **Compliant** with accepted ethical standards?
- Reliable, stable and **transparent** technology?
- **Validated** implementation (i.e. process)?
- Validated usage in this case?

Will it hold up in court?

[2 Legal Defensibility: Understand Case Law and how Courts challenged AI

Examples of Case Law using AI

[Maura R. Grossman](#) and [Gordon V. Cormack](#)

Selected Court Citations

[Moore v. Publicis Groupe & MSL Group, Dist. Court, SD New York 2012.](#) Opinion and order of Andrew J. Peck, Magistrate Judge:

The goal is for the review method to result in higher recall and higher precision than another review method, at a cost proportionate to the "value" of the case. See, e.g., [Maura R. Grossman & Gordon V. Cormack](#), Technology-Assisted Review in E-Discovery Can Be More Effective and More Efficient Than Exhaustive Manual Review, Rich. J.L. & Tech., Spring 2011, at 8-9, available at <http://jolt.richmond.edu/v17i3/article11.pdf>.

[National Day Laborer Organizing Network v. US Immigration and Customs Enforcement Agency, 877 F. Supp. 2d 87 - Dist. Court, SD New York 2012.](#) Opinion and Order of Shira A. Scheindlin, District Judge:

Given the tedious nature of the assignment of examining every single document and the difficult and subjective nature of deciding what is and is not responsive, it would have been wise of the FBI to run a few verification tests using sophisticated search techniques to ensure that the manual review was actually capturing the universe of responsive documents. Such tests would have given the Court significantly more confidence regarding the adequacy of these manual reviews. See Maura R. Grossman & Gordon V. Cormack, Technology-Assisted Review in E-Discovery Can Be More Effective and More Efficient Than Exhaustive Manual Review, [XVII Rich. J.L. & Tech. 11 \(2011\)](#). See generally the Text Retrieval Conference (TREC) Legal Track at <http://trec-legal.umiacs.umd.edu/>.

[2 Legal Defensibility : Research to Validate how AI was used Examples of Case Law and AI Use

Rio Tinto PLC v. Vale S.A., 306 F.R.D.
125, 127 (S.D.N.Y. 2015)

"In the three years since Da Silva Moore, the case law has developed to the point that it is now black letter law that where the producing party wants to utilize TAR for document review, courts will permit it."



[3 Legal Defensibility : Understand and Defend Technology

Legal Professionals & Defensibility

Understand Technology

Ask the right questions:

- Legal requirements
- Ethical responsibilities
- Implementation Process
- Usage & testing

Defend Technology

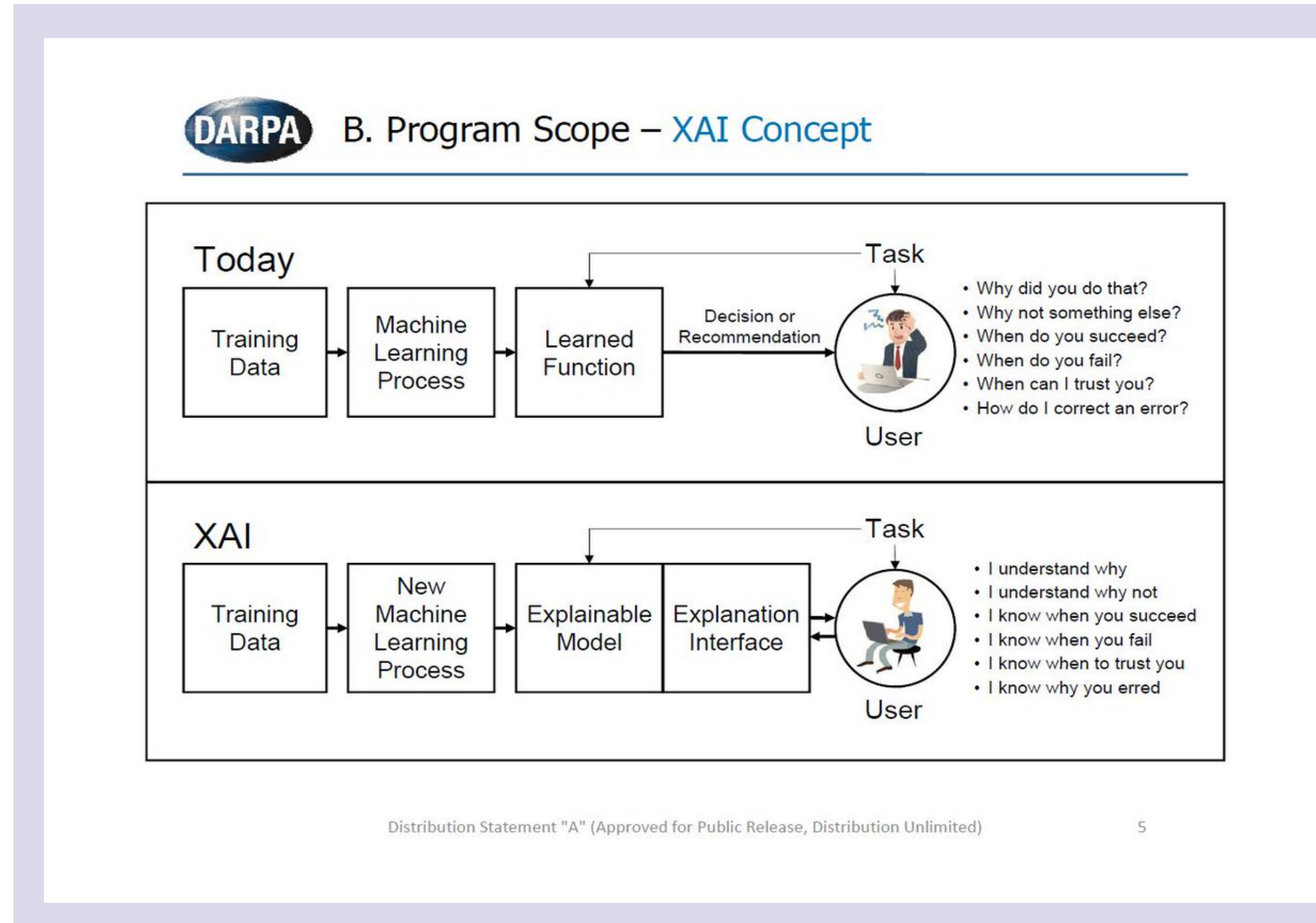
- Build best practices
- Create a framework for legal defensibility
- Documentation on usage
- Training of end users

3 Legal Defensibility : Understand the Application capabilities

The need for explainable AI (XAI)

We need to understand better what AI learns and what it does not learn!

- How do humans understand explanations?
- What if the input would be different?
- What is represented in the model?
- What is not?
- What triggered the decision of the model?
- How stable is the decision?



4 Legal Defensibility : Follow Defensible Standards

Examples of what NOT to do

Be aware of and prevent:

➤ Bad Science

➤ Bad Ethics



A ROUGH GUIDE TO SPOTTING

• BAD SCIENCE •

- 1. SENSATIONALISED HEADLINES**
Headlines of articles are commonly designed to entice viewers into clicking on and reading the article. At best, they over-simplify the findings of research. At worst, they sensationalise and misrepresent them.
- 2. MISINTERPRETED RESULTS**
News articles sometimes distort or misinterpret the findings of research for the sake of a good story, intentionally or otherwise. If possible, try to read the original research, rather than relying on the article based on it for information.
- 3. CONFLICT OF INTERESTS**
Many companies employ scientists to carry out and publish research - whilst this does not necessarily invalidate research, it should be analysed with this in mind. Research can also be misrepresented for personal or financial gain.
- 4. CORRELATION & CAUSATION**
Be wary of confusion of correlation & causation. Correlation between two variables doesn't automatically mean one causes the other. Global warming has increased since the 1800s, and pirate numbers decreased, but lack of pirates doesn't cause global warming.
- 5. SPECULATIVE LANGUAGE**
Speculations from research are just that - speculation. Be on the look out for words such as 'may', 'could', 'might', and others, as it is unlikely the research provides hard evidence for any conclusions they precede.
- 6. SAMPLE SIZE TOO SMALL**
In trials, the smaller a sample size, the lower the confidence in the results from that sample. Conclusions drawn should be considered with this in mind, though in some cases small samples are unavoidable. It may be cause for suspicion if a large sample was possible but avoided.
- 7. UNREPRESENTATIVE SAMPLES**
In human trials, researchers will try to select individuals that are representative of a larger population. If the sample is different from the population as a whole, then the conclusions may well also be different.
- 8. NO CONTROL GROUP USED**
In clinical trials, results from test subjects should be compared to a 'control group' not given the substance being tested. Groups should also be allocated randomly. In general experiments, a control test should be used where all variables are controlled.
- 9. NO BLIND TESTING USED**
To prevent any bias, subjects should not know if they are in the test or the control group. In double-blind testing, even researchers don't know which group subjects are in until after testing. Note, blind testing isn't always feasible, or ethical.
- 10. 'CHERRY-PICKED' RESULTS**
This involves selecting data from experiments which supports the conclusion of the research, whilst ignoring those that do not. If a research paper draws conclusions from a selection of its results, not all, it may be cherry-picking.
- 11. UNREPLICABLE RESULTS**
Results should be replicable by independent research, and tested over a wide range of conditions (where possible) to ensure they are generalisable. Extraordinary claims require extraordinary evidence - that is, much more than one independent study!
- 12. JOURNALS & CITATIONS**
Research published to major journals will have undergone a review process, but can still be flawed, so should still be evaluated with these points in mind. Similarly, large numbers of citations do not always indicate that research is highly regarded.

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[! Ethics and Defeasible use of AI – Understand your role

- 1 Human in the loop**
Be involved, audit, test and validate every process
- 2 Research Jurisdiction Requirements and Case Law**
Research how AI has been used and challenged
- 3 Understand and Defend Technology**
Use the right application that you can audit and defend
- 4 Follow Industry Ethical Standards (Legal & Science)**
Build a framework that you can defend with good practices

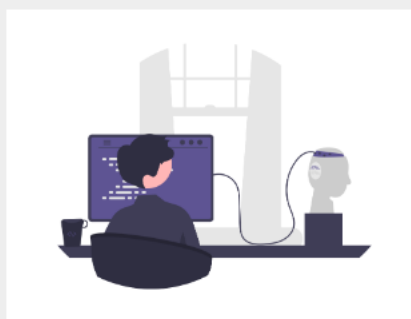


AI and your ethical obligations

Affirmation Course Code



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Learn about Artificial Intelligence and how it can be used to increase performance and streamline processes in the legal realm

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01AIEDU25

- Please add this course code to the “Affirmation Course Code Form” (accessible via the Cloud Files link in the “About This Course” section)
- Please email the form to training@ipro.com after the session
- This step is **required** to receive CLE credit

ACCESSING THE COURSE:

On January 25, 2023, you can access the session using [this link](#) (please see additional Zoom details below). The session will begin at 9AM MST.

****IMPORTANT**** This course includes several downloadable files, including an "Affirmation Course Code Form" and an "OFFICIAL RECORD OF ATTENDANCE." These files can be accessed at [this link](#). You will be prompted for a password, which is **IPRO123!**. After the session ends, please fill out the "Affirmation Course Code Form" as well as the "OFFICIAL RECORD OF ATTENDANCE," and then email them to trainingdept@iprotech.com. Emailing these documents is **required** to receive your Certificate of Completion and to receive CLE credit in the approved states.

Topic: CLE Credit: Ethics and the Defensible Use of Artificial Intelligence
Time: Jan 25, 2023 09:00 AM Arizona

Join Ipro Meeting
<https://iprotech.zoom.us/j/83226622370?pwd=YUZqSWVhVEI3QWVhQXhkdjxN3VzUT09>

Password: 814097

One tap mobile
+17193594580,,83226622370# US
+17207072699,,83226622370# US (Denver)

Dial by your location
+1 719 359 4580 US
+1 720 707 2699 US (Denver)

THANKS
FEEDBACK AND Q&A

]] IPRO



- Scholtes, J.C. On Legal Defensibility. <https://www.legaltechbridge.com/publications#Publications>
- Kissinger, Henry A. / Schmidt, Eric / Huttenlocher, Daniel. The Age of AI: And Our Human Future. 2021.
- Christian, Brian. The alignment problem : how can machines learn human values. 2021. Atlantic Books: London
- Russell, S. J. (2019). Human compatible: Artificial intelligence and the problem of control.
- Matthew Liao. Ethics of Artificial Intelligence. 2020. Oxford Press.
- Barger, Robert N., Computer Ethics. 2018
- Michael Anderson and Susan Leigh. Machine Ethics, 2018. Cambridge University Press
- Ali Abbas. Next-Generation Ethics, 2019
- Maura R. Grossman & Gordon V. Cormack, Technology-Assisted Review in E-Discovery Can Be More Effective and More Efficient Than Exhaustive Manual Review, 17 Rich. J.L. & Tech 11 (2011). Available at: <http://scholarship.richmond.edu/jolt/vol17/iss3/5>



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- This course has been approved for CLE credit by the State Bar of Illinois (1 hour, Professional Responsibility Type Legal Ethics).
- This course has been approved for CLE credit by the State Bar of California, including 1 subfield credit in Legal Ethics Hours.
- This course is *pending* approval for CLE credit in New York.
- This course is *pending* approval for CLE credit in Washington (state).

DURING THE SESSION:

****IMPORTANT**** This course includes several downloadable files, including an "Affirmation Course Code Form" and an "OFFICIAL RECORD OF ATTENDANCE." These files can be accessed at [this link](#). You will be prompted for a password, which is **Ipro123!**. After the session ends, please fill out the "Affirmation Course Code Form" as well as the "OFFICIAL RECORD OF ATTENDANCE," and then email them to training@ipro.com. Emailing these documents is **required** to receive your Certificate of Completion and to receive CLE credit in the approved states.

AFTER THE SESSION:

After finishing the course session, please take a moment to fill out [our course evaluation form](#). We'd love to hear your feedback! And don't forget to complete and submit your "Affirmation Course Code Form" and "OFFICIAL RECORD OF ATTENDANCE" via email to training@ipro.com.

****IMPORTANT**** The following is required to receive CLE credit for this course:

- Download and complete the "OFFICIAL RECORD OF ATTENDANCE FOR MCLE" and "Affirmation Course Code Form." (Found at the link on the course page - "About this Course" section.)
- Email the 2 forms to training@ipro.com after the session

Evaluation Form



The screenshot shows the IPRO Learning Center website. At the top, it says "my IPRO LEARNING CENTER". Below that is a header for the course: "CLE Credit: Ethics and the Defensible Use of Artificial Intelligence". A sub-header reads: "Learn about Artificial Intelligence and how it can be used to increase performance and streamline processes in the legal realm". There is an illustration of a person at a computer. Below the header, there are two tabs: "Curriculum" and "About this course", with the latter highlighted in red. The "About this course" section contains the following text:

About this course

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- If you would like to complete a quick survey on this course, you can provide feedback on the Course Evaluation Form (also found on the course page - "About this Course" section

AFTER THE SESSION:

After finishing the course session, please take a moment to fill out [our course evaluation form](#). We'd love to hear your feedback! And don't forget to complete and submit your "Affirmation Course Code Form" and "OFFICIAL RECORD OF ATTENDANCE" via email to training@ipro.com.