

## Managing AI Risks: The Top Guest Articles Of 2023

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Amid the rapidly developing legal landscape around artificial intelligence, Law360 Expert Analysis writers tackled a range of compliance and litigation challenges, providing insights on privacy in the age of AI, the role of class actions in AI risk mitigation, and the creation of corporate AI policies.

*Dec. 4*

### **Pay Attention To Contract Law Tenets Amid AI Incorporation**



Providers of information technology products and services are rushing to market with various generative artificial intelligence-based solutions and attempting to unilaterally amend existing agreements with their customers, but parties should beware that such amendments may be one-sided, say Jeffrey Harvey and Sharon Harrington at Hunton Andrews Kurth LLP.

*Nov. 8*

### **How Cos. Can Protect Privacy In The Age Of AI**



The rapidly developing landscape of generative AI and the related legal and regulatory concerns means that what is compliant today may not be tomorrow, and companies must take a pragmatic approach to compliance that anticipates future legal changes, say Jim Riley, Jacqueline Klosek and Kevin Liu at Goodwin Procter LLP.

*Nov. 6*

### **White House AI Order Balances Innovation And Regulation**



President Joe Biden's recently issued executive order on artificial intelligence lays out a sprawling list of directives aimed at establishing standards for safety, security and privacy protection, and may help strike the balance between the freedom to innovate and the need to impose regulation in this rapidly evolving space, say Kristen Logan and Martin Zoltick at Rothwell Figg Ernst & Manbeck PC.

*Oct. 18*

### **When And How Companies Should Build An AI Strategy**



Once a company has decided to engage with artificial intelligence, there are myriad steps that need to be taken, beginning with the creation of an AI leadership team that has deep knowledge about the company's business risks and is highly respected by senior management, say Judith Rinearson and Corey Bieber at K&L Gates LLP.

*Oct. 10*

### **3 Items To Check When Evaluating AI Terms And Conditions**



When determining which generative artificial intelligence tool is right for a particular user, there are a few considerations that can provide prospective customers with a starting place and help them spot terms and conditions that are more or less aggressive than the market standard, says Peter Cramer at Proskauer Rose LLP.

*Sept. 7*

### **Questions To Ask Before Using Company Data To Train AI**

With the recent OpenAI GPT-3.5 Turbo fine-tuning and application programming interface updates,



companies that want to use their own data to train artificial intelligence models need to first determine whether they have a right to do so, among other potential legal issues, says James Gatto at Sheppard Mullin Richter & Hampton LLP.

Aug. 24

## 10 Legal Subject Matters Popping Up In AI Litigation



The past five years have brought judicial opinions addressing artificial intelligence in many different legal areas, so a study of existing case law is an important first step for in-house counsel addressing how to advise on the uncertainty driving many of the AI legal disputes, says Mark Davies at Orrick Herrington & Sutcliffe LLP.

Aug. 11

## Can Class Actions Guide AI Risk Mitigation Efforts?



The speed at which artificial intelligence is developing will likely outpace the legislative response, and two recently filed class actions naming OpenAI as a defendant raise the question of whether existing laws may be used to place some meaningful guardrails on the development of AI, says Thomas Carey at Sunstein LLP.

Aug. 9

## 3 Ideas To Guide In-House Counsel On Creating AI Policies



When drafting guidelines on generative artificial intelligence use for organizations that have a heightened need to safeguard their intellectual property, in-house counsel will need to address some gray areas that have become difficult to navigate in order to set their company up for success, say Enrique Abarca and Tanner Jarrell at Nabors Corporate Services Inc.

April 26

## Expect The Patchwork Of AI Regulation To Grow



Given the unlikelihood of meaningful federal artificial intelligence legislation in the immediate future, the patchwork of state AI regulation will likely continue to grow, bringing at least two main risks for companies in the AI space, say Emily Loeb, Caroline Cease and Benjamin Hand at Jenner & Block LLP.

Feb. 28

## Don't Assume AI Is Smart Enough To Avoid Unintended Bias



As companies increasingly incorporate artificial intelligence decision models into their business practices, they should consider using statistical and qualitative analyses to evaluate and reduce inadvertent discrimination, or disparate impact, induced by AI, say Christine Polek and Shastri Sandy at The Brattle Group Inc.

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