

LLM PROGRAMME
AI IN LEGAL PRACTICE AND ITS REGULATION

Curricular unit

AI Regulation

Responsible Academic staff and respective workload in the curricular unit

Roger Brownsword - 9 hours of seminars

Syllabus

Seminar 1

The evolution of law, ethics, regulation and technology

The overarching idea of governance (governance by law, by ethics, by regulation, by technology)

The double disruption of law

The landscape of Law 3.0

How ‘thinking like a lawyer’ yields 3 modes of engagement with AI

Seminar 2

Law’s governance and technological transition

The transfer of responsibility: from the judicial to the political branch

Regulatory challenges: connection and sustainability; effectiveness; acceptability and legitimacy

Regulating AI: the approach in Brussels (for the EU) contrasted with the UK’s ‘pro-innovation approach’

The Bletchley Declaration

An eco-system of trust

Human-centric AI

Seminar 3

Rethinking legal ideals

AI and the Rule of Law

How does AI impact on (i) criminal justice and (ii) civil justice?

Rethinking legal practice: LegalTech and RegTech

Disruption of legal authority and respect for the law

Rethinking the institutions of governance: should we have an international regulatory agency for AI?

Seminar 4

Discontent with law's imperfect governance; diagnosis of discontent

Is technology a problem? Does AI make governance more difficult?

Is technology a solution? Does AI make governance easier?

The quest for good governance

The threats to governance

Final Q and A

Teaching methodologies (including evaluation)

By seminars and tutorials; evaluation by project/essay

Main Bibliography

Seminar 1

'Law Disrupted, Law Re-imagined, Law Re-invented' (2019) 1 *Technology and Regulation* 10-30 (open access)

'Law, Technology, and Society: Responding to the Disruption, Disconnection, and Displacement of Law' (2020) 121 *Revista Interesse Público* 167-197 (Brazil, in Portuguese, translated by Rodrigo Scopel)

'Law 3.0: A Conversation for the New Decade?' (2020) *Georgetown Journal of International Affairs*, available at <https://gja.georgetown.edu/2020/07/21/law-3-0-a-conversation-for-the-new-decade/>

Law, Technology and Society: Re-imagining the Regulatory Environment (Routledge, 2019)

Law 3.0: Rules, Regulation and Technology (Routledge, 2020)

Rethinking Law, Regulation and Technology (Cheltenham: Edward Elgar, 2022) Chs 1-3

'Smart Contracts: From a Legal Perspective' in Dario Moura Vicente, Dioga Pereira Duarte, and Catarina Grandeiro (eds), *Fintech Regulation and the Licensing Principle* (European Banking Institute, January 2023) 140-162 [<https://ebi-europa.eu/wp-content/uploads/2023/02/eBook-22Fintech-Regulation->

Licensing-Principle-2-2023.pdf]

Seminar 2

‘Private Law, Technology, and Governance’ in Damian Clifford, Kwan Ho Lau, and Jeannie M. Paterson (eds), *Data Rights and Private Law* (Oxford, Hart, 2023) 19-33

‘AI and Governance: Law, Politics, and Bioethics’ in Deryck Beyleveld, Roger Brownsword, and Marcus Duwell, *Research Handbook on Law, Governance and Bioethics* (Elgar, forthcoming)

‘Generative AI and the Rule of Law’ in Philipp Hacker and others, *Oxford Handbook on Generative AI* (OUP, forthcoming)

Rethinking Law, Regulation and Technology (Cheltenham: Edward Elgar, 2022) Chs 4-6 and 7-9

Seminar 3

Technology, Governance and Respect for the Law: Pictures at an Exhibition (Routledge, 2022) Chs 15-17

‘Law, authority, and respect: three waves of technological disruption’ (2022) 14 *Law, Innovation and Technology* 5-40 (open access)

Technology, Humans and Discontent with Law: The Quest for Better Governance (Routledge, 2023)

‘Governance, AI, and Consumers: Looking Forward’ in Larry DiMatteo, Cristina Poncibó, and Geraint Howells (eds), *The Cambridge Handbook of Artificial Intelligence and Consumer Law* (Cambridge: Cambridge University Press, 2024) 296-313

‘AI and Fundamental Rights: the People, the Conversations, and the Governance Challenges’ in Dário Moura Vicente, Sofia de Vasconcelos Casimiro, and Chen Chen (eds), *The Legal Challenges of the Fourth Industrial Revolution* (Cham: Springer 2023) 335-355

Seminar 4

‘Law, Regulation, and Technology: The Bigger Picture of Good Governance’ in Bartosz Brozek, Olia Kanevskaia, and Przemyslaw Palka (eds), *Research Handbook on Law and Technology* (Cheltenham: Elgar, 2024) 12-27

‘Informational Wrongs and Our Deepest Interests’ in M. Borghi and R. Brownsword (eds), *Law, Regulation and Governance in the Information Society* (Abingdon: Routledge, 2023) 199-224

‘Law’s Imperfect Governance: A Diagnosis of Discontent’

‘Law, Technology and Our Governance Dilemma’ (2024) 13(3) *Laws* (on line) (special issue)